

PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee	7th April 2016
Site address:	Caledonian House 39 St. Albans Road Watford WD17 1HQ
Reference Number :	15/01532/FULM
Description of Development:	Demolition of existing building (Class B1) Erection of new stepped building with 93 self contained residential units (Class C3) with associated basement parking, servicing/delivery bay, communal garden and private balcony amenity space.
Applicant	Heronlea (Loom) Ltd
Date Received:	29th October 2015
13 week date (major):	28th January 2016 (extended to 11th April 2016 by agreement)
Ward:	Nascot

1.0 SITE AND SURROUNDINGS

- 1.1 Caledonian House 39 – 55 St. Albans Road is an L-shaped part 3 storey, part 4 storey office building, which was constructed in the 1980's. The premises is currently vacant.
- 1.2 The adjacent property to the south-west on the St. Albans Road frontage is 1 Malden Street, which is a four storey residential building of contemporary design. The neighbouring property to the north-east at 57 – 61 St. Albans Road is a garage,

which is located on the opposite side of West Street. The nearest property in West Street is 1-15 West Street which consists of a 3 storey block of flats. The south-western and north-western boundaries of the application site border the rear gardens of 2 storey Victorian terraced and semi-detached houses in Nascot Street and Malden Street, which are within the Nascot Conservation Area. There are a number of existing trees along these boundaries, which provides a green screen between the site and the adjoining properties.

- 1.3 There are a number of nearby multi-storey buildings on the opposite side of St. Albans Road. Park Inn 30 – 40 St. Albans Road is a 7 storey hotel. 24 – 28 St. Albans Road is a 7 storey block of flats, which was granted Conditional Planning Permission (reference: 13/00069/FULM) in April 2013. Flanders Court 12 – 14 St. Albans Road is a part 8 storey, part 7 storey residential building with a ground floor community use. The development provides 123 flats and was granted Conditional Planning Permission (reference: 07/00498/FULM) in October 2007.
- 1.4 The application site is served by a vehicular access from West Street, which is an unclassified road with no through route. West Street adjoins St. Albans Road, which is classed as a Class A Principal Road.
- 1.5 The site has a basement and ground level car park. The submitted Transport Statement states that the car park provides a total of 95 parking spaces.
- 1.6 The application site is in a sustainable location because it is close to Watford Junction station and the town centre. The site has good access to passenger transport facilities at Watford Junction and shops and services in St Albans Road and the town centre.
- 1.7 The site is located in Zone D of the Central/West Watford Controlled Parking Zone, which is a Full Controlled Zone.
- 1.8 The building is not listed or located in a designated conservation area. However, the Nascot Conservation Area abuts the south-western and north-western boundaries.



Fig.1. Aerial view of site.



Fig. 2. View towards multi-storey buildings on eastern side of St. Albans Road.

2.0 PROPOSED DEVELOPMENT

- 2.1 The application proposes demolition of the existing office building and the erection of a new L-shaped building to provide 93no. self-contained flats. The application originally proposed 95no. flats, however the rear wing of the proposed building has been stepped down in height to address concerns from the Conservation Manager – see Fig.4 and Fig.5. The height of the building would be stepped. It would be 8 storeys on the corner of St. Albans Road and West Street, and would reduce down to 6 storeys, 5 storeys, and 4 storeys to the rear. On the St. Albans Road frontage, the section adjacent to 1 Malden Road would be 6 storeys with a recessed 7th storey.
- 2.2 The proposed development would provide a basement car park with 75 parking spaces, of which 7 would be disability spaces. The car park would be accessed from the existing vehicular crossover on to West Street. Refuse and recycling facilities would be provided adjacent to the West Street access and there would be space for servicing vehicles. A communal garden would be provided to the rear of the building.
- 2.3 The application proposes 14 affordable units (10no. 2-bed and 4no. 1-bed), all of which would be affordable rented units. The affordable units would be located in the rear wing of the building at ground, first and second floor levels.



Fig. 3. Proposed site plan..



Fig. 4. Original proposed north-eastern elevation.



Fig. 5. Amended proposed north-eastern elevation. Received 9th February 2016.



Fig. 6. Proposed south-eastern elevation.

3.0 RELEVANT PLANNING HISTORY

3.1 The following planning history is relevant to the current application:

Caledonian House 39 – 55 St Albans Road

15/01028/PREAPP – Pre-application enquiry for redevelopment of vacant class B1 office building for approximately 120 units (Options 1 and 2) with basement car parking, cycle parking and on site amenity.

Officers sent a pre-application feedback letter on 29th September 2015 advising the applicant that the scale of the proposed building would need to be reduced. In context of the area, the maximum scale appropriate for the St. Albans Road wing of the building is 6 storeys with a corner element of 8 storeys. The West Street wing should step down from 6 storeys to 4 storeys as it approaches the western boundary of the site and should not project significantly closer towards the western boundary than the existing building.

Officers stated that the location is highly sustainable and suitable for higher density development – the Local Planning Authority has no objection in principle to a multi-storey, flatted, residential development of the site. A mix of 1, 2 and 3 bedroom flats is also considered acceptable. Officers had no objection to the contemporary design

approach proposed or to the use of brick as the main material for the facades.

In accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31, the Local Planning Authority will seek a minimum provision of 35% of the flats to be affordable housing, with a range of tenures as set out in the Policy. The applicant was advised that the vacant building credit is no longer Government policy following the High Court decision of *West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government*.

The indicative figures given for the floor areas of the proposed flats were considered to be acceptable, as well as the size of the communal garden area in this location. It was stated that a significant majority of the flats would provide good levels of amenity for future occupiers, however there may be some privacy, light and outlook issues for the flats on the inside corner of the building facing the garden area, therefore careful design would be needed to ensure that a good standard of amenity for future occupiers would be provided. Officers highlighted that there are a number of existing trees along the southern and western boundaries of the site that provide a green screen between the site and adjoining properties – any redevelopment of the site would need to consider the impact on these trees.

In respect of privacy and natural light, it was felt that the siting of the building and the general position of windows would avoid any significant adverse impacts on the amenities currently enjoyed by neighbouring residential properties. In respect of outlook, it was stated that the scale of the western wing should be reduced to avoid a dominating and overbearing impact on the rear gardens of neighbouring properties to the west. The submitted drawings showed that the western wing would mainly be 6 storeys with a small 4 storey element at the rear.

15/01130/OPD - Notification for the change of use from offices (Use Class B1(a)) to residential (Use Class C3). The application form stated that 54 flats would be provided. Prior Approval granted. October 2015.

24 – 28 St. Albans Road

13/00069/FULM - Redevelopment of the site with a 7 storey building comprising 28 flats with associated amenity space. Conditional Planning Permission. April 2014.

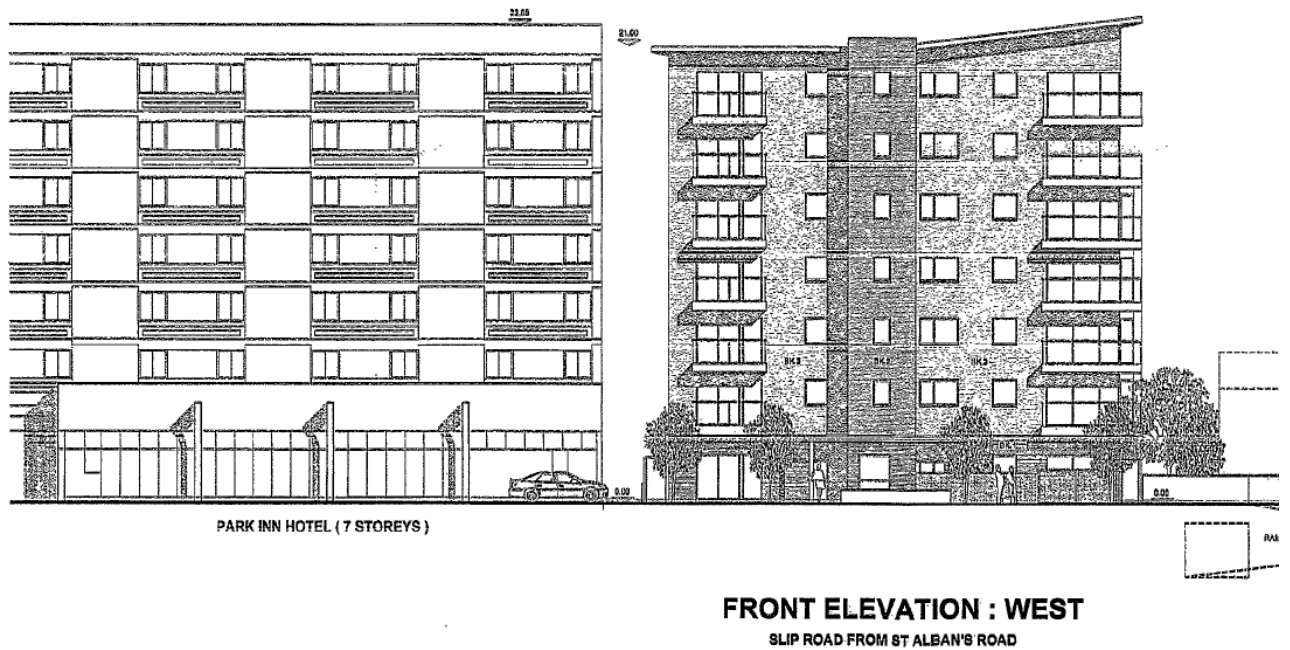


Fig. 7. Approved front elevation drawing for planning application 13/00069/FULM.

12 – 14 St. Albans Road Flanders Court

07/00498/FULM - Erection of 123 one and two bed flats, replacement community facility including Steward's flat, surface and basement car parking and provision of landscaped amenity area. Conditional Planning Permission. October 2007.

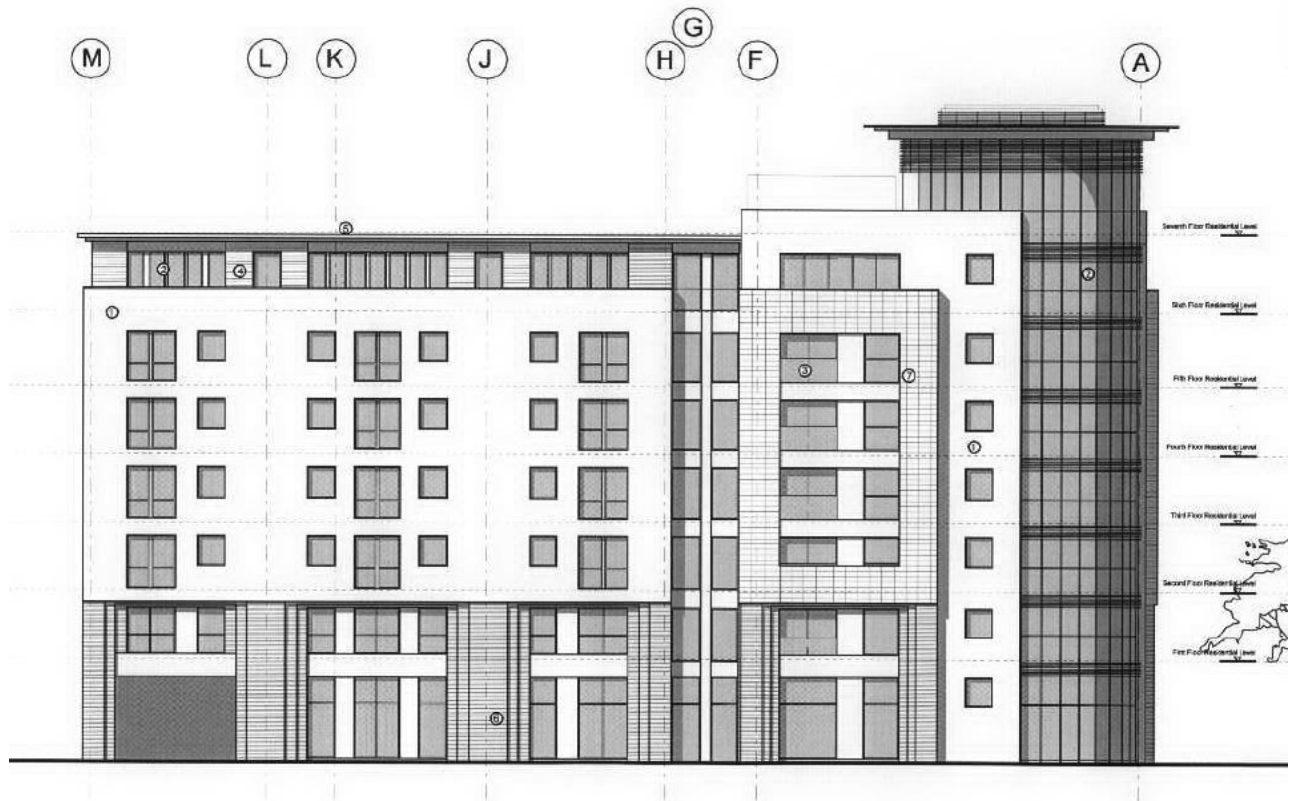


Fig. 8. Approved St. Albans Road elevation for planning application 07/00498/FULM.

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
- UD2 Built Heritage Conservation
- GI1 Green Infrastructure

4.4 **Watford District Plan 2000**

- SE7 Waste Storage, Recovery and Recycling in New Development
- SE24 Unstable and Contaminated Land
- 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
- U17 Setting of Conservation Areas
- 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**

- 1 Strategy for the Provision of Waste Management Facilities
- 1A Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

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 *Skyline – Watford’s Approach to Taller Buildings*

The Supplementary Planning Document was approved by the Council’s Cabinet on 7th March 2016. It sets out the definition of taller buildings and the strategic and development management approach in terms of location and design. It is capable of constituting 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 8 Promoting healthy communities

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

Decision taking

5.0 CONSULTATIONS

5.1 Neighbour consultations

Letters were sent to properties in Nascot Street, Malden Road, West Street, Wellington Road, Canterbury Road and St. Albans Road.

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

Number of original notifications: 151

Number of objections: 24

Number in support: 1

Number of representations: 25

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

Representations objecting to the proposed development:

Representations	Officer's response
<p>The building would look out of character with the surrounding buildings given its size.</p> <p>The building will dwarf the adjoining buildings and be a complete eyesore adjacent to the Nascot Conservation Area.</p> <p>The design of the development would not blend in with the surrounding Conservation Area.</p> <p>If an application of this scale is approved it sets a dangerous precedent for similar, or even larger developments to be approved.</p>	<p>This is considered in paragraphs 6.2 – 6.7 of the report.</p>
<p>The scale and height of the building will be completely overbearing to neighbouring properties and will reduce both amenity and light.</p> <p>The proposal is overdevelopment of the site and any new building above the existing height should be restricted to St. Albans Road frontage and not allowed to</p>	<p>This is considered in paragraphs 6.26 – 6.43 of the report.</p>

<p>encroach towards the rear gardens of Nascot Street.</p>	
<p>The development would impinge on privacy of neighbouring properties.</p> <p>In order to reduce the impact of the development, further and enhanced tree screening preferably with shrubs should be provided.</p>	<p>This is considered in paragraphs 6.26 – 6.30 of the report.</p>
<p>It would be dangerous given its location to the busy main road.</p> <p>The road will not cope with 95 units and traffic will be seriously affected for residents of Caledonian Court with more comings and goings.</p> <p>The development will increase traffic flow, especially along Nascot Street.</p> <p>Presently there are safety issues accessing the third lane of St. Albans Road in rush hours. The scale of the proposed scheme</p>	<p>Hertfordshire Highways has no objection to the proposed development.</p> <p>Hertfordshire Highways state that the vehicular access is acceptable as it provides a visibility splay of 2.4m x 43m, which accords with the Hertfordshire County Council Highway Design Guide 'Roads in Hertfordshire' February 2011.</p> <p>The existing building is an office, which is a high traffic generating use. The proposed development would reduce the number of parking spaces from 95 to 75. Hertfordshire Highways has highlighted that the proposed development is likely to have a lower trip generation than the previous office use.</p>

<p>would add to this issue. Trying to access the third lane can be dangerous.</p>	<p>Therefore, there would not be a detrimental impact on the capacity of the highway network.</p>
<p>The development does not support the conservation characteristics/requirements recently outlined in letters sent out to Nascot Wood residents.</p>	<p>The impact on the Conservation Area is considered in paragraphs 6.2 – 6.7 of the report.</p>
<p>The current schools in the area can not cope with the levels of demand they receive.</p>	<p>The proposed development is liable for Community Infrastructure Levy contributions. Therefore, the impact of the development would be mitigated through financial contributions towards community infrastructure, including education facilities.</p>
<p>Only a paltry 8 of the 95 flats are to be affordable. This is a very poor deal for the local people of Watford in need of housing.</p>	<p>This is considered in paragraphs 6.17 – 6.19 of the report.</p>
<p>We can see no mention of the number of parking spaces that will be provided. More applications for residents parking permits will place more demand on already oversubscribed spaces.</p>	<p>This is considered in paragraphs 6.23 – 6.25 of the report.</p>
<p>There are plans to remove the trees that currently provide a degree of protection from the existing building. These trees are an integral part of our ability to feel safe and not overlooked.</p>	<p>This is considered in paragraph 6.49 of the report.</p>

<p>The development would cause major disruption to the area. Noise pollution would be great.</p> <p>Will Heronslea Ltd be responsible for the cleaning of dust etc that may enter our garden and windows and doors.</p> <p>We will strongly object to any works carried out on a Sunday.</p>	<p>A condition to restrict the hours of construction could be attached to any grant of planning permission. This would include no permitted work on Sundays or public holidays.</p> <p>Disruption during construction work is not a material planning consideration.</p>
<p>I am concerned as to how and if the drainage and waste will be handled on the proposed development.</p>	<p>The applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site, including attenuation volumes and exploring the most appropriate sustainable drainage methods such as green roofs. This has been approved by the County Council as the Lead Local Flood Authority.</p> <p>Thames Water has stated that they have no objection in relation to sewerage infrastructure capacity.</p>
<p>I have it on hearsay, but have no first hand experience, that badgers have moved into the area where the proposed development is and have hopes that that could limit what you can allow there.</p>	<p>The vast majority of the site consists of hard surfacing and there is no evidence of any badgers on site.</p>

<p>In relation to materials used, the colour palette is not in keeping with existing buildings on the north side of St. Albans Road. Even though existing buildings have elements of different colour, they are mostly brown/red brick.</p>	<p>Details of materials could be secured by condition. Notwithstanding this, the submitted information indicates that the building would be finished in brickwork, which would provide an attractive finish. The colour of the proposed brick could be assessed in a discharge of condition application.</p>
<p>A significant amount of rubbish is going to be placed in between the new development and Caledonian Court. Are there any risks of odour in summer when residents have windows open?</p> <p>A large bin store that is visible from St. Albans Road may be an invitation to fly tipping. We in Caledonian Court currently suffer from this issue even though our bin stores are tiny in comparison.</p>	<p>The proposed bin stores would be enclosed, therefore it is not considered that there would be odour nuisance to nearby properties. Furthermore, given that the bin stores would be enclosed and would be overlooked by habitable windows, it is considered that fly tipping would be unlikely.</p>

Representations in support of the proposed development:

Representations	Officer's response
I would like to support this application as this would add much needed new homes for the young professionals to be able to get a foothold on the property ladder. The design of the building will greatly enhance the local area replacing the current building which is currently an eyesore and not in use.	The development would contribute towards the housing need in the Borough. The design is of high quality and would be an improvement to the existing office building. It would bring into use a site that has been vacant for some time. These are factors which weigh in favour of the application.

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

5.3 **Statutory publicity**

The application was publicised by 4 site notices posted on 13 November 2015 and by advertisement in the Watford Observer published 13 November 2015. The site notice and newspaper advertisement expired on 4 December 2015.

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:

Decision:

Hertfordshire County Council (HCC) has no objection to the proposed development subject to the below conditions:

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.

S106 Agreement A s106 Agreement will be required to secure any Construction Traffic Management Plan Planning Obligations, a Travel Plan and a Servicing and Delivery Management Plan.

Conditions:

Provision of Parking and Servicing Areas SHC 21: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the proposed servicing / loading, unloading / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

Construction Traffic (Parking) SHC 25: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

Wheel Cleaning Facilities – Temporary for Construction Vehicles SHC 27A: No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent extraneous material being deposited on the highway.

Analysis

Proposed trip generation:

Based on the TRICS assessment undertaken, the trip generation for the residential development shows a reduction in two-way trips from 55 to 28 in the AM Peak hour and from 46 to 26 in the PM Peak hour. Therefore, the proposed development is likely to have a lower trip generation than the previous use of the site. This proposed trip generation analysis is considered to be appropriate.

Road safety:

A review of the collision data from the Hertfordshire database indicates that there have been 19 slight collisions within the vicinity of the site. Two of these slight incidences occurred within 15m of the junction of West Street and St Albans Road. Additionally, there a severe collision occurred on Station Road approximately 150m from the site. However, due to the reduction in vehicle movements based on the proposed trip generation, the proposal is unlikely to impact the safety of the highway.

Vehicular access:

The applicant has provided a visibility splay of the site access which indicates a visibility splay 2.4m x 43m. This is in accordance with Roads in Hertfordshire Highway Design Guide 3rd edition and Manual for Streets.

The applicant has provided a swept path analysis which justify that two standard vehicles can enter and exit the car park entrance at the same time. This is considered acceptable.

Refuse Vehicles:

At present the refuse vehicle collects from the kerb side. However, the applicant proposes the refuse storage area to be located at the end of the service area at ground floor level. The TS states refuse vehicles could either reverse into the site from West Street and exit in a forward gear or could drive forward into the site and

reverse out onto West Street. This is not considered an acceptable arrangement as it may result in refuse vehicles restricting the access for both vehicles and pedestrians. Additionally, refuse vehicles reversing onto the highway may result in conflicts with vehicles accessing the site or travelling along West Street. However, this could be managed via a Service Delivery Management Plan; which could restrict movements to outside peak hours on site to ensure safe movements.

Additionally, the TS states that in order for a refuse vehicle to be able to access the site an amendment to the footway is proposed requiring conversion to carriageway. West Street appears to be a private road. On this basis HCC does not raise an issue with the proposed alteration to the access arrangement. However, 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.

Car Parking Layout:

The applicant has provided a swept path analysis of the car parking layout which indicates that a standard sized vehicle can manoeuvre within the proposed car park. This is considered acceptable.

Accessibility:

Accessibility of the site is considered to be adequate for the proposal.

Travel Plan:

A Travel Plan will be required to encourage sustainable transport modes and to reduce the reliance on private vehicles to ensure minimal impact to the highway safety and function as a consequence of the development. This should be drawn up in accordance with HCC guidance as at

<http://www.hertsdirect.org/services/transtreets/devmanagment/greentravelplans1/>

Planning Obligations / Community Infrastructure Levy (CIL) Watford Borough

Council has a Community Infrastructure Levy, which was adopted in April 2015 and therefore, contributions towards local transport schemes will be sought via CIL if appropriate. The HCC Passenger Transport team have recommended that if

developer contributions are being sought via a S106 agreement that these could go towards improvements to bus stop infrastructure. This can be applied to either the nearest northbound stop which lacks easy access kerbing and shelter, or the stops in Beechen Grove or the Town Hall which given they are served by numerous bus routes would benefit from display screens (which none have), only 2 have easy access kerbing, and one lacks a shelter. Easy access kerbing and shelters both cost £8,000 per stop. Display screens also cost £8,000 (including a maintenance commuted sum element).

Construction:

The Transport Statement does not contain any information regarding the potential impacts on the highway network during the construction of the proposed development. A Construction Traffic Management Plan should therefore be secured via a section 106 agreement.

Conclusion:

Hertfordshire County Council (HCC) has no objection to the proposed development subject to suitable conditions.

N.B. The requested conditions relating to on-site parking facilities for construction workers and wheel washing facilities for construction vehicles are not necessary to make the development acceptable in planning terms, therefore the conditions do not meet the tests in Paragraphs 204 and 206 of the National Planning Policy Framework. The provision of on-site parking for construction workers and wheel washing facilities is not a material planning consideration and any adverse effect on highway safety could be addressed through other legislation, including the Highways Act.

Hertfordshire Highways has stated that a Green Travel Plan should be submitted to encourage sustainable transport modes and to reduce reliance on private vehicles. However, they have stated that in comparison to the existing use on site the proposed development would have a lower trip generation. Furthermore, the scheme includes the provision of on-site cycle storage for 100 cycles. Given that the

proposed development would reduce trip generation and would provide significant provision for on-site cycle storage, it is not considered that a condition to require the submission of a Green Travel Plan is necessary to make the development acceptable in planning terms.

Thames Water

In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Hertfordshire County Council (Lead Local Flood Authority)

The drainage strategy prepared by EAS, job number 812, dated September 2015 and its addendum dated November 2015 submitted to the LPA present an acceptable drainage strategy.

At this full planning application stage the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site, including attenuation volumes and exploring the most appropriate sustainable drainage methods such as green roofs.

As this is a full planning application, we therefore recommend the following conditions to the local planning authority should planning permission be granted:

Condition 1

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the drainage strategy submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition:

The development permitted by this planning permission shall be carried out in accordance with the drainage strategy prepared by EAS, job number 812, dated September 2015 and its addendum dated November 2015; and mitigation measures detailed within the drainage strategy:

- 1. Limiting the surface water run-off generated by the critical storm event so that it will not exceed the rate of 5 l/s.*

- 2. Implementing appropriate SuDS measures giving priority to above ground measures such as green roofs, as shown in drawing SK05 Appendix L of the drainage strategy prepared by EAS.*

- 3. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 100 m³ of storage volume between the green roofs and the underground attenuation tank.*

- 4. Provision of a petrol interceptor in accordance to drawing SK05 in Appendix L.*

- 5. Discharge of surface water into the existing Thames Water sewer network.*

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

Reason:

To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

Condition 2

The proposed development will be acceptable if a planning condition is included requiring the following details.

Condition:

No development shall take place until the final design of the green roofs and the rest of the drainage network is completed and sent to the LPA for approval. An attenuation volume of 100 m³ should be provided by green roofs and underground attenuation tanks. The design of the green roofs should be in line with best practice standards as shown in The SuDS Manual.

The design of the drainage scheme shall also include:

- 1. Details of how the green roof, underground attenuation tanks, petrol interceptors and the rest of the elements of the drainage network shall be maintained and managed after completion.*
- 2. Detailed engineering details of the design of the proposed green roof in line with The SuDS Manual (CIRIA C-753)*

Reason:

To ensure that the site can effectively be drained during the lifetime of the development and to ensure that water treatment is provided to surface runoff before being discharged into the sewer network

Informative to the LPA

The LPA will need to satisfy itself that the proposed underground surface water attenuation features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant.

The proposed drainage strategy demonstrates that the site can be positively drained reducing the surface runoff rates to a greenfield rate. However, the proposed drainage solution is not based on a SuDS management train, but relies on underground attenuation tanks. As the proposed development includes an

underground car park, the applicant has demonstrated that the use of a pump is the only way to discharge surface water into the sewer network. The use of pumps and underground attenuation tanks to drain the site will significantly increase the future maintenance burden on home owners and therefore increase the risk of failure due to poor maintenance. Additionally, the site could flood if the pumps failed. The addendum includes an explanation of how the applicant proposes to avoid a pump failure, however further details should be provided with the maintenance plan. We recommend the LPA to condition the maintenance plan for the drainage system during the lifetime of the development.

Hertfordshire Constabulary (Crime Prevention Design Advisor)

Security – ADQ and SBD:

As of 1st October 2011, Approved Document Q (ADQ) has come in that requires under Building Regulations dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

- a. Into a dwelling from outside*
- b. Into parts of a building containing flats from outside*
- c. Into a flat from the common parts of the building*

Achieving the Secured by Design award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. I would ask that this information is passed by way of informative to the applicant.

Secured by Design part 2 physical security:

If the development were to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard and also achieves ADQ. This would involve:

- a. All exterior doors to have been certificated by an approved certification body to BS PAS 24:2012, or STS 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR*

2, or LPS 2081 SR B. This includes any communal doors from underground / undercroft parking areas.

- b. All individual flat front entrance doors to have been certificated by an approved certification body to BS Pas 24:2012 (internal specification).*
- c. Ground level (easily accessible) exterior windows to have been certificated by an approved certification body to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows next to doors to include laminated glass as one of the panes of glass.*
- d. Access control standard for flats is: 4 to 10, audible – more than 10 flats sharing a communal entrance then audible and visual access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats. As this proposed development has 95 flats there will be the requirement for access control as well as on the landings and some CCTV coverage.*

These standards are entry level security and meet the Secured by Design part 2 physical 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% and achieve ADQ. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

Lower ground level parking area:

This area must be secured and have access control. Reason is that such areas are hidden away and if left open become crime generators. If it were not to be secured I would wish to formerly object.

Private rear amenity:

I am pleased that the private rear communal garden area will be secured from outside casual intrusion. If it were not so I would wish to formerly object.

Policy (Design and Conservation)

These comments are somewhat overdue but I think there is some room for improvement on this scheme.

The principle of a flatted residential scheme on this site is acceptable. The overall approach to locate the highest part of the building on the corner with West Street is in principle acceptable and the stepping down to both the rear of properties on Nascot Street and to the block at 1 New Malden Road is the appropriate approach.

However, in my view changes are needed to arrive a better solution than shown by the current proposals. The principle of a higher building and greater massing on St Albans Road elevation works in the context of the character of St Albans Road in this area; there are significantly higher buildings on the St Albans Road frontage opposite the site; however, if permitted this building would be the highest building on this side of St Albans Road. This can work in townscape terms as the road is wide enough at this point, but care should be taken with the relationship of the ground floor of new buildings to the street ensuring as much interrelationship between the ground floor and the street and preferably some entrances to ground floor units directly from the street.

The site does abut the Nascot Conservation area and the setting of the CA and views in and out of the conservation area are a material consideration. The building will be most visible from the rear of the properties on Nascot Street which marks the edge of the conservation area and whilst some effort has been made to reduce the massing of the building when viewed from here I do not think it is sufficient and I have suggested some changes which would help to reduce the massing and impact on the setting of the CA and views from it.

Suggested alterations;

- Additional setting in of upper floors on the St Albans Road frontage to improve the transition from the block at 1 Malden Road; suggest setting in at level 06 so that 2 units are removed – this would give additional space for either a roof*

garden (ensuring that overlooking is prevented) or a green roof/solar panels.

- *Additional setting in on the rear elevation so that 2 units are lost from each of level 04 and 05; again this would give additional space for green roof or solar panels – roof garden would be unlikely to work here due to overlooking issues.*
- *The rear elevation needs additional articulation on the blank walls to reduce the massing - this could be done using subtle changes in brick courses such as projecting courses and stark contrast colours/materials should be avoided.*
- *The ground floor frontage to St Albans Road currently offers little in the way of passive surveillance or active frontage; given the fact that these are 3 bed duplex units it would be better to give each its own access from the street – this may involve a review of the levels on the lower ground floor/parking level to achieve a level access. St Albans Road at this point offers a poor pedestrian environment and we should be looking to improve this particularly as this is a residential scheme and we want people to reduce their car usage.*

I am broadly happy with the materials identified but we will need to see samples and would encourage the use of good quality brick with attention paid to the bonds and the use of alternative bonds to create interest and texture in the scheme. We will need to have details of the elevations showing reveals/projections/recessed areas including balconies and the proposed capping for the walls. We will need details of the green wall to the rear and the green roof system. It will be important to ensure that build quality is carried through when implemented.

Without these changes I am not convinced that the design of sufficient quality to be said to be enhancing the character of the area as required in NPPF paras 56/61/64.

N.B. The applicant has sought to address the concerns of the Conservation Manager by submitting amended plans on 9th February 2016 to reduce the massing of the rear wing of the proposed building and so reduce the number of dwellings from 95 to 93. This provides a better transition between the proposed development and the neighbouring properties in Nascot Street. It also ensures that the development is more sensitive to the setting and views from within the adjacent Conservation Area. Furthermore, the applicant has introduced a raised brick bond

pattern on the blank wall of the rear elevation to provide more visual interest and reduce the bulk of the building, as shown in Fig. 9.



Fig. 9. Amended rear elevation to include raised brick bond pattern on rear elevation.

The applicant has looked at options for new ground floor entrance doors on the St. Albans Road frontage, however, because of the difference between the floor level and ground level this would involve the installation of staircases – see Fig. 10. It is not felt that the front staircases are positive design features and they would add to the visual clutter along the St. Albans Road frontage. Consequently, the applicant decided not to introduce the staircases on the St. Albans Road frontage.



Fig. 10. Option for introducing new entrance doors on St. Albans Road frontage.

It is considered that the proposed development would provide an acceptable transition to No. 1 Malden Road, therefore the applicant has not reduced the massing further on this side.

The comments of the Conservation Manager as are the alterations made by the applicant to address these detailed matters. These should be taken into account alongside detailed discussions were held during pre-application stage and the Interim Development Management Section Head considered that a development of the scale proposed would be acceptable – see the ‘Relevant Planning History’ section of the report. Taken together, the consensus of the professional officers is that the general height and massing of the building are an appropriate response to the context of this site.

Environmental Health

Further to our discussion, I have reviewed the acoustic report and visited the area.

Based upon the evidence available, I am concerned about potential noise from the garage. During my visit, some of the tools used generated enough noise to be an issue on the West Street facade. Unfortunately, no reference is made to the potential impact within the acoustic report.

I understand that there is already planning permission in place to convert the existing office building into residential under permitted development and should consent be refused, this is the default position of the applicant. As a consequence, we could be left with inferior housing and occupants could still be exposed to potential noise from the garage.

Therefore, I understand that granting the proposed scheme consent would provide better quality accommodation.

However, we need to ensure that we safeguard future occupants and also protect the amenity of the garage, as we do not want them to be burdened with trying to mitigate the noise especially, as they might already be utilising the best practicable means. This can be achieved by requiring the applicant to objectively quantify the noise from the garage to the West Street facade and selecting appropriate glazing to ensure that the impact is mitigated. The noise from the garage is intermittent in nature and so we would not want the sound pressure level to exceed 45dB(A) LAmax when the tools are in use.

The applicant's Noise Consultant provided the following response on 8 December:
We understand that the environmental health officer has visited the Caledonian House site and raised concerns about the garage on West Street which is overlooked by the development.

During our on site noise survey we could not quantify (even though we tried) the

level of noise emitted by the Kwik fit garage at the facades of the development. Apart from the fact that minimal noise was emanating from the garage during the four hours of our two visits, the constant noise from road traffic along St Albans road was dominating the noise climate on the West Street elevation.

The Kwik fit garage opens from 8.30 until 18:00 hours and therefore doesn't operate during the night-time, when L_{Amax} assessment criteria may be deemed to be appropriate. The incident road traffic noise levels along the West Street façade are so high that the noise impact assessment report recommends (in Table 5) the inclusion of composite external building fabric constructions which offer a very high level of sound reduction. Several designs are proposed which include the recommendation for whole house mechanical ventilation, laminated double glazing and even secondary glazing (if passive ventilation methods are preferred). Therefore the proposed external building fabric construction will effectively reduce substantially any noise associated with activities at the nearby Kwik fit garage and will ensure that adverse effects on health and quality of life are minimised in full accordance with national policy (Paragraph 123 of the NPPF). This can be secured by a typical planning condition which requires a scheme to be put forward where incident noise levels are controlled based on the guidance within BS8233:2014.

The Environmental Health department provided the following response on 18 December:

Following on from our discussion, I am satisfied with the response put forward by the applicant with regards to noise from the garage. The condition you have drafted is also acceptable.

Contaminated Land Officer

No response was provided. The following comments were provided for previous application (reference 15/01130/OPD):

"The residential redevelopment represents a more sensitive end use. The Envirocheck report has identified a potentially former land use on-site as a garage. The site is also located within the vicinity of other potentially contaminative land

uses. A Phase I Desk Study Report should be undertaken for this site. This report should be specific to the proposed development and contain a review of historical mapping, environmental data, existing reports (if available), site walkover, preliminary risk assessment and the creation of a preliminary conceptual site model. In line with the requirements of the NPPF, all investigative works must be undertaken by a Competent Person, and in line with current published standards and guidance. The Phase I Desk Study report should include further information in relation to the garage use, for example:

*Has any fuel been stored on-site (underground/above ground fuel storage tanks)?
Is there any evidence of staining? Are there any records of leaks from tanks?"*

Given that a potentially contaminative former land use has been identified, a condition should be attached to any grant of planning permission to require the completion of an investigation and risk assessment to assess the nature and extent of any contamination on the site, and to require the submission of a detailed remediation scheme to bring the site to a condition suitable for the intended use.

Arboricultural Officer

Whilst I generally agree with the Arboricultural Implications Assessment and the Arboricultural Method Statement these do not address how the extended basement is to be constructed even if no roots are found namely is a piling rig or similar to be used to form the new basement. If this is the case there may be significant conflict with the overhanging tree canopies from retained trees within the Conservation Area. I would wish to see further details or method statement for this element of the construction. I note that much if not all of the replacement tree planting and landscaping will be in raised or at least restricted root volume planters. I would wish to see details of irrigation and drainage for these. The proposed planting species are considered acceptable.

The applicant's arboriculturalist provided the following additional information on 22nd December 2015:

Formation of New Basement Area:

All proposed pre-development tree works set out in the Arboricultural Report will be undertaken prior to demolition commencing on site. This will lift the canopies of retained trees to 3.0 m above the existing car park level. All operatives working within areas of retained trees will be inducted as to the requirements for the protection of trees. A banksman will be employed to direct all machinery operating at the height of the tree canopies within the area of retained trees. This will ensure that machinery - including any operating or movable parts - does not damage these canopies. Piling will occur within the canopy spreads of some offsite trees as part of the construction of the basement car park. The piling rig will be placed within the excavated basement area. A mini piling rig to a height of 2.4 m will be used to ensure that no damage will occur to the canopies of trees.

Irrigation and Drainage :

An irrigation system will be introduced to all raised planters. This will consist of a porous pipe system which will have an automatic timing mechanism with a manual override. The soil will consist of a high quality loam with water retentive polymers to aid water retention within the soil medium and reduce the need for watering. All water will percolate through the soil medium by gravity and drain through a geotextile material into a pipe work network within the basement area. A full specification will be designed as part of the final basement car park design.

The Arboricultural Officer provided the following comments on 23rd December 2015:

Thank you for the additional information. I am now happy with the proposed piling as they are using a low rig which will be below the tree canopies. The general arrangement for the irrigation/drainage of the planters is OK and appreciate there is no final design at this stage.

Housing

Verbal comments that social/affordable rented units should be sought rather than shared ownership. Furthermore, the greatest need is for 2-bed units and Registered Social Landlords may be unwilling to take on 3-bed flats.

6.0 APPRAISAL

6.1 Main issues

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

- (a) Design, appearance and the character of the area
- (b) The quality of the new accommodation provided
- (c) Housing mix
- (d) Affordable housing
- (e) Highway impact and car parking provision
- (f) Impact on amenity of adjoining residential properties
- (g) Sustainable surface water drainage
- (h) Land contamination
- (i) Trees and landscaping
- (j) Comparison to fallback position

6.2 (a) Design, appearance and the character of the area.

The proposed building is contemporary in design and would achieve an appropriate appearance. The massing of the building responds appropriately to the context as the main bulk is on the corner of St. Albans Road and West Street with stepped down sections to the side and rear. The vertical lines achieved through projecting and contrasting brickwork creates visually attractive vertical proportions, which frame the various sections of the building. The arrangement of windows and balconies would create interest and variety in the elevations without a cluttered appearance. As such, the design of the proposed building is considered to be of high quality and would enhance the character and appearance of the area.

6.3 Furthermore, the proposed building 'turns the corner' well because there are active frontages on both the St. Albans Road and West Street elevations. The corner of the building is well defined because of the increased height on the corner, which aids legibility.

- 6.4 *Skyline – Watford’s Approach to Taller Buildings* was approved as a Supplementary Planning Document by the Council’s Cabinet on 7th March 2016 and provides guidance in relation to taller buildings. The document states that the principal locations for taller buildings in Watford are set out in Policy TB1 of the Watford Local Plan Part 2. Policy TB1 identifies areas in Clarendon Road,/Station Road, Watford Junction and Ascot Road that may be appropriate for taller buildings. It is important to note that although public consultation has been carried out, the Local Plan Part 2 has not been subject of an examination in public and has not been adopted, therefore it can only be afforded limited weight in consideration of the application. Notwithstanding this, neither the Supplementary Planning Document nor Policy TB1 of the Local Plan Part 2 preclude taller buildings outside those areas where it has been indicated that taller buildings may be appropriate. Taller buildings outside the identified areas will be assessed based on factors such as the impact on the character and appearance of the area, standard of design, relationship to surrounding buildings and impact on neighbouring properties.
- 6.5 The Supplementary Planning Document states that the definition of ‘taller building’ is based primarily on the relationship of the building to its surroundings i.e. a building that is significantly larger than the surrounding urban area. In the context of St. Albans Road, the proposed development would not constitute a taller building because it would be comparable in height with the nearby multi-storey buildings on the opposite side of St. Albans Road – as described in the ‘site and surround area’ and ‘relevant planning history’ sections of the report. It would be the tallest building on the Western side of St. Albans Road, however the height would be stepped down adjacent to the neighbouring 4 storey flats at 1 Malden Road, which provides an appropriate transition ensuring that the proposed building would not appear jarring next to 1 Malden Road. As such, in the context of St. Albans Road the height and scale of the building is considered to be appropriate.
- 6.6 The proposed building would be significantly taller than the 2 storey houses to the rear of the site in Nascot Street and Malden Road, which are within the Nascot Conservation Area. However, the 8 storey part of the proposed building would be a considerable distance from the rear boundary with Nascot Street. The level of

separation ensures that the proposed building would not appear dominant from the adjacent Nascot Conservation Area. The rear wing of the building would be closer to the rear boundary, however it would still maintain an appropriate gap to the boundary and would step down in height to 4 storeys at the rear. While taller than the 2 storey houses, these 4 storey elements are not considered to be taller than the other 4 storey buildings on this side of St Albans Road and ensure the development provides an appropriate transition and would not appear dominant from the Conservation Area. The applicant submitted amended plans on 9th February to reduce the scale of the rear wing in order to address concerns from the Conservation Manager – as discussed in the ‘technical consultations’ section of the report. The impact on the residential amenities of the neighbouring properties is considered in issue (f).

6.7 The proposed building would be located on a similar footprint to the existing multi-storey building, therefore it would not restrict views into the Conservation Area from St. Albans Road. The proposed building would be located to the rear of the terrace of houses in Nascot Street and would not interfere with key vistas from within the Conservation Area. As such, taking into account that the proposed building would be of significantly higher quality than the office building it would replace, that the massing would make an appropriate transition to neighbouring properties and that a significant level of separation would be provided, it is considered that the proposed development would not harm the setting of the adjacent Nascot Conservation Area.

6.8 (b) The quality of the new accommodation provided

The floor areas and room sizes of the proposed flats exceed the Nationally Described Space Standard. The applicant has submitted a daylight and sunlight report, which has been carried out by Brooke Vincent and Partners. The report assesses the daylight received by the habitable rooms of the proposed flats, in accordance with guidance in the Building Research Establishment (BRE) publication (2011) “*Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice*”. The method of calculation of daylight for proposed accommodation is known as Average Daylight Factor (ADF). The minimum recommended ADF levels are: 2% for kitchen or combined kitchen and living space where the kitchen is

served by a local window; 1.5% for living room and study; and 1% for bedroom. The calculation shows that a ground floor living room window and first floor living room window would be marginally below the recommended ADF levels. Given that only two habitable rooms in the entire development would be below the recommended level and that this would only be by a marginal amount, it is considered that the levels of daylight are acceptable.

- 6.9 The BRE Guidance states *“a dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit. This is usually only an issue for flats...The overall sunlighting potential of a large residential development may be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west. The aim should be to minimise the number of dwellings whose living rooms face solely north, north-east or north-west unless there is some compensating factor such as an appealing view to the north”*. 68 of the 93 flats have living room windows that face south, east or west. There are 25 flats that have living room windows which face north. As such, a good proportion of the flats would receive sunlight for a part of the day. The northern elevation of the building is prominent because of its position adjacent to the road junction, therefore it would not be appropriate to have non-habitable windows such as bathrooms and stairwells on this elevation as it would affect the appearance and activity of the frontage.
- 6.10 Paragraph 7.3.23 of the Residential Design Guide states that for flatted developments, communal open space provided for the exclusive use of occupants of the development may be acceptable as long as its location, size and shape enable it to be enjoyed by the occupants. The minimum area for usable communal space is 50 square metres, plus 15 square metres per additional unit over two units. Therefore, for 93 flats the private garden space standard is 1,415 sqm. The proposed communal garden measures 975sqm in area, which is below the standard in the residential design guide. However, when taken in conjunction with the proposal to incorporate private balconies to a large proportion of the flats, collectively measuring 474sqm in area, the total amenity space for the development amounts to 1449sqm, which is considered to be a significant and acceptable level

of amenity space in this location.

- 6.11 The proposed development would provide an acceptable level of privacy for future occupants. The habitable windows positioned in the rear elevation of the main front section and in the side elevation of the rear-projecting element would be sited perpendicular, therefore there would not be a significant level of overlooking between habitable rooms. Neighbouring windows would be positioned closest together on the inside corner of the 'L', however the position of the window in the bedrooms ensures that residents in the neighbouring living rooms could not easily look in. Likewise, the layout of the bedrooms ensures that overlooking into the adjacent living rooms would be restricted.
- 6.12 The applicant has submitted a Noise Impact Assessment to assess the impact of traffic noise on the proposed development. St. Albans Road is a main route into the town and carries high levels of traffic. Traffic noise is, therefore, a significant factor for the flats directly facing the road and those at the corner of the building facing the junction. The Noise Impact Assessment surveyed noise levels in two positions – Position 1 (overlooking roads) and Position 2 (sheltered from roads). The survey shows that the noise level on Thursday 10th September was 71.2dB $L_{Aeq, 16 \text{ hours}}$ at Position 1 and 48.9dB $L_{Aeq, 16 \text{ hours}}$ at Position 2. BS 8233 provides guidelines for internal noise levels within dwellings. It states that a desirable internal noise level for a living room and bedroom is 35 dB $L_{Aeq, 16 \text{ hours}}$. The Noise Impact Assessment shows that reasonable practicable measures could be undertaken to ensure that the internal noise level of the habitable rooms accords with the BS 8233 guidelines. A condition could be attached to any grant of planning permission to require the submission of a detailed scheme for noise attenuation to ensure that the proposed flats would have acceptable internal noise levels.
- 6.13 The Environmental Health officer initially raised concern about the noise level from the adjacent garage at 57 – 61 St. Albans Road. However, the applicant's noise consultant addressed these concerns – as detailed in the 'technical consultations' section of the report. The Environmental Health officer stated that he is satisfied with the response put forward by the applicant with regards to noise from the

garage and that a noise attenuation condition is acceptable.

6.14 Taking the above into account, the proposed development would provide an acceptable standard of amenity for future occupiers.

6.15 (c) Housing mix

Policy HS2 of the Watford Local Plan Core Strategy 2006-31 states that the Council will seek provision of a mix of housing types, sizes and tenures at a local level to meet the requirements of all sectors of the community. Paragraph 8.2.7 states that the SHMA indicates a requirement for a mix of dwellings by size and tenure.

6.16 The application proposes 45no. 1-bed flats; 43no. 2-bed flats and 5no. 3-bed flats, which is considered to be an acceptable housing mix. The proposed development is high density, which is appropriate in this sustainable location close to Watford Junction station and the town centre. The proposal makes efficient use of the land and contributes towards the Borough's housing need.

6.17 (d) Affordable housing

Policy HS3 of the Watford Local Plan Core Strategy 2006-31 states that a rate of 35% affordable housing will be sought on major applications of 10 residential units and above. The Policy states that the affordable housing provision should consist of 20% social rent; 65% affordable rent; and 15% shared ownership. Only in exceptional circumstances will the Council consider a lower level of affordable housing provision, where the developer can demonstrate exceptional planning, or other constraints on the development of the site through the submission of a development viability assessment.

6.18 The applicant submitted a viability assessment with the application, carried out by Housing Expectations, which calculated that only 8 of the 95 units could be affordable units and that they would all be shared-ownership. There have been detailed negotiations between Housing Expectations and the Council's viability consultant (Adams Integra) in relation to factors such as profit levels, benchmark land value, development costs, finance costs, scheme timings and sales values.

Adams Integra has calculated that the Policy requirement of 35% affordable housing would make the scheme unviable, however, the development (now consisting of 93 flats) could provide 14 affordable rented units (10no. 2-bed and 4no. 1-bed), which has been agreed by the applicant. Adams Integra has also recommended that there should be a clawback mechanism to ensure that any increased sales value above the modelled viability assessment be appropriately split between affordable housing contributions and additional profit. The proposed clawback mechanism would need to be secured through a s106 planning obligation.

6.19 The Housing department has stated that from their perspective social/affordable rented units should be sought ahead of shared-ownership units because shared-ownership units will not meet the needs of those on the housing waiting list. Furthermore, they have stated that the greatest need is for 2-bed units and Registered Social Landlords may not be prepared to take the 3-bed flats. As such, the Housing department has advised that it is more suitable for the overall number of affordable units to be lower but consisting entirely of social/affordable rented units (as opposed to a higher overall number of affordable units but split between social/affordable units and shared-ownership units). The applicant has taken this into account and proposed 14 affordable rent units with the largest proportion being 2-bed units. It may have been possible to increase the overall number of affordable units, however this would have meant more shared-ownership units and fewer affordable rent units.

6.20 (e) Highway impact and car parking provision

The existing building is an office, which is a high traffic generating use. The proposed development would reduce the number of parking spaces from 95 to 75. The Highway Authority has highlighted that the proposed development is likely to have a lower trip generation than the previous office use. Therefore, there would not be a detrimental impact on the capacity of the highway network.

6.21 The Highway Authority states that the vehicular access is acceptable as it provides a visibility splay of 2.4m x 43m, which accords with the Hertfordshire County Council Highway Design Guide 'Roads in Hertfordshire' February 2011. The access

to the car park would be wide enough to allow vehicles to pass side by side and the Highway Authority comments that the layout of the car park is acceptable.

- 6.22 The Highway Authority is concerned that refuse vehicles would not be able to enter and exit the site in forward gear and the reversing of refuse vehicles may conflict with vehicles accessing the site or travelling along West Street. They have suggested that this could be managed via a Service Delivery Management Plan, which could restrict movements to outside peak hours. However, it should be borne in mind that West Street is an un-classified road with no through route, therefore the movements on the road are low and it is unlikely that refuse vehicles would conflict with vehicles and pedestrians. Furthermore, the drop off point would be large enough to allow a refuse vehicle to draw off the highway while waste is collected, which is an improvement to the current situation where refuse vehicles have to stop in West Street to collect waste bins. As such, taking the above into account, it would not be reasonable to restrict the time of day that the waste bins are collected.
- 6.23 Appendix 2 of the Watford District Plan 2000 states that in Zone 1 & 2 of the Car Parking Zones Map the maximum parking standard for 1 and 2 bedroom dwellings is 1 space per dwelling and for 3 bedroom dwellings the maximum parking standard is 1.5 spaces per dwelling. The application proposes 75 parking spaces, which complies with the maximum parking standard. The site is in a sustainable location close to passenger transport facilities at Watford Junction and shops and services in the town centre, therefore the amount of on-site parking is acceptable.
- 6.24 Appendix 2 of the Watford District Plan 2000 states that 1 cycle parking space per dwelling is required. The application proposes cycle storage for 100 cycles, which complies with sustainable transport objectives in “saved” Policy T10 of the Watford District Plan 2000.
- 6.25 The application site is located in the Central/West Watford Controlled Parking Zone, therefore, in accordance with “Saved” Policy T24 of the Watford District Plan 2000, it is necessary to complete a Section 106 Planning Obligation to remove permit entitlement for future occupants of the proposed dwellings. This is to ensure that

future occupants can not park vehicles in the Controlled Parking Zone, which would exacerbate demand for on-street parking in an area that already experiences parking problems. This is discussed further in paragraph 7.2 of the report.

6.26 (f) Impact on amenity of adjoining residential properties

Privacy:

Paragraph 7.3.16 of the Residential Design Guide highlights that privacy is an important aspect of residential environments. New build schemes should ensure that there is no significant loss of privacy to neighbouring houses or gardens.

Paragraph 7.3.17 details the 'privacy arc' which is a rule-of-thumb to assess the impact of development on the privacy of neighbouring properties. The privacy arc is calculated by drawing 45 degree lines on plan from the centre of neighbouring habitable windows to a distance of 27.5m – as explained in paragraph 7.3.18 of the RDG. First floor clear glazed habitable windows of a proposed development should not be within the privacy arc and be at an angle of less than 90 degrees from habitable windows of a neighbouring property – as illustrated in paragraph 7.3.19 of the RDG.

6.27 The upper floor windows in the rear elevation of the proposed building would be over 50m from the rear habitable windows of properties in Nascot Street, therefore the proposed windows would be substantially outside the 'privacy arc' of neighbouring habitable windows. The proposal complies with, and substantially exceeds, the guidance in the Residential Design Guide and would not cause an unacceptable level of overlooking into the habitable rooms of Nascot Street properties. There would be no windows in the rear elevation of the rear projecting part of the building, which ensures that there would not be an adverse impact on the privacy of Nascot Street properties. The proposed rear habitable windows would be sited perpendicular to the rear habitable windows of Malden Road properties, therefore, in accordance with guidance in the Residential Design Guide, the proposed windows would not afford an unacceptable level of overlooking into the neighbouring habitable rooms. The side habitable windows of the rear projecting part of the proposed building would face the rear elevation of Malden Road properties and would be over 30m from the neighbouring rear habitable windows,

which complies with guidance in the Residential Design guide.

- 6.28 Paragraph 7.3.16 of the Residential Design Guide states that a minimum distance of 11m should be achieved between side or rear habitable windows of a proposed building and site boundaries in order to minimise overlooking of private gardens. The proposed rear habitable windows would be approximately 38m from the rear boundary and the proposed side windows would be approximately 21.5m from the side boundary, therefore the proposed development would not cause an unacceptable level of overlooking into neighbouring gardens. The site is located in a high density urban area where there is already mutual overlooking of gardens. In this context, the proposed building would not have a significant adverse effect on privacy.
- 6.29 The front windows of the proposed building would afford views towards the gardens of some properties on the opposite side of St. Albans Road. However, there is already mutual overlooking of the gardens. The proposed building would not cause an unacceptable level of overlooking because there would be a sizeable separation to the neighbouring properties.
- 6.30 Furthermore, consideration should be given to the fall back position that the footprint of the proposed building would be similar to the existing building, therefore the proposed windows would be similar distances to the boundaries. Although the existing building is currently used as an office, it has Prior Approval for change of use to residential to provide 54no. dwellings – see reference 15/01130/OPD. The proposed building would be taller, however this is a high density urban area where there is already mutual overlooking between properties. As such, the proposed development would not cause a significant loss of privacy.
- 6.31 Daylight:
The submitted daylight and sunlight report assesses the impact of the proposed development on the daylight and sunlight received by neighbouring properties, in accordance with guidance in the Building Research Establishment (BRE) publication (2011) “*Site Layout Planning for Daylight and Sunlight. A Guide to Good*

Practice". Daylight is assessed through the 25 degree rule and the Vertical Sky Component test. The BRE guidance states *"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffused daylighting of the existing building may be adversely affected"*. Furthermore, if the Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value it is likely that daylighting of the habitable room would be adversely affected.

6.32 The results in the daylight and sunlight report show that the closest windows at Caledonian Court would have a VSC of over 27%, therefore there would be minimal impact on the daylight received by the neighbouring block of flats. No. 30 – 40 St. Albans Road is located on the opposite side of the road, therefore the 25 degree rule is appropriate and this should be applied to the second floor windows because the ground and first floors of the building are in commercial use. The proposed development would not infringe the 25 degree line from the centre of the closest second floor window, therefore the habitable rooms of No. 30 – 40 St. Albans Road would continue to receive adequate levels of daylight.

6.33 To the south of the application site, No. 1 Malden Road (known as Cassio Apartments) is adjacent to the proposed building. The daylight and sunlight report shows that the proposed development would cause a significant loss of daylight to the windows in the side elevation of the neighbouring building. However, these are secondary windows and the report shows that the principal habitable windows in the rear elevation would continue to provide good levels of daylight to habitable rooms. The vast majority of the windows would have a VSC of more than 27%. A small number of first floor windows in the northern elevation of the building would have a VSC of slightly less than 27%, however this would not be less than 0.8 times the former values. As such, the proposed development would not cause a significant loss of daylight to the main living areas of Cassio Apartments.

6.34 The daylight and sunlight report shows that a large number of the existing rear

windows at Nos. 3 – 15 Malden Road have a VSC of less than 27%, however, apart from a rear ground floor window at No. 3 Malden Road, the VSC would not be less than 0.8 times the former values. Therefore, the proposed development would not cause a significant loss of daylight to properties in Malden Road. The affected window at No. 3 Malden Road is a ground floor window located in the rear elevation of a single storey rear extension. The VSC would be 0.79 times its former value, which is only slightly less than the BRE guidance. The daylight and sunlight report has provided a more detailed analysis of this window by assessing the daylight distribution within the habitable room, which is an additional BRE test. Adverse effect is defined as a result that is less than 0.8 times its former value. This is calculated by looking at the size of the window in relation to the size of the room. The report shows that the lit area of the room would be 0.93 times its former value, which is well above the 0.8 guidance. Therefore, the proposed development would not cause a significant loss of daylight to No. 3 Malden Road.

6.35 The daylight and sunlight report assesses the impact of the proposed development on Nos. 32 – 50 Nascot Street, which are the closest properties in Nascot Street. The report shows that the most affected windows would have a VSC of at least 0.88 times the former values, which is more than the 0.8 guidance. As such, the proposed development would not cause a significant loss of daylight to properties in Nascot Street.

6.36 Sunlight:

The BRE guidance states that sunlight is only relevant to neighbouring residential windows which have a view of the proposed development and face with 90° of due south. If any part of a new development subtends an angle of more than 25 degrees measured from the centre of a main living room window then the sunlighting of the existing dwelling may be adversely affected. Furthermore, the sunlight availability to an existing dwelling may be adversely affected if the APSH (Annual Probable Sunlight Hours), when measured at the centre of the window are reduced by more than 4%. Should the loss be greater than 4%, then sunlight availability may be adversely affected if the centre of the window receives less than 25% of the annual probable sunlight hours, of which 5% of the annual total should be received

between 21 September and 21 March, and less than 0.8 times its former sunlight hours during either period.

6.37 The results in the daylight and sunlight report show that none of the neighbouring windows that face within 90° of due south would have an APSH reduction of more than 4%, therefore the proposed development would not cause a significant loss of sunlight to habitable rooms of neighbouring properties.

6.38 Overshadowing of gardens:

The daylight and sunlight report shows overshadowing as existing and proposed on 21 March. This is the date chosen by BRE as the degree of overshadowing can only reduce into summer months and is not relevant in winter months, when overshadowing in an urban area can be constant for significant periods of the day.

6.39 The daylight and sunlight report shows that the proposed development would not cause significant overshadowing in Caledonian Court or Malden Road. The report shows that overshadowing of outdoor amenity in Nascot Street would be slightly increased in the early morning, however there would be no additional overshadowing in the afternoon.

6.40 Outlook:

Paragraph 7.3.21 of the RDG states “*Outlook relates to visual dominance of a building that results in an overbearing and oppressive sense of enclosure to an adjacent property. This can be from a habitable room window or a garden area. This can occur even if there is no loss of sunlight, daylight or privacy*”. The proposed building would have a similar footprint to the existing building and would maintain similar distances to the site boundaries, however it would be taller. The tallest part of the building would be at the front of the site adjacent to the corner between St. Albans Road and West Street. The 8 storey section would be over 50m from the houses in Nascot Street, therefore it would not appear overbearing or cause an unacceptable sense of enclosure. The rear projecting wing would step down in height to between 6 and 4 storeys to provide a transition to the lower properties in Nascot Street. This element of the building is not particularly wide and a sizeable

gap would be maintained to the boundary with Nascot Street. Given the stepped height of the rear section and the space maintained to the western boundary, there would not be a sense of enclosure to the properties in Nascot Street.

6.41 The properties in Caledonian Court and Malden Road would face the rear projecting wing of the proposed building. There would be a separation of approximately 30m between the 6/4 storey wing and the properties in Malden Road and Caledonian Court. Given this level of separation, the proposed building would not appear overbearing or cause an unacceptable sense of enclosure to the neighbouring properties.

6.42 The proposed building would not appear overbearing to the properties on the opposite side of St. Albans Road because a sizeable distance would be maintained between the properties.

6.43 Taking the above into account, the proposed development would not cause a significant loss of privacy, daylight, sunlight or outlook to neighbouring properties.

6.44 (g) Sustainable surface water drainage

In April 2015, the Government enacted legislation requiring all major developments to make provision for the sustainable management of surface water within application sites. The County Council as the Lead Local Flood Authority (LLFA) was also made a statutory consultee on all major applications for surface water drainage.

6.45 The applicant has submitted a surface water drainage scheme that incorporates the following measures to deal with surface water within the application site:

- i) Green roofs.
- ii) Underground attenuation tanks

The applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site, including attenuation volumes and exploring the most

appropriate sustainable drainage methods such as green roofs. This has been approved by the County Council as the Lead Local Flood Authority.

6.46 h) Land contamination

The Contaminated Land Officer provided a consultation response to Prior Approval application 15/01130/OPD, which identified a potentially contaminative former land use on site as a garage. Furthermore, the site is also located within the vicinity of a garage on the opposite side of West Street. In these circumstances, a condition should be attached to any grant of planning permission to require the submission of a Phase I Report to assess the actual and potential contamination at the site. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted. The Phase II report shall identify any required remediation or protection measures.

6.47 (i) Trees and landscaping

None of the trees on site are within a conservation area or protected by a tree preservation order. However, there are a number of nearby trees in neighbouring gardens in Nascot Street and Malden Road, which are within the Nascot Conservation Area.

6.48 The submitted Arboricultural Report and drawing No. TPP/CHSARWH/010 B shows that 6no. individual trees and 4no. groups of trees would need to be removed due to the proposed development. The report shows that these are all 'C' Category trees as set out in BS 5837:2012 because they are low quality or unremarkable specimens. The report highlights that *"their replacement should be considered as an important element within landscape proposals for the development. This should aim to plant replacement trees so as to retain some screening to the site boundaries, to maintain (and improve where possible) the quantity and quality of tree cover in the area and to improve the bio-diversity of the site"*.

6.49 Drawing No. LP/CHSARWH/020 B shows that various replacement trees would be planted adjacent to the site boundaries. The trees would generally have a planting height of between 3m – 3.5m, which combined with the existing trees in the rear

gardens, would provide sufficient screening to neighbouring properties in Nascot Street and Malden Road. The screening would improve further as the trees become more established. The Arboricultural Officer has stated that the proposed planting species are considered acceptable.

6.50 The proposed landscaping scheme would provide a good standard of landscaping to the communal garden. The landscaping scheme can be secured through condition.

6.51 The demolition of the existing building and the construction of the proposed building is outside the Root Protection Areas (RPAs) of the nearby retained trees. However, the removal of the existing car park and construction of the new basement car park would fall within the RPAs and/or canopy spreads of 5no. individual trees and 2no. groups of trees. The Arboricultural Implications Assessment sets out the potential impacts on the retained trees and the measures to protect the trees are set out in the Arboricultural Method Statement. The Arboricultural Officer is in agreement with the Arboricultural Implications Assessment and the Arboricultural Method Statement. Additional information was provided to detail how the extended basement would be constructed – the canopies of the retained trees would be raised to 3m above the existing car park level and a mini piling rig 2.4m high would be used. The Arboricultural Officer has stated that these details are acceptable. Conditions to protect retained trees should be attached to any grant of planning permission.

6.52 (j) Comparison to Fallback Position

In comparison to the fallback position that the existing building could be converted into 54no. residential units under Prior Approval application 15/01130/OPD, there are considered to be a number of factors that weigh in favour of the proposed development. Firstly, the proposed development would be of higher quality design than the existing building, as discussed in paragraphs 6.2 – 6.7 of the report, and would make a positive contribution to the character and appearance of the area. The size of the proposed flats exceed the Nationally Described Space Standard and would benefit from good levels of light and outlook, which would provide a good

standard of amenity for future occupiers, whereas the flats in Prior Approval application 15/01130/OPD would be significantly smaller and would not provide as good a standard of layout and amenity for future occupiers. Furthermore, the proposed development makes more efficient use of the site and makes more of a contribution to meeting the Borough's housing need providing a suitable mix of dwelling sizes, whereas the Prior Approval scheme consisted solely of 1-bed flats. A further consideration is that the proposed development would provide 14 affordable units for affordable rent, which would help meet the need for affordable housing in the Borough, whereas the Prior Approval scheme would not make any contribution towards affordable housing. The above factors are considered to weigh in favour of the grant of planning permission.

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 £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. As the proposed development is intended to be all social housing, the scheme would not be liable for any CIL charge if this exemption were applied for.

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 proposed development is one where affordable housing should be provided, in accordance with saved Policy H16 of the Watford District Plan 2000 and Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31.

The development proposed in this application is also 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.

In addition, the proposed development is 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 provision of affordable housing is 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.

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 provision of affordable housing, 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 affordable housing provision and 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.

8.0 CONCLUSION

- 8.1 The application site is in a sustainable location close to Watford town centre and Watford Junction, therefore it is suitable for higher density development. The proposed building is contemporary in design and would achieve an acceptable standard of appearance. The massing of the building is considered appropriate as the main bulk is on the corner of St. Albans Road and West Street with stepped down sections to the side and rear. The vertical lines achieved through projecting brickwork and contrasting brickwork creates visually attractive vertical proportions, which frame the various sections of the building. The arrangement of windows and balconies would create interest and variety in the elevations without a cluttered appearance. As such, the design of the proposed building is considered to be of high quality and would enhance the character and appearance of the area.
- 8.2 The 8 storey height of the building is appropriate in the context of St. Albans Road because it would be compatible with the nearby multi-storey buildings on the opposite side of the road. The building steps down in height adjacent to the neighbouring 4 storey flats at 1 Malden Road, which provides an appropriate transition. The proposed building would be significantly taller than the 2 storey houses to the rear of the site in Nascot Street and Malden Road, which are within the Nascot Conservation Area. However, the 8 storey part of the proposed building would be a considerable distance from the rear boundary with Nascot Street. The level of separation ensures that the proposed building would not appear dominant

from the adjacent Nascot Conservation Area. The rear wing of the building would be closer to the rear boundary, however it would still maintain an appropriate gap to the boundary and would step down in height to 4 storeys at the rear, which ensures that it provide an appropriate transition and would not appear dominant from the Conservation Area.

- 8.3 The proposed development provides an acceptable housing mix. The Council's viability consultant has calculated that the level of affordable housing proposed by the applicant is the most that would be viable at this site.
- 8.4 The proposed development would provide an acceptable standard of amenity for future occupiers. Furthermore, the proposal would not cause a significant loss of privacy, daylight, sunlight or outlook to neighbouring residential properties. Some on-site trees would need to be removed as a result of the proposed development, however the replacement trees would fill the gaps between existing off-site trees. The planting height of 3m – 3.5m ensures that a good level of screening would be provided, which would improve as the trees become more established.
- 8.5 In comparison to the fallback position that the existing building could be converted into 54no. residential units under Prior Approval application 15/01130/OPD, there are a number of factors that weigh in favour of the proposed development. The proposed development would provide a higher quality design than the existing building; it would provide a higher standard of amenity for future occupiers than the Prior Approval scheme; it would make more efficient use of the site and would contribute more to the Borough's housing need; and it would provide a more appropriate housing mix and provide affordable housing.
- 8.6 Overall, the proposal is considered to provide a sustainable development.

9.0 HUMAN RIGHTS IMPLICATIONS

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

10.0 RECOMMENDATION

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

Section 106 Heads of Terms

- i) To secure a minimum of 14 units as affordable housing for affordable rent and a review mechanism to provide an uplift in affordable housing in the event that this is viable.
- ii) 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.
- ii) To secure the provision of fire hydrants as required by the County Council to serve the development.

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:-

101 Rev P10; 110 Rev P10; 120 Rev P10; 121 Rev P10; 199 Rev P12; 200 Rev P12; 201 Rev P12; 202 Rev P12; 203 Rev P12; 204 Rev P12; 205 Rev P12; 206 Rev P12; 207 Rev P12; 208 Rev P12; 300 Rev P12; 301 Rev P12; 400 Rev P12; 401 Rev P12; TPP/CHSARWH/010 Rev B; and LP/CHSARWH/020 Rev B.

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, before 8am or after 1pm on Saturdays or at any time on Sundays and Public Holidays.

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

4. No construction works, above basement level, shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows and balcony railings, have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

5. No construction works, above basement level, shall commence until detailed drawings of the elevations, including details of the reveals, projections, recessed areas, balconies, brick bonds and the proposed capping for the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

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

6. No construction works shall commence until details of the green wall to the rear of the building have been submitted to and approved in writing by the Local Planning Authority. The green wall and green roof system shall be installed 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. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

7. The development permitted by this planning permission shall only be carried out in accordance with the drainage strategy prepared by EAS, job number 812, dated September 2015; and the mitigation measures detailed within the drainage strategy:
- (i) Limiting the surface water run-off generated by the critical storm event so that it will not exceed the rate of 5 l/s.
 - (ii) Implementing appropriate SuDS measures giving priority to above ground measures such as green roofs, as shown in drawing SK05 Appendix L of the drainage strategy prepared by EAS.
 - (iii) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 100 m³ of storage volume between the green roofs and the underground attenuation tank.
 - (iv) Provision of a petrol interceptor in accordance to drawing SK05 in Appendix L.
 - (v) Discharge of surface water into the existing Thames Water sewer network.

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

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

8. No development shall take place until the final design of the green roofs and the rest of the drainage network has been submitted to and approved in writing by the Local Planning Authority. An attenuation volume of 100 m³ should be provided by green roofs and underground attenuation tanks. The design of the green roofs should be in line with best practice standards as shown in The SuDS Manual.

The design of the drainage scheme shall also include:

- (i) Details of how the green roof, underground attenuation tanks, petrol interceptors and the rest of the elements of the drainage network shall be maintained and managed after completion.
- (ii) Detailed engineering details of the design of the proposed green roof in line with The SuDS Manual (CIRIA C-753)

Reason: To ensure that the site can effectively be drained during the lifetime of the development and to ensure that water treatment is provided to surface runoff before being discharged into the sewer network.

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

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

10. No part of the development shall be occupied until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing or enclosures within the site, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the local area.

11. No work to the basement shall commence until further site investigations have been carried out to establish whether roots of off-site trees are present within the site. The investigation shall be carried out in accordance with the submitted Arboricultural Method Statement prepared by David Clarke dated October 2015. The results of the site investigation and any necessary tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be implemented in accordance with the approved details for the duration of the construction of the basement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect nearby off-site trees that are within the Nascot Conservation Area.

12. The tree protection measures shown in the Arboricultural Method Statement prepared by David Clarke dated October 2015 and drawing no. TPP/CHSARWH/010 Rev B shall be implemented for the duration of the construction work, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees, in the interests of the visual amenity of the area.

13. No construction work shall commence until details of the routing of all below ground services and cabling (electricity, gas, telephone, water, cable T.V. etc.) have been submitted to and approved in writing by the Local Planning Authority. The routing of the below ground services and cabling shall then be laid out in accordance with the details approved by this Condition.

Reason: To protect retained trees, in the interests of the visual amenity of the area.

14. No part of the development shall be occupied until bin and cycle storage facilities have been provided in accordance with the details shown on the approved drawings. The storage facilities shall be retained at all times thereafter.

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.

15. No part of the development shall be occupied until the 75 car parking spaces shown on drawing no. 199 Rev P12 have been laid out and constructed in full. These spaces shall be retained for parking cars at all times.

Reason: To ensure adequate parking facilities are provided on the site, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000.

16. No part of the development shall be occupied until the new vehicular crossover, as shown on drawing no. 200 Rev P12, has been laid out and constructed in full.

Reason: To ensure adequate access arrangements are provided to serve the development and in the interests of highway safety, in accordance with saved Policy T21 of the Watford District Plan 2000.

17. No part of the development shall be occupied until a management plan to ensure that the 'Drop Off Point' shown on drawing No. 200 Rev P12 is only used for refuse collection, deliveries and loading/unloading has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been provided in full. These measures shall be retained as approved at all times.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and pedestrians and to ensure adequate servicing access for the development, in accordance with Policy T21 of the Watford District Plan 2000.

18. No part of the development shall be occupied until details of access control and security measures for the basement car park have been submitted to and approved in writing by the Local Planning Authority. The access control and security measures shall be installed in accordance with the approved details and implemented at all times thereafter.

Reason: To provide a safe and accessible environment.

19. No construction work shall commence until a detailed scheme for protecting the proposed flats against noise from road traffic and the nearby garage at 57 - 61 St. Albans Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ventilation and shall be based on the recommendations and mitigation measures detailed in the submitted Noise Impact Assessment reference RF85573/DNA/REV B dated 9 February 2016, unless otherwise agreed in writing by the Local Planning Authority. No part of the development shall be occupied until all the works forming part of the approved scheme have been completed.

Reason: To protect the amenities of the future occupiers of the development.

20. No development shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure an acceptable relationship between the proposed building, the adjoining residential development and the adjoining highway is achieved.

21. Prior to the commencement of the development hereby approved a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

22. All remediation or protection measures identified in the Remediation Statement referred to in Condition 21 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informatives

1. This planning permission is accompanied by a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 14 affordable housing units; 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; and to secure the provision of fire hydrants as required by the County Council 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. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.
4. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.

Drawing numbers

101 Rev P10; 110 Rev P10; 120 Rev P10; 121 Rev P10; 199 Rev P12; 200 Rev P12; 201 Rev P12; 202 Rev P12; 203 Rev P12; 204 Rev P12; 205 Rev P12; 206 Rev P12; 207 Rev P12; 208 Rev P12; 300 Rev P12; 301 Rev P12; 400 Rev P12; 401 Rev P12;

(B) In the event that an acceptable planning obligation under Section 106 of the Town and Country Planning Act 1990 has not been completed by 7th July 2016 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for the application for the following reasons:

1. The proposal fails to make provision for affordable housing on-site and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal would exacerbate demand for on-street parking in the Controlled Parking Zone, which already experiences parking problems. The proposal is therefore contrary to saved Policy T24 of the Watford District Plan 2000.
3. 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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