

PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee:	7th April 2016
Site address:	Land adjoining Red Lion Public House 105 Vicarage Road Watford
Reference Number:	16/00018/FUL
Description of Development:	Erection of two 2-storey buildings to provide 8no. self contained flats, including landscaping and arboricultural works.
Applicant:	Mrs Anna Reza
Date Received:	7th January 2016
8 week date (minor):	3rd March 2016
Agreed extension to statutory target date:	8th April 2016
Ward:	Vicarage

1.0 SITE AND SURROUNDINGS

1.1 The Red Lion Public House and former stable block are Locally Listed Buildings located in The Square Conservation Area. The stable block is joined to the Public House by a wall and double gate. The Locally Listed Buildings contribute strongly to the character and appearance of the Conservation Area and have both streetscape and landmark value. The Public House is Victorian and is located in a prominent position on the corner between Vicarage Road and Aynho Street. The Public House is not currently open for business, but has historically been a focus for activity and has strong community significance.

1.2 The Red Lion Public House has been designated as a community asset, which

means that it has been entered onto a list of assets of community value. For the purposes of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, change of use of the Public House to another use within Part 3 is not permitted within the “specified period” of 5 years beginning with the date on which the building was entered onto the list of assets of community value. The premises was added to the list of assets of community value on 3rd September 2015.

- 1.3 The Square Conservation Area Character Appraisal states *“This area is of special architectural and historic interest, providing an important example of the town’s Victorian expansion. The contemporary layout remains unaltered, with four roads (Aynho Street, Oxford Street, Banbury Street and Souldern Street) forming a discrete urban form in terms of character and design. The building line is strong and consistent and these groups of terraces have maintained much of their original detailing....An important landmark feature is the Red Lion Public House, on the corner of Vicarage Road and Aynho Street. This Victorian group of buildings replaced an earlier establishment from the eighteenth century, which was the earliest known development in the area. Attractively detailed, the buildings form part of diverse groups of buildings along this stretch of Vicarage Road dating from different parts of the nineteenth century”*.
- 1.4 The application site consists of a green space to the south-west of the former stable block. The site includes four trees (2no. Cherry, 1no. Sycamore and 1no. Birch), which are protected by Tree Preservation Order No. 259. The trees are prominent in the public realm and are of amenity value. The south-eastern boundary of the land adjoins Vicarage Road.
- 1.5 Victorian terraced houses are positioned to the north-west of the application site. The houses currently have a fairly green and open outlook because their rear windows face the trees and open space to the rear of the former stable block.
- 1.6 The site is in a sustainable location because of its close proximity to public transport facilities and shops and services in Vicarage Road. The site is also within

walking distance of the town centre.

- 1.7 The application site is located in a Controlled Parking Zone and is close to Vicarage Road Stadium and Watford General Hospital.
- 1.8 Vicarage Road is one of the main routes into the town centre and is classified as a Class A Principal Road.



Fig. 1. Aerial view of site.

2.0 PROPOSED DEVELOPMENT

- 2.1 The application proposes the erection of two 2-storey buildings to provide 8no. self-contained flats, including landscaping and arboricultural works. The applicant submitted amended plans on 22nd March 2016 to address concerns raised by officers in relation to the dominance of the proposed buildings in relation to the neighbouring terraced houses in Oxford Street. The amended plans also take account of comments received by the Conservation Manager.

- 2.2 The application originally proposed 4no. 2-bed ground floor flats and 4no. 1-bed first floor flats. However, because of the reduction in size of the proposed buildings the ground floor flats have been changed to 1-bed flats. As such, the application now proposes 8no. 1-bed flats.
- 2.3 The proposed buildings would measure 6.2m high at the front of the site and 6.8m high at the rear of the site because of the change in ground levels. The buildings would be 13.2m wide and 9.85m deep.
- 2.4 The proposed buildings are contemporary in design. The front elevations feature centrally positioned entrance doors, which are recessed from the front walls. The first floor flats would have access to recessed balconies on the front elevation. The submitted plans show that the building would be finished in red brickwork and there would be brick detailing at ground floor level on the front elevation. The windows are contemporary in style and would have grey aluminium frames. The windows in the rear elevation would be obscurely glazed to prevent overlooking to neighbouring properties.
- 2.5 Bin and cycle stores would be sited to the sides of the proposed buildings. The building to the south-west would be 3.1m from the south-western boundary. There would be a gap of 6.2m between the proposed buildings, and the building to the north-east would maintain a gap of 3m to the existing stable block. The front boundary treatment between the proposed buildings and the side boundaries would consist of a 2m high wall with timber gates.
- 2.6 The application proposes work to trees protected by Tree Preservation Order 259 involving: the cutting back of the canopy of the Sycamore tree T2; the removal of the Birch tree T1; and the removal of the Prunus trees T3 and T4. The removed trees would be replaced by new trees towards the front of the site. The applicant has submitted an arboricultural assessment with the application.
- 2.7 In comparison to the original proposed drawings, the amended plans received 22nd

March make the following amendments:

- Removal of rear projecting elements and increased distance of proposed buildings to the rear boundary.
- Increase in size of gardens.
- Replacement of metal cladding at first floor level with brickwork.
- Lowered floor level resulting in reduction of height of building and removal of steps to the front. Also, removal of internal steps to bedrooms and bathrooms and removal of basement bedrooms to ground floor flats.
- Additional first floor rear windows (obscurely glazed).
- Improvements to fenestration and brick detailing.
- Altered front boundary treatment to consist of 2m high wall with timber gates.
- Positioning of replacement trees towards the front of the site.



Fig. 2. Original proposed site plan.



Fig. 3. Amended proposed site plan.



Fig. 4. Original proposed side elevation – Block A



Fig. 5. Amended proposed side elevation – Block A.

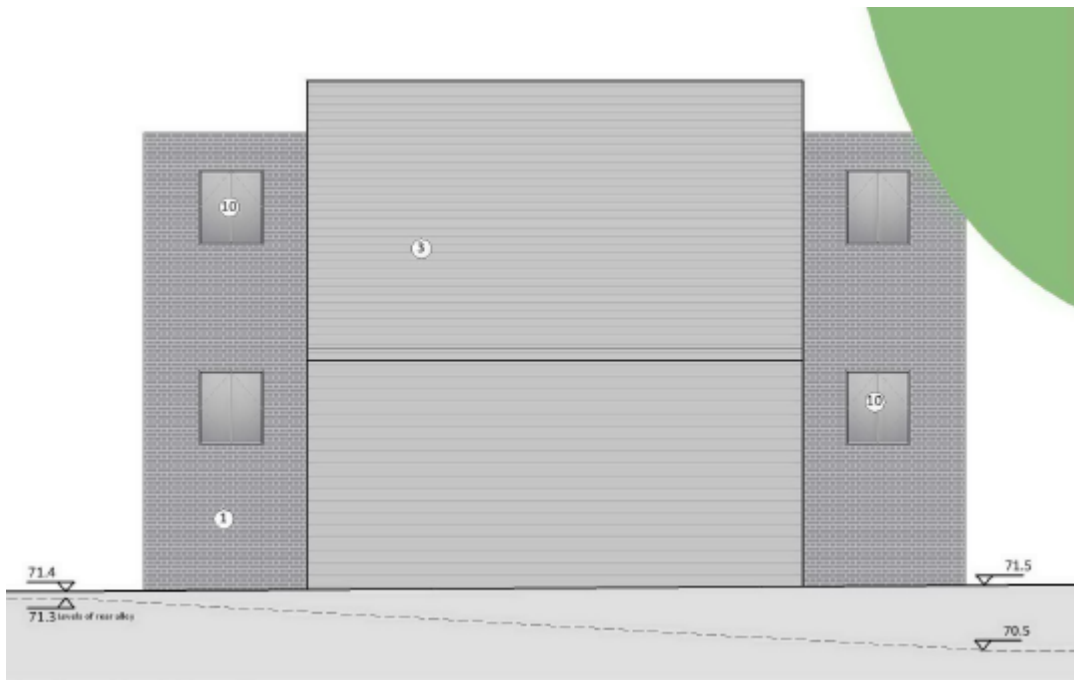


Fig. 6. Original rear elevation – Block A,

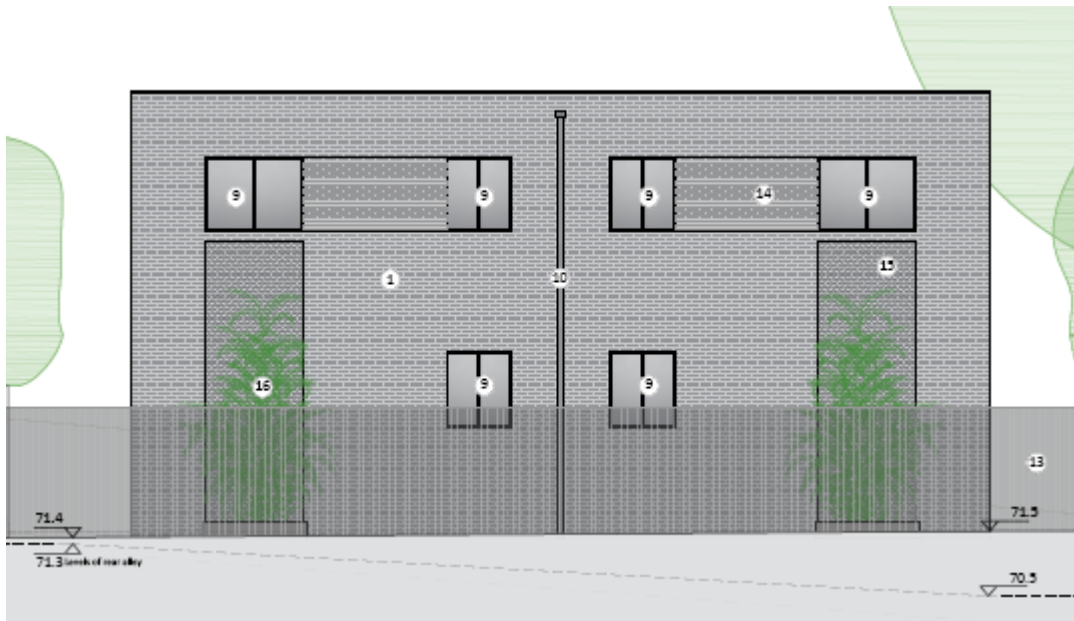


Fig. 7. Amended rear elevation – Block A. All rear windows to be obscurely glazed.



Fig. 8. Image of new building next to stables block.



Fig. 9. Image of Vicarage Road elevation of proposed buildings.



Fig. 10. Image of rear elevation of proposed buildings.

3.0 RELEVANT PLANNING HISTORY

3.1 15/01337/PREAPP - Pre-application enquiry for retention of public house and mixed use residential scheme. A pre-application meeting was held on 3rd November 2016 to discuss the proposed re-development of the site, which was attended by the Conservation Manager and Chris Osgathorp, Principal Planning Officer. The Conservation Manager stated that a high quality contemporary development may be appropriate at the site. The design would need to respond to the adjacent Locally Listed buildings. The planning agent was advised that a car free development may be acceptable in this location. Advice was given in relation to guidance in the Residential Design Guide. It was noted that there are protected trees on the site and a planning application would need to be accompanied by an arboricultural assessment.

15/00892/TPO - Works to sycamore, silver birch, and two cherry trees protected by TPO. 259. Tree works refused. August 2015.

- 1) The removal of the Birch tree T1, Cherry trees T3 and T4 and significant cutting back of the Sycamore tree T2 of TPO No. 259 would be detrimental to the treescape and diminish the visual amenity of the site and surrounding area, contrary to 'saved' Policy SE37 of the Watford District

Plan 2000. In Section 8 of the application form it has been indicated that the reasons for carrying out the proposed works include poor condition of the trees and alleged damage to property, however the application is not supported by any evidence or arboricultural reports.

15/00741/TCA – Removal of Sycamore tree, Birch tree and 2no. Cherry trees within Conservation Area. Tree works refused. June 2015.

1) The felling of the trees would be detrimental to the appearance of the site and surrounding area. A Tree Preservation Order, TPO No. 259, was confirmed on 18th July 2015 in respect of trees: T1 Birch; T2 Sycamore; T3 Prunus (cherry specie); and T4 Prunus (cherry specie).

12/00159/FUL - Change of use of first floor from 6no. letting rooms with associated bathrooms and kitchen to three one bedroom flats. Formation of new door openings at ground floor level. Conditional planning permission. March 2012. A site visit was carried out on 19th August 2015, which showed that no internal works have been carried out. Therefore, the planning permission has expired.

4.0 PLANNING POLICIES

4.1 Development Plan

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
T2	Location of New Development
T3	Improving Accessibility
T4	Transport Assessments
T5	Providing New Infrastructure
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design
UD2	Built Heritage Conservation
GI3	Biodiversity

4.4 **Watford District Plan 2000**

SE7	Waste Storage, Recovery and Recycling in New Development
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
U15	Buildings of Local Interest
U17	Setting of Conservation Areas

U18	Design in Conservation Areas
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development

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 *Conservation Area Character Appraisals*

These character appraisals examine the Borough's Conservation Areas and describe why they are an area of special architectural and historical interest. Their purpose is to help inform the design of any future development proposals so that they enhance the area and acknowledge its features. The following appraisal is relevant to this application and is a material consideration in its determination:

The Square Conservation Area Character Appraisal (adopted December 2011)

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

Section 13 Facilitating the sustainable use of minerals

Decision taking

5.0 CONSULTATIONS

5.1 Neighbour consultations

Letters were sent to properties in Oxford Street and Vicarage Road.

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

Number of original notifications:	22
Number of objections:	13
Number in support:	0
Number of representations:	13

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

Representations	Officer's response
There aren't enough spaces in Zone K for the current number of cars in the area. Even if the residents of the development are denied parking permits and vouchers. There could be potentially 16 extra cars (2 per flat) parking in Zone K between 18h30 and 08h00 and all day on Sundays. Zone K is already overflowing with cars.	The applicant has indicated a willingness to complete a Unilateral Undertaking to remove permit entitlement for future occupiers of the development, in accordance with "saved" Policies T24 and T26 of the Watford District Plan 2000. As such, future occupants of the proposed development would not be able to park in the Controlled Parking Zone between the hours of 08:00 to 18:30, which is a sufficient deterrent to prevent on-street parking in the Controlled Parking Zone. It would not be practicable for future occupants to park on the street only between the hours of 18:30 – 08:00.

<p>The trees, which are part of the conservation area, serve a useful purpose in reducing pollution in Vicarage Road. They are also home to various birds who nest and live there regularly along with urban wildlife.</p> <p>I have reservations with regards to the pruning of the Sycamore tree. I am concerned that this may be carried out in an overly enthusiastic manner causing irreparable damage. The plum and birch tree would also be very difficult to replace on a like for like basis.</p>	<p>The applicant has submitted an Arboricultural Assessment to consider the condition of the protected trees and the impact of the proposed development – as discussed in paragraphs 6.34 – 6.38 of the report.</p>
<p>The question of loss of light arises. The rear wall of the flats would significantly block the light and sunrays to the bottom of our gardens. Especially during the winter months when strong light and sun are at a premium. The bill “Ancient Lights” mentions this.</p> <p>The outlook from the gardens along Oxford Street will be changed completely. The blocks of flats are tall and as our gardens are lower than the road, they will look even higher than</p>	<p>The proposed development would not cause a significant loss of light or outlook to neighbouring properties, as discussed in paragraphs 6.28 – 6.29 of the report.</p> <p>There is no evidence that the proposed development would cause a loss of satellite reception and this would not normally result from a building of this height.</p>

<p>the 2 storeys at the front. The back of the flats has a half level for the extra bedroom, this sits at the current ground level according to the plans, this is actually above the level of the alleyway and the gardens, I feel this would make the flats appear to be more like 3 storeys from our gardens.</p> <p>The height may also cause problems with satellite reception for the houses facing the high walls.</p>	
<p>Even though the windows overlooking our gardens will be fitted with obscure glass, future owners may decide to change this for clear glass. Anyway, they can open the windows and have full view of our gardens and patios. Some residents of Oxford Street have voiced their concerns as they have young daughters who play in their gardens and they don't want to be overlooked.</p>	<p>The proposed development would not cause a significant loss of privacy to neighbouring properties, as discussed in paragraphs 6.24 – 6.27.</p> <p>A condition could be attached to any grant of planning permission to require the rear windows to be fitted with obscure glass at all times and to be non-opening to a height of 1.7m above the internal floor level.</p>
<p>New fences need to be erected between the flats and the alleyway. The fences should be</p>	<p>A condition could be attached to any grant of planning permission to require details of the proposed boundary treatment to be</p>

<p>2.5m, to create a barrier for the noise coming from the flats and their gardens and prevent access from their gardens into the alleyway. There is also concern about builders having easy access to the alleyway and therefore our gardens. The application makes no mention of fencing.</p>	<p>submitted to the Local Planning Authority for approval. It is not necessary for any boundary treatment to be higher than 1.8m to protect the privacy of neighbouring properties. Furthermore, given the residential use of the proposal, there would not be a significant level of noise and disturbance.</p>
<p>Taking into account the area has a conservation mandate, the property design and colour of the exterior cladding is not sympathetic to the surroundings. Bearing in mind that on one side of the proposed project The Red Lion pub is a very old brick building and the other side are residential terraced properties also brick built, some rendered, plus the rear of the terracing in Oxford Street displays an openly brick façade. The rear of both buildings are particularly uninspiring and would be aesthetically unpleasant to residents of the properties backing onto it.</p> <p>The design of these buildings is</p>	<p>The proposed development would preserve the setting of the adjacent Locally Listed building and the character and appearance of The Square Conservation Area, as discussed in paragraphs 6.9 – 6.18 of the report.</p>

<p>explicitly modern, at odds with the mostly Victorian buildings in the Conservation Area and with most of the other buildings in Vicarage Road. It seems to be intended to correspond with the aggressively modern new look of the football ground, rather than the adjacent pub and stables. I believe that any new building in the Conservation Area should be in keeping with the period of the existing buildings, otherwise what is the conservation area there for?</p>	
<p>Using balconies as relaxing sitting areas in Vicarage Road will not appeal to the residents of the flats due to pollution from cars queuing below, traffic and match noise and dismal views. Therefore the balconies will become storage space for prams, bicycles, dryers and various items, particularly as there is no other storage provided on the site (no bike shed, cellars or lock-ups). The balconies will look like junk yards in a Conservation Area ; the buildings would look better with windows instead of</p>	<p>The proposed balconies would promote an active frontage. They would be large enough to be used as an external seating area and would be recessed (i.e. they would not project to the front of the building) which means that it would be a more pleasant space to use. The proposed site plan shows that each flat would have access to a cycle store.</p> <p>The plans show that the storage space for the proposed flats accords with the Nationally Described Space Standard, therefore there is no reason for the balconies to be used as a storage area.</p>

balconies.	
There are problems with sewers in Oxford Street and Aynho Street. Would the new buildings be connected to the same sewer network? What impact would 8 extra households have on existing network?	Thames Water have no objections in relation to sewerage infrastructure capacity.
The value and desirability of our property will be greatly reduced should the flats be built.	This is not a material planning consideration.
Should the planning permission be granted and the development goes ahead, what provision will be made for the builders? Where will they park lorries and vans? The disturbance would be huge. Much noise and dust for long hours for a long time so close to where we live.	As with any new development, there may be some disruption during construction work, however this is not a material planning consideration. A condition limiting the hours of construction could be attached to any grant of planning permission.

Amended plans were received on 22nd March to make improvements to the scheme. Neighbouring properties were re-consulted on 22nd March and given until 5th April to make any additional comments.

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 a site notice posted on 2 February 2016 and by advertisement in the Watford Observer published on 15 January 2016. The site notice period expired on 23 February 2016 and the newspaper advertisement period expired on 5 February 2016.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

Policy (Urban Design and Conservation)

Designations and significance:

The site lies in a conservation area and is adjacent to the locally listed Red Lion PH and stable block. The applicant has submitted a comprehensive design and Access statement which includes a map regression exercise and various photographs showing the character and appearance of the area showing how it has changed over time. The conservation area constitutes a designated heritage asset and the relevant paragraphs (129-137) of the NPPF apply in relation to the significance and potential harm which may arise to that significance from development proposals. Adjoining the site and still within the conservation area lies the Red Lion PH and the stable block which are both locally listed. The Council has produced a conservation area appraisal for The Square – adopted 2011 and the Local List document adopted in 2010 provides a detailed summary of the value and key features of the locally listed building. A management plan covering all the conservation areas was adopted in 2013.

In terms of the conservation area, the locally listed buildings are clearly positive in their contribution to the character and appearance of the area and the setting is also considered to be important in that the land which is the subject of these proposals has been within the curtilage of the PH since the tithe map in 1842 and the appraisal refers specifically to the softening effect of the trees and open space to the Vicarage Road vista; however, the erection of the current unsightly fence and gradual deterioration of the site as it has been neglected whilst seeming to be more of a negative feature in its current state does not remove the intrinsic value of the open space and trees to the conservation area (paragraph 130 NPPF); so this

space is considered to have a positive contribution to the significance of the conservation area.

Impact on the assets:

New development in conservation areas should take the opportunity to better enhance or reveal the significance (NPPF paragraph 137) of the asset alongside the need to consider the whether any harm is caused and whether that is justified. The provisions of the Act still stands and expect new development to seek to preserve and/or enhance the character ad appearance of the conservation area.

The proposed scheme clearly has an impact on the conservation area as it removes the existing open space which has been part of the Red Lion PH site since 1842 and replaces it with built development. This can only be justified if that new development is of high quality and meets the preservation/enhancement tests; delivering new housing is a consideration but at present Watford is meeting its identified targets and there is no affordable housing associated with this scheme as it falls below the 10 unit threshold.

The Design and Access Statement sets out the design rationale behind the building typology chosen for the site - 2 separate blocks and shows how this relates to the urban grain of the surrounding area. I am satisfied that this approach works on this site and provides gaps between the buildings which responds better to this part of Vicarage Road than a terrace form. The building line for the new buildings follows the pattern of the PH and stable block providing a strong edge to the road.

Form and massing:

The typology proposed is based on an assessment of the local area, which is predominantly 2 storey terraced housing which has a fairly consistent approach to detailing. The PH itself is a higher order building and represents a local landmark in the street scene; the stable block is a low key utility building with understated detailing typical of a building performing this function.

The site presented constraints in terms of the relationship at the rear to the

buildings on Oxford Street and given the locally listed buildings on Vicarage Road a two storey building height is required ; the proposed buildings are two storey and have taken the eaves line of the Red Lion PH as the height for the top of the first floor.

The other issue for consideration in the pre-application meeting was the roof form – the area is characterised by pitched roof form, mostly straightforward gable with limited hip forms. To make use of this roof form on the buildings for this scheme would be difficult and would be unlikely to present a satisfactory roof form. It was agreed that a more contemporary design approach derived from the buildings in the area could be developed and that a flat roof form on the frontage would be acceptable providing the eaves line of the Red Lion was continued through as the main horizontal reference point. This has been done and the flat roof approach is an acceptable one for this location.

Rear elevations :

The design approach for the rear of the new buildings presents issues in terms of privacy, overlooking and visual appearance. The applicant has chosen to limit the number of windows in the rear elevation to the walls which are set back into the development and to use obscure glazing in these. Light to the rooms is provided through windows to the side – which does create issues of overlooking within the scheme as well as to the adjoining properties. This is the weakest part of the design in my view as the rear elevation which will be viewed by residents of Oxford Street is quite bleak. The materials chosen, whilst seeking to reinterpret the slate roof materials used in the local area, used in the manner shown will appear to be dominant and out of character. I think the rear elevation could be improved in a number of ways:

- Vertical hanging of the metal cladding;*
- Reduced amount of the metal – maybe part brick – ground floor?*
- Breaking up the area possibly by introducing metal window lights on the sloped section – positioned to avoid overlooking but provide some additional light to the upper floor room; these should have a vertical orientation.*

I think some colour rendered impressions showing the colour of the building materials would help as well.

Front elevations:

The applicant has gone to some length to respond to the cues from the PH and the stable block; the decision to split the material across the elevations is derived from the Red Lion which has brick on the ground floor and render on the first floor; here brick is used on the ground floor and metal cladding on the upper floor. I am not wholly convinced that the use of the cladding on the front projecting element works in this location and whether a more subtle distinction could be made using changes in brick courses – such as vertical laid brick rather than horizontal (I have seen photographs of this used on a modern house in Haringey (architects were Satish Jassal) located next to Victorian terraced houses and it does create a different dynamic to the building without the need for dramatic contrasts.

The fenestration pattern is based on the tripartite windows found on the PH and the low level horizontal windows found on the stable block; I am broadly happy with this but I would like to have more information on the supplier and depth of reveal at this stage; the depth of reveal in particular has a significant impact on the way the elevation works and is important to determine at this stage rather than leave to condition.

The front entrances are recessed but open which will afford some protection to residents without compromising their safety – they will be visible from the pavement and the road; although bringing the doors slightly further forward would improve safety. I would like to see a detail showing the patterned brickwork in this area at this stage as well. It may be beneficial to set the central door slightly further into the building or differentiate it slightly from the other two doors – there is a strong symmetry to the design of this elevation and having three identical doors is slightly at odds with this.

Boundary treatment: the plans show a low wall with hit and miss fencing above it – I would prefer the small amount of central wall to all be brick – with wooden doors –

again a variation on the way the courses are laid could provide interest or an approach where a pattern is made by removing bricks so there are holes in the wall following a set pattern.

In conclusion, I think the broad principle of the approach is acceptable and there is no requirement to follow a Victorian pastiche approach on this site; well designed contemporary buildings are acceptable in conservation areas providing they can sit well alongside the existing buildings. I believe that the scale, massing and form of the new buildings works well alongside the existing buildings. There are some changes which should be made to improve this approach before it can be said to be wholly successful particularly in relation to the rear of the buildings. I am not entirely happy with the fenestration to the rear and think this needs review both in terms of aesthetic appearance and privacy/overlooking issues both between existing and proposed and within the scheme.

There are some changes suggested to the front as well which should be implemented prior to a successful scheme being permitted.

At the moment, for the reasons above, I don't think the design quality is there to meet the tests for a conservation area scheme set out above, but I think with work and revision this could be achieved. At present there balance is more towards harm than preservation/enhancement.

I think the amount of built form proposed is at the maximum limit that this site could take.

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition 1. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway.

Advisory Note.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The

public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Reason: In the interest of highway user's safety.

Details:

Planning Application

Application is for a residential development on a vacant land to provide 8 self-contained flats within 2 separate buildings.

Site and surrounding

The site is currently an area of open scrub land adjoining the Red Lion Public House and the associated stable block. The area fronts on to Vicarage Road to the south and is bounded by a footpath along the northern boundary. Directly opposite to the site is the North Stand of Watford Football Stadium. The surrounding area is a mixture of commercial and residential properties.

Accessibility

The site is within few minutes walking distance to Watford Town Centre and the Watford Junction Railway Station is only a few minutes ride by bus. Watford junction Station is a main railway station in the area providing regular service to London and various other destinations. By year 2018 the proposed Croxley Link is to provide an London Underground station within few minutes walking distance from the site. A4145 Vicarage Road is a main distributor road with number of bus stops and regular bus service along the road. There is a primary school within few minutes walking distance and the Watford General Hospital is only 5 minutes walking distance.

Watford Town Centre is only a few minutes walking distance from the development site. The town is a major regional shopping area with all the daily necessary

facilities and employment opportunities. The local area adjacent to the application site contains various facilities such as shops, eating places etc.

In summary site is in a highly sustainable location. There is an excellent opportunities for residents to use all modes of transport and the access to all the necessary facilities.

Access and Parking

There is no parking provisions associated with the site. The proposal is to provide no on-site parking. The applicant proposal is for a car free development.

On-site parking is a matter for the local planning authority. However, Vicarage Road and the adjacent road network are within Controlled Parking Zone, which is permit parking or pay and display parking only. Pay and display parking is for a maximum of 2 hours on Monday to Saturday between 8.00AM to 6.30PM. Residents of the development will not be eligible for parking permits, and therefore will not be able to park the cars within the development or on surrounding road network.

Considering the location of the proposed development and its close proximity to Watford Town Centre and the extent of transport facilities with easy access to employment opportunities and other daily facilities, the location of the site is considered as suitable for a car free development.

Conclusion

The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.

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

Hertfordshire Constabulary (Crime Prevention Design Advisor)

Security – ADQ and SBD:

In October 2015, Approved Document Q (ADQ) came into force 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 this 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.*
- b. Ground level 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 or within 400mm of external doors to include laminated glass as one of the panes of glass.*

Also because of the location and the potential for public disorder on football days, I would ask for laminate glass in all ground floor windows overlooking Vicarage Road.

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.

Arboricultural Officer

The proposals indicate the removal of protected trees T1 Birch, and T3 and 4 both cherry and the crown reduction of the sycamore T2 of TPO 259: replacement tree planting is proposed. Whilst I am not too concerned about the removal of trees T3 and 4 the combined reduction of tree T2 and removal of T1 with the erection of the buildings will remove much of the visual amenity the trees provide to the wider landscape. Also the retention of the sycamore in close proximity to the buildings whilst technically possible is not practical in the longer term as the tree will need to be maintained at this reduced size to maintain tree to building clearance the area below the tree will not be particularly useable either due to shading, honeydew deposits and debris from the tree. The replacement planting is to the rear of the properties and will not add significantly to the public treescape due to limited views from Vicarage Road, however they will provide some softening and screening to the properties in Oxford St.

Should permission be granted the following conditions should be attached.

Details of tree protection for the retained tree shall be submitted and approved prior to work commencing on site together with details of Arboricultural work expressed in metres for any reduction of the retained tree.

A detailed landscaping scheme showing details of plant/tree species, planting sizes and planting densities/quantities.

Details of the routing of all below ground services including soakaways and any temporary connections shall be submitted and approved prior to work commencing on site.

The applicant subsequently submitted amended plans to show replacement trees closer to the Vicarage Road frontage. Furthermore, the applicant's Arboricultural Consultant provided the following comments on 16th February 2016:

The pruning work proposed is designed to balance the form and density of the crown and help to bring the tree into a harmonious balance with the development. The tree will still remain a focal specimen above the building and also between the main elevations of the two structure while softening the hard vertical form. While I understand the concern that the trees may be close to the building the authority has placed a tree preservation order on the tree and this means that they have overall control on the pruning that is allowed to occur.

Given the constrained nature of the site there will always be some negligible conflict between the tree and the building that can be carefully managed with some relatively minor pruning, as is accepted with the British Standard and Trees in Towns 2 report. This pruning, if appropriately specified should not be overly detrimental to the longer term amenity value of the tree and that of the conservation area. If robust clear direction is given by the LPA, regard the level of pruning, it is considered to be an appropriate relationship between the tree and building which could be managed sufficiently, just like the LA already does with its own tree stock, especially given the constrained nature of the site.

By retaining the tree close to the building the tree is able to form a crown over-sailing the building and this will enable greater light to enter under the crown of the tree. This from experience, dealing with trees in central London, enables the tree to be managed less aggressively and avoids the need to reduce the tree. The modern engineered foundations should eliminate the risk of concern of root related damage, thus also avoiding the need to aggressively reduce the size of the tree.

In view of the above, I would suggest if appropriate conditions are placed on tree protection, site management and correct compliance monitoring of the tree protection measures, the relationship proposed should achieve a sustainable balance. This combined with new tree planting to the front of the site will enable a

more balanced site specific tree/building relationship which will provide greater visual amenity to the conservation area in the long term.

The Arboricultural Officer provided the following response on 17th February 2016:

I am happier with the relocation of the new trees as this brings them more to the fore. As far as the pruning/location/proximity of the retained sycamore is concerned I still have my doubts about its relation to the buildings, not from a health of the tree point of view but its impact upon the occupiers of the buildings, however as they state we can refuse any work that is considered excessive under the TPO.

Amended plans were submitted on 22nd March 2016 and the Arboricultural Officer provided the following additional comments:

The amended plans indicate an additional 5sqm incursion into the root protection area of the sycamore, however with the proposed crown reduction of the tree this is not a significant amount and should not significantly harm the tree. It also brings the proposed buildings closer to the proposed reduced canopy of the tree and may require further cutting back to provide a suitable tree to building clearance. If this is the case this should be kept to an absolute minimum as we are already looking at a significant reduction.

Environmental Health

Looking at the information provided, we have the following comments at this stage:

Noise on Construction Sites - COPA

The developer must carry out all construction work audible at the site boundary only between the following hours:-

Monday – Friday 8.00 to 18.00

Saturday 8.00 to 13.00

and at no time on Sundays and Bank Holidays

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. 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.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

6.0 APPRAISAL

6.1 Main issues

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

- (a) Land use
- (b) Housing
- (c) Design, appearance and the character of the Conservation Area.
- (d) The quality of the new accommodation provided.
- (e) Impact on amenity of adjoining residential properties.
- (f) Highways impacts and car parking provision.
- (g) Trees and landscaping

6.2 (a) Land use

The application site consists of an un-developed open parcel of land adjacent to the Red Lion Public House. The land appears to be within the curtilage of the Public House, however it is not used for any particular purpose and is not used for recreation. Four large poster signs were displayed on the land for a number of years, however these are no longer in place. The land has not been maintained and over the last few years there have been a number of complaints to the Environmental Health department about the dumping of rubbish at the site. The current owner has erected hoardings around the site to secure the land, however this has been carried out in breach of planning control. A retrospective planning application for the hoarding was submitted on 3rd March 2016 (ref: 16/00318/FUL).

6.3 Policy SS1 of the Watford Local Plan Core Strategy 2006-31 states that most development will take place on previously developed land. As such, in terms of plan-making, housing allocations on previously developed land will be prioritised. However, it is important to note, in terms of making decisions on planning applications for residential development, that there is no presumption in the Core Strategy or the National Planning Policy Framework against residential development on land that is not previously developed. Such applications must be

determined in the light of the policies in the Development Plan and other material planning considerations.

- 6.4 The application site is not designated as an Open Space or Wildlife Corridor on the Proposals Map of the Watford District Plan 2000. The site is identified on the Proposals Map as being within a Predominantly Residential Area. There are no designations that preclude the principle of residential development on the site.
- 6.5 The Red Lion Public House has been designated as a community asset, which means that it has been entered onto a list of assets of community value. The land subject of the application has been included in the designation because it is within the curtilage of the Public House. However, as discussed above, the land does not serve any function as part of the Public House therefore it is not considered that the provision of residential development on the land would be detrimental to the functioning of the community asset.
- 6.6 Bearing in mind that the application site is an untidy piece of land with no particular use, that the site is not designated Open Space, and that the site is located in a predominantly residential area, the redevelopment of the land to provide residential accommodation is considered to be acceptable in principle.
- 6.7 (b) Housing
Policy SS1 of the Watford Local Plan Core Strategy 2006-31 states that the Council seeks to deliver a minimum of 6,500 additional homes by 2031. Policy HS2 states that medium density developments such as flats and houses may be appropriate close to neighbourhood centres where they are well served by transport links. The architect has shown through the design process in the Design and Access Statement that flats are most appropriate because of the constraints of the site – houses would cause increased overlooking of neighbouring properties and larger gardens would be expected for family-sized houses. The application site is close to the shops and services in Vicarage Road and is well served by transport links, therefore medium density flats are appropriate.

6.8 The proposed development would provide less than 10 dwellings and the site area is less than 0.5ha, therefore affordable housing is not required.

6.9 (c) Design, appearance and the character of the Conservation Area

Paragraph 129 of the National Planning Policy Framework states that “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal*”.

6.10 The application site is located within The Square Conservation Area and is adjacent to the Locally Listed Red Lion Public House and stable block. The Conservation Manager has highlighted that the Locally Listed buildings make a positive contribution to the character and appearance of the Conservation Area. Furthermore, the land subject of the application makes a positive contribution to the setting of the heritage assets because it has been within the curtilage of the Public House since the tithe map of 1842 and the open space and trees contributes to the character and appearance of the Conservation Area. As such, the land makes a positive contribution to the significance of the Conservation Area.

6.11 Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 134 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.12 The Conservation Manager states that the proposed development would clearly have an impact on the Conservation Area as it removes the existing open space which has been part of the curtilage of the Red Lion Public House and replaces it

with built development. As such, new development would need to meet the tests in paragraph 137 of the NPPF to preserve or enhance the character and appearance of the Conservation Area and Locally Listed Buildings.

- 6.13 The form and massing of the proposed development is considered to be appropriate in context of the surrounding area. The two storey height of the buildings would be compatible with the two storey terrace houses to the rear of the site. The proposed buildings would be no higher than the eaves of the Red Lion Public House, therefore they would not appear dominant adjacent to the heritage asset. The Conservation Manager considers that a contemporary design approach derived from the buildings in the area could be developed and that a flat roof form would be acceptable. The Conservation Manager notes that a pitched roof on this building typology would be unlikely to present a satisfactory roof form.
- 6.14 The Conservation Manager highlights that the applicant has gone to some length to respond to the cues from the Red Lion Public House and the stable block. The ground floor front windows of the proposed buildings reflect the proportions of the stable block windows and the first floor fenestration pattern is based on the tripartite windows of the Public House. The Conservation Manager noted that the proposal to use different materials for the ground and first floor of the elevations was a response to the Public House, which has brick on the ground floor and render on the first floor, however the proposed use of metal cladding on the first floor is not appropriate in this location. It was suggested that a more subtle distinction could be made using changes in brick courses. The applicant has responded to this feedback and has replaced the metal cladding on the first floor with brick. The amended plans show that the ground floor would have an alternative brick bond which would provide a more subtle distinction between the ground floor and first floor. It is considered that this amendment has improved the appearance of the proposed development.
- 6.15 The applicant has responded to the Conservation Manager's feedback regarding the depth of the window reveals and the patterned brickwork in the recessed front entrance. It is considered that the depth of the window reveals is sufficient and

would provide definition to the windows. Furthermore, the applicant has amended the front boundary treatment in accordance with the Conservation Manager's comments.

6.16 As such, it is considered that the contemporary design of the front elevation responds to the features of the adjacent Locally Listed Red Lion Public House and stables block and would therefore preserve the significance of the heritage asset. The layout and spacing of the buildings would sit well in the street scene and would be in keeping with the building line of the Public House and stables block. The Conservation Manager notes that the scale, massing and form of the new buildings works well alongside the existing buildings.

6.17 The Conservation Manager commented that the use of metal cladding on the rear elevation would make the buildings look dominant and out of character when viewed from the properties in Oxford Street. The applicant has sought to address this issue by removing the rear projecting elements from the scheme and replacing the metal cladding with brickwork. It is considered the use of brickwork would be more in keeping with the surrounding area and the dominance of the building to the houses at the rear has been reduced.

6.18 Taking the above into account, together with the comments provided by the Conservation Manager and the amendments made by the applicant, it is considered that the proposed development would preserve the character and appearance of The Square Conservation Area and would preserve the setting of the adjacent Locally Listed Red Lion Public House and stables block.

6.19 (d) The quality of the new accommodation provided

The floor areas and room sizes of the proposed flats comply with the Nationally Described Space Standard. The floor areas would be at least 50sqm. in area and would have a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area. Furthermore, the proposed flats meet the minimum space standard for built-in storage. The double bedrooms would exceed the 11.5sqm minimum standard and would exceed the minimum widths of 2.75sqm. As such, the layout of

the proposed flats would provide sufficient internal space for future occupants.

6.20 The proposed flats would be served by a number of windows in the front and side elevations of the buildings, which would provide sufficient outlook from the main living areas. The front windows of the buildings would face within 90 degrees of due south and the living/dining/kitchen areas would be open-plan, therefore the main living areas would receive good levels of daylight and sunlight. The levels of light received by the rear bedrooms of the proposed ground floor flats may be restricted because two of the flats would have main windows that face north-east and the Sycamore tree would overshadow the bedroom windows of the two ground floor flats in the middle of the site. However, the Building Research Establishment guidance document '*Planning for Sunlight and Daylight. A guide to good practice*' (2012) highlights that natural lighting of bedrooms is not as important as living rooms. The main living areas would receive good levels of daylight and sunlight, therefore an acceptable standard of amenity would be provided for future occupiers.

6.21 The side windows serving the living rooms and bedrooms of the ground floor flats in the middle of the site would face each other, however the proposed fence between the buildings would ensure that there would not be an unacceptable level of overlooking between the ground floor flats. The side windows serving the living rooms and bedrooms of the first floor flats are positioned so as to only allow oblique views between the windows of the proposed buildings. As such, the proposed development would provide an acceptable level of privacy for future occupiers.

6.22 The proposed ground floor flats would have direct access to private individual gardens with a usable space of between 44 – 47sqm, which is slightly below the Residential Design Guide minimum standard of 50sqm. The proposed gardens are around 10sqm larger as a result of the removal of the rear projections from the scheme. Given the limited depth of the site, it is not considered that larger gardens would be feasible in this case. Furthermore, it should be borne in mind that this is a high density area where many of the nearby Victorian houses in Oxford Street, Souldern Street and Banbury Street have usable garden areas of less than 50sqm.

In these circumstances, it is not considered that a reason for refusal could be justified. The proposed first floor flats would not have access to a garden, however they would have external balconies, which would be large enough to be used as a seating area. Bearing in mind that the proposed first floor flats would not provide family-sized accommodation and that the site is in a high density area, the amount of outdoor amenity space is considered to be acceptable.

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

6.24 (e) 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. Furthermore, paragraph 7.3.16 of the RDG states that a minimum direct distance of 11m should be achieved between upper floor habitable windows and property boundaries in order to minimise overlooking of private gardens.

6.25 The proposed flats would be less than 27.5m from the rear windows of neighbouring properties in Oxford Street and the rear windows would be less than 11m from the rear boundary. However, the main aspect from the flats would be from the front and side windows. The plans show that the rear windows would be obscurely glazed, therefore there would be limited overlooking into the neighbouring properties in Oxford Street. The amended plans show that in comparison to the original plans each of the first floor flats would have an additional

first floor rear window – a total increase of 4 windows, however the windows are shown to be obscurely glazed and therefore would not cause an unacceptable level of overlooking. Furthermore, in comparison to the original drawings the floor level of the proposed buildings has been lowered, therefore the position of the windows is lower. A condition could be attached to any grant of planning permission to require the rear windows to be fitted with obscure glass at all times and to be non-opening to a height of 1.7m above the internal floor level.

6.26 The upper floor side windows of the proposed building closest to the south-western boundary would be 16m from the side windows of No. 107 Vicarage Road. The neighbouring property appears to be a House in Multiple Occupation and there is an outbuilding adjacent to the boundary with the application site which appears to be used for residential accommodation. Paragraph 7.3.16 of the Residential Design Guide states “*where a habitable room only has side windows on the flank elevation, a minimum separation distance of 10m between windows will be required*”.

Therefore, the separation distance of 16m is acceptable. A further consideration is that the front windows of properties in Oxford Street and Souldern Street have a separation of approximately 15m, which is a comparable relationship.

6.27 The upper floor side windows of the proposed building closest to the south-western boundary would not maintain a distance of 11m to the boundary, which is contrary to the guidance in paragraph 7.3.16(b) of the Residential Design Guide. However, the adjacent garden at No. 107 Vicarage Road appears to be used as a communal garden for the House in Multiple Occupation and it is already overlooked.

Therefore, in these circumstances, the upper floor side windows of the proposed building would not cause a significant increase in overlooking to the garden of No. 107 Vicarage Road.

6.28 Sunlight and daylight:

Paragraph 7.3.13 of the RDG details the 25 degree rule for assessing the impact of new development that is parallel to existing properties. The proposed buildings would not infringe the 25 degree line measured from the centre of the ground floor

rear windows of properties in Oxford Street, therefore there would not be a significant loss of sunlight or daylight to the habitable rooms of the neighbouring properties. The proposed buildings would cause some overshadowing of the end part of the neighbouring rear gardens in the morning, however it is not considered that there would be significant overshadowing of the main outdoor amenity areas.

6.29 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”*. Officers raised concerns about the dominance of the proposed buildings when viewed from the neighbouring terraced houses in Oxford Street because of the close proximity of the rear projecting sections to the boundary and the use of metal cladding which appeared to exacerbate the dominance of the buildings. The applicant has sought to address these concerns by removing the rear projecting sections from the scheme, which has increased the distance between the buildings and the boundary. Furthermore, the floor level of the buildings has been reduced which has lowered the height of the buildings. Also, the metal cladding has been replaced by brickwork which gives a more sympathetic appearance. As such, the above amendments have reduced the dominance of the proposed buildings and it is not considered that there would be a significant harmful effect on the outlook from properties in Oxford Street. It should be borne in mind that the back-to-back distances between the proposed buildings and houses in Oxford Street would be comparable to the back-to-back distances of properties in Souldern Street and Oxford Street. The proposed buildings would not appear overly dominant in context of the surrounding area and would not cause an unacceptable sense of enclosure to neighbouring properties.

6.30 Taking the above into account, the proposed development would have no adverse effect on the residential amenities of neighbouring properties.

6.31 (f) Highways impacts and car parking provision

The Highway Authority have no objection to the proposed development. The application site is located within walking distance to Watford town centre and is well served by passenger transport facilities. No on-site parking spaces are proposed, which is acceptable in a sustainable location such as this.

6.32 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 Unilateral Undertaking to remove permit entitlement for future occupants of the proposed dwellings. This is to ensure that future occupants of the proposed development would not exacerbate demand for on-street parking in an area that already experiences parking problems. The owner has indicated a willingness to complete a Unilateral Undertaking to meet the costs of varying the Traffic Regulations Order 2010 to remove permit entitlement of the future occupants of the development.

6.33 The submitted plans indicate that the flats would have cycle parking facilities, which accords with the sustainable transport objectives in “Saved” Policy T10 of the Watford District Plan 2000.

6.34 (g) Trees and landscaping

The application proposes work to trees protected by Tree Preservation Order 259 involving: the cutting back of the canopy of the Sycamore tree T2; the removal of the Birch tree T1; and the removal of Prunus trees T3 and T4. The removed trees would be replaced by new trees close to the Vicarage Road frontage. An Arboricultural Assessment has been submitted with the application, which assesses the condition and life expectancy of the trees. The assessment shows that the Sycamore tree T2 is of sufficient size and scale to provide significant benefit to the broader amenity of the Conservation Area. It is classed as a Category B tree – moderate quality with an estimated life expectancy of at least 20 years. The Sycamore tree would be retained, however works to the crown are proposed, including: crown lift up to 3m and crown thin by maximum of 20% on south/south-eastern side; 3m lateral tip crown reduction on south/south-eastern side crown to aid facilitation of development and to balance crown. The Arboricultural Officer has

confirmed that the proposed work to the Sycamore tree T2 would not have a significant impact on its health or amenity value, however he has concerns about its relation to the proposed buildings in terms of its impact on the future occupiers of the proposed buildings. The Sycamore tree T2 would restrict daylight and sunlight to the bedroom windows of the ground floor flats in the middle of the site, which is a negative aspect of the proposed development, however the main living areas would receive good levels of daylight and sunlight, as discussed in paragraph 6.20. The tree would cause some overshadowing of the proposed garden areas, however it is not considered that this would warrant a refusal of planning permission.

- 6.35 The Birch tree T1 is classed as a Category C tree – tree of low quality with an estimated life expectancy of at least 10 years. The assessment states that the tree has matured and is passing towards the later stages of its life cycle for its rooting environment – evidenced by its asymmetric crown structure caused by light competition with the larger Sycamore tree; large sub-dominant scaffold limb carrying large volume of the crown on the south-eastern side of the tree; extensive included fork of main lower limb; small cavity on trunk from former branch removal; and its sparse crown. The assessment comments that the amenity loss of the tree could be compensated by planting a number of replacement trees.
- 6.36 In relation to the 2no. Prunus trees T3 and T4, the assessment states that these are actually one tree – it is identified as a multi-stemmed tree which is heavily covered in Ivy. The Prunus is assessed as a Category U tree – a tree in such a condition that it cannot realistically be retained as a living tree in the context of the current land use for longer than 10 years. The assessment states that the removal of the tree and replacement would be considered regardless of the proposed development due to the poor form and extensive very tight included unions.
- 6.37 The application proposes the replacement of the Birch tree and Prunus tree(s) with new trees towards the front of the site. The siting of the trees adjacent to the Vicarage Road frontage would provide amenity value to the street scene. The Arboricultural Officer has stated that he is satisfied with the location of the replacement trees. He has stated that a condition should be attached to any grant

of planning permission to require details of the construction of the new tree planting pits, irrigation, and root trainers to be submitted to the Local Planning Authority for approval.

- 6.38 The Arboricultural Assessment comments that the Sycamore tree T2 would not be adversely affected by the proposed development due to the distances between the tree and the proposed excavation and construction activities. The proposed excavation would not cause significant incursion into the Root Protection Area of the tree. Tree protection measures are suggested and these could be secured by an appropriately worded condition.

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.

- 7.2 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.

- 7.3 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.

7.4 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure site specific requirements.

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

7.6 The proposed development is also one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure fire fighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings by means of a planning obligation. The requirements for fire hydrant provision are set out within the County Council's *Planning Obligations Toolkit* document (2008) at paragraphs 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 Accordingly, the contribution sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order and the County Council's requirement for fire hydrants meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking a financial contribution and the County Council's approach to seeking the provision of fire hydrants by means of planning obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

7.11 The Council's contribution in the case of the development proposed in this application is set out below:

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

8.0 CONCLUSION

8.1 The contemporary design of the proposed buildings responds to the features of the adjacent Locally Listed Red Lion Public House and stables block and would therefore preserve the significance of the heritage assets. The layout and spacing of the buildings would sit well in the street scene and would be in keeping with the building line of the Public House and stables block. The scale, massing and form of the new buildings works well alongside the existing buildings. The applicant has sought to incorporate amendments suggested by the Conservation Manager and it is considered that the proposed development provides an acceptable appearance which preserves the setting of the adjacent Locally Listed buildings and the character and appearance of The Square Conservation Area.

8.2 The applicant has sought to address concerns from officers in relation to the dominance of the proposed buildings when viewed from the neighbouring terraced properties in Oxford Street. It is considered that the amended plans reduce the impact on the outlook from properties in Oxford Street. Furthermore, the proposed development would not cause a significant loss of daylight or sunlight to neighbouring properties. The windows in the rear elevation of the proposed building

would be obscurely glazed, therefore there would not be a significant loss of privacy to neighbouring properties.

- 8.3 The floor areas and room sizes of the proposed flats would exceed the Nationally Described Space standard and the proposed development would provide an acceptable standard of amenity for future occupiers.
- 8.4 The protected Sycamore tree would be retained and the Arboricultural Officer has stated that the proposed works to the tree are acceptable. The Birch and Prunus trees are not high quality specimens and their replacement with new trees to the front of the site is acceptable.
- 8.5 As such, taking the above into account, the proposal is considered to be a sustainable development and it is therefore recommended that the application should be approved.

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 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:-

P001 Rev A; P002 Rev A; P003 Rev D; P004 Rev D; P005 Rev D; P006 Rev D; P007 Rev D; P008 Rev D; P009 Rev D; and P010 Rev D.

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

3. No 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 damp proof course 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 Policies UD1 and UD2 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 damp proof course level shall commence until detailed drawings of the window and door reveals, recessed sections, brick detailing and capping to 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 Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

6. 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 landscaping scheme shall include details of the construction of the new tree planting pits, including details of irrigation and

root trainers. 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. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

7. 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 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 wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

8. The works to the Birch tree T1, Sycamore tree T2 and Prunus trees T3 & T4 of Tree Preservation Order No. 259 shall be carried out in accordance with the recommendations in Appendix B of the Arboricultural and Planning Impact Assessment Report (ref: ASH/PEW/AIA/1221:15) dated 5th January 2016 carried out by Ashmore Arboricultural Services Limited, unless otherwise agreed in writing by the Local Planning Authority. The tree works shall be carried out in accordance with guidance set out in British Standard BS3998.

Reason: In the interests of the visual appearance of the site and to ensure a satisfactory standard of tree work.

9. No construction works shall commence until details of tree protection measures, including tree protection fencing and ground protection, has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be in accordance with the recommendations in the Arboricultural and Planning Impact Assessment Report (ref: ASH/PEW/AIA/1221:15) dated 5th January 2016 carried out by Ashmore Arboricultural Services Limited and guidance set out in British Standard BS3998. The approved tree protection measures 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. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

10. No construction work shall commence until details of the routing of all soakaways and 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 soakaways, 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. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

11. No construction works shall commence until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site, and, to ensure that sustainable transport objectives are met. This is a pre-commencement condition as the details need to be approved by the Local Planning Authority before the development is constructed.

12. The proposed windows in the north-western rear elevations of the buildings hereby permitted shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

13. No construction works 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.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 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. 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.
4. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

To find out more information and for advice as to whether a Building Regulations application will be required please visit

www.watfordbuildingcontrol.com.

5. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf

6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

7. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

8. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Drawing numbers

P001 Rev A; P002 Rev A; P003 Rev D; P004 Rev D; P005 Rev D; P006 Rev D;
P007 Rev D; P008 Rev D; P009 Rev D; and P010 Rev D.

Case Officer: Chris Osgathorp

Email: chris.osgathorp@watford.gov.uk

Tel: 01923 278968