

PART A	
Report of: Head of Development Management	
Date of committee:	23rd November 2016
Site address:	51-65, The Brow
Reference Number:	16/01029/FULM
Description of Development:	Demolition of existing retail units and residential flats to be replaced by 8 new retail units and 38 no. affordable flats (20 x 1 bed, 15 x 2 bed and 3 x 3 bed).
Applicant:	Watford Community Housing Trust
Date Received:	20th July 2016
13 week date (major):	19th October 2016 (extended by agreement to 23rd December 2016)
Ward:	Woodside

1.0 Site and surroundings

- 1.1 The site is located on the northern side of The Brow and occupies a single plot between Newhouse Crescent to the east and Louvain Way to the west. It comprises the local shopping parade for the surrounding residential area and incorporates 8 retail units at ground floor with 8 maisonettes above. It was erected in the 1950s along with the remainder of the estate. All 8 retail units are occupied and it provides a varied range of services to the area. To the rear, accessed from Louvain Way, is a servicing yard with storage units and informal parking serving the retail units.
- 1.2 The parade itself is a single, rectangular block with a 3 storey central element and two 2 storey 'wings' at either end. All 3 elements have pitched, gabled roofs. In front of the parade is a wide, paved area with trees, linked by a short flight of steps to a parking lay-by on The Brow. The first and second floor maisonettes are accessed via a rear walkway.
- 1.3 The surrounding area is residential comprising semi-detached and short terraces of properties, mainly houses but also including some flats and maisonettes. All are 2 storey with pitched, gabled roofs. The area exhibits a strong uniformity in design and materials typical of its era.

2.0 Proposed development

- 2.1 The proposal is to demolish the existing building and the erect a new, U-shaped block comprising 8 retail units at ground floor and 38 flats above. The building is 4 storeys with a flat roof. The main element faces The Brow and is set 4m forward of the existing building. On Newhouse Crescent the building provides a new frontage to this road, extending to the boundary with the existing sub-station, and contains one of the residential entrances. On Louvain Way frontage, the building steps down from 4 storeys to 3 storeys adjacent to the boundary with 85/85a, Louvain Way and sited over the vehicular access. This element contains the second residential entrance. Both residential entrances lead to external walkways on the rear elevation at first, second and third floor levels.
- 2.2 The new retail units vary in size with a larger unit (190m²) occupying the corner of the building at the junction with Newhouse Crescent. This unit forms a feature at this prominent corner. A new servicing lay-by is to be formed within the highway on Newhouse Crescent adjacent to this unit. The existing vehicular access from Louvain Way will be retained and modified to provide access to a rear parking courtyard incorporating 38 parking spaces for the residential units. The existing parking lay-by on The Brow in front of the site will be retained.

3.0 Relevant planning history

- 3.1 There is no planning history of relevance to the current application.

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 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

4.4 **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
TLC2	Neighbourhood Centres
HS1	Housing Supply and Residential Site Selection
HS2	Housing Mix
HS3	Affordable Housing
T2	Location of New Development
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design

4.5 **Watford District Plan 2000**

SE7	Waste Storage, Recovery and Recycling in New Development
SE22	Noise
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H16	Retention of Affordable Housing
S9	Non-Retail Uses in North Watford Shopping Centre/Local Shopping Frontages
S11	Use Class A3 Food and Drink
S12	Planning Conditions for Use Class A3 Food and Drink

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

1A	Presumption in Favour of Sustainable Development
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- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

4.7 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

4.8 **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.

4.9 *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.

4.10 *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.

4.11 **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 5 Supporting high quality communications infrastructure

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Decision taking

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 157 properties in The Brow, Newhouse Crescent, Louvain Way, Cobb Green, Albanwood, Albans View, Weall Green and Poplars Close. Eleven letters of objection have been received, including one from Councillor Anne Joynes, together with a petition signed by 127 residents.

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

Number of original notifications:	157
Number of objections:	11
Number in support:	0
Number of representations:	11

The petition states:

“Plans are currently in motion for the redevelopment of The Brow shopping estate and flats. These plans involve the movement of each shop to small cabins located on Black Hill, located between the Community Centre and 36/34, The Brow, for a minimum of 18 months, the development is likely to last longer. The proposed plans for temporary relocation have not taken into account the effects it will have on neighbouring houses, the businesses and the community centre. Inviting numerous health and safety risks, waste management problems, accessibility and parking risks for the entire area.

The inclusion of generators for the cabins will provide an added noise pollution element to an already noise ridden area. The open plan for waste disposal will invite unwanted wildlife, smells and pollution to a wider range than just the covered area, added gas cannisters will provide a greater risk on all fronts if not properly protected. The proposed cabins, identical to the variety used by Watford Market, are unsecured and will provide an easy target for vandalism, endangering local businesses and those that depend on them.”

It should be noted that the proposed temporary retail units at Black Hill do not form part of the current application. The plans showing these are for illustrative purposes only to show the intention of the applicant to relocate the local businesses during the construction period rather than close them down. As such, matters relating to the temporary units are not material considerations in the determination of the

current application. The relocation of the existing businesses will be the subject of a separate planning application when the issues raised in the petition will be considered.

Update: Just before the agenda was published, the Council were advised that there will now be no temporary retail provision for the existing units during the construction period. Please see Section 6.11 below.

Many of the objections raised in the 11 letters of objection also relate to the provision of the temporary retail units on Black Hill and are not relevant to the consideration of this application. The objections raised that are material to the current application are summarised and considered in the table below.

Representations	Officer's response
Overdevelopment of the site. Pressure on local services.	The proposal will increase the number of residential units by 26. This will help to meet the existing demand for housing within the borough.
Parking congestion in the evenings and at weekends.	A detailed parking survey has been undertaken during the night-time period to assess existing parking demand. This is discussed within the report.
No safe places for children to play.	The development does not provide any on-site play facilities. However, the site is close to existing open space and play facilities.
Scale of development on Newhouse Crescent too large. Loss of outlook, light and privacy to houses opposite.	This is discussed in the report. Although the view from properties opposite the site will change, it is not considered that the proposal will have any significant adverse impacts in respect of outlook, natural light or privacy.
Scale of development on Louvain Way. Overbearing and out of character.	This is discussed in the report. Although the view from properties opposite the site will change, it is not considered that the proposal will have any significant adverse impacts in respect of outlook, natural light or privacy.
Darker bricks on Louvain Way are ugly.	The existing bricks in the surrounding area are dark red. The bricks to be used for the development will be subject to a condition requiring samples to be submitted.
Asymmetrical building proposed	The original pre-application scheme showed

with higher building on Newhouse Crescent.	a higher building on the Newhouse Crescent frontage. This was changed for the application submission. The whole building is now 4 storeys, except where it steps down to 3 storeys on Louvain Way.
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The Committee will be advised of any additional representations received after the date this report was written.

5.3 **Statutory publicity**

The application was publicised by 4 site notice posted on 04 August 2016 and by advertisement in the Watford Observer published on 05 August 2016. The site notice and the newspaper advertisement periods both expired on 26 August 2016.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Hertfordshire County Council (Highway Authority)

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Decision

Hertfordshire County Council (HCC) does not wish to raise an objection to the principle of the development; however, HCC recommends refusal of the planning application due to a lack of sufficient information to support that the proposed development will not have a severe impact on the safety and operation of the surrounding network. The following information is required for HCC consideration:

- Trip generation profiles for the existing and proposed development are required to ensure that significant trips will not be introduced to the network as a consequence of the proposed development.
- Clarification is required to ensure that the existing commercial uses will be the retained in the new building.
- A net impact assessment is required to compare the existing and proposed development trips for the development to support that further assessment is not required.

- Detailed plan is required for the proposed layby and a Stage 1 Road Safety Audit will be required to support that the proposed arrangements are safe and suitable for their intended use and location.
- Detailed site layout plan, including location of residential and commercial waste storage locations, is required.
- Parking stress survey for the daytime hours to address parking on-street as a consequence of the commercial space (depending on the clarification provided for point 2).

This additional information was submitted in the form of an 'Additional Transport Statement' dated October 2016. The further comments of the Highway Authority are summarised below:

Hertfordshire County Council (HCC), does not wish to raise an objection to the proposed development. HCC recommends granting permission of the proposed development.

Combined Trip Generation Profile:

As a consequence of the proposed changes to the development site, it is anticipated that the site would generate an additional 7 arrivals and 10 departures in the AM peak and 13 arrivals and 8 departures in the PM peak for a total of 17 and 21 additional two way movements for the AM and PM peak, respectively. This equates to approximately 1 vehicle every 3 minutes and is unlikely have a severe impact on the highway network.

Highway Safety:

Due to the nature of the proposed development, it is not likely that it will have a severe impact on the safety of the highway.

Road Safety Audit:

A Stage 1 Road Safety Audit (RSA) has been provided for the proposed new layby on Newhouse Crescent to justify that the proposed layby will be safe and appropriate for its intended use and location. This is deemed acceptable.

Parking Stress Survey:

The parking stress survey was undertaken for the overnight period and found that the existing parking stress on the surrounding network is 60%. The proposed displaced vehicles, 22 vehicles, would increase the parking stress by 10% for a total parking stress of 70%. The parking stress survey is considered suitable to justify that the proposed displaced vehicles for the residential units will not have a detrimental impact to the safety and operation of the highway.

The applicant states that as the proposed daytime parking stress is only 52% at 10am, any increase in parking demand as a consequence of the commercial space can be accommodated on the surrounding network. The parking stress survey is considered suitable to justify that the proposed displaced vehicles for the commercial units will not have a detrimental impact to the safety and operation of the highway.

Conclusion:

Hertfordshire County Council (HCC) are satisfied that sufficient information has been provided to justify that the site will not impact the safety and operation of the local network.

5.4.2 Hertfordshire County Council (Lead Local Flood Authority)

A detailed surface water drainage scheme has been designed for the site, in consultation with Herts. County Council as the LLFA. Their formal comments will be reported verbally at the meeting.

5.4.3 Thames Water

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

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.

5.4.4 Arboricultural Officer

The proposals indicate the loss of ten trees none of which can be reasonably retained due to the increased footprint of the proposed development. A one to one replacement with indicative location and species has been submitted as part of the application and I am happy with the proposals, however a detailed landscaping plan showing specie, planting size and locations should be submitted and approved.

5.4.5 Crime Prevention and Design Advisor

1. Physical Security – ADQ and SBD – Informative:

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 (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award.

Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

I would ask that if permission is granted, the above information is passed on to the applicant by way of informative.

2. Anti-Social Behaviour (ASB):

- a. The landscape design plan shows proposed trees as well as seating. Can I ask that the placement of the trees and choice of trees take into account CCTV coverage and does not hinder it?
- b. The public realm seating shown on page 24 of the DAS shows smooth edges which could be used as skateboard edges. I am content with single seating and would ask that bench seating has arms along its length to stop people lounging over them and preventing the edge becoming a skateboard edge.
- c. On page 25 of the DAS it says about lighting being improved with new columns. The placing of such columns should be so that the trees when they mature do not encircle the light column making it ineffective and also hindering night time CCTV coverage.
- d. The roof plan shows an access door. This must a security standard door so youths cannot obtain access to the roof.
- e. The aerial view on page 35 of the DAS appears to show that at either end of the parade there is a permanent canopy, which could become an informal youth shelter and aid youths congregating underneath. The plans do not appear to show these canopies? If there are canopies can they be removed, so as to remove an informal youth shelter and also aid natural surveillance over the area from the flats above? If they cannot be removed can they be as high and as narrow

as possible please?

3. Rear Parking area:

I am pleased this will be secured with appropriate access control and suitable lighting.

5.4.6 Urban Design and Conservation Manager

The proposed scheme involves the demolition of an existing but outdated parade of shops with residential units above and the construction of a new parade of shops and residential units involving an increase in the number of residential units and improved car parking arrangements. The application has been the subject of a number of pre-application meetings with planning officers, including discussions on the design of the new scheme.

The principle of the proposed demolition and new build is acceptable and the additional residential units welcomed.

Design comments:

The applicants have engaged in a positive way on design matters and have put together a proposal which responds well to the surrounding area and which will provide modern residential and retail units. The architectural style used here is a simple contemporary one which reflects the scale of the buildings in the area whilst introducing a more contemporary feel to the building. The principal elevations are well articulated with good use of a simple palette of materials. The use of textured brickwork and two complementary brick types works well and provides variety and interest without overly complicating the design. The vertical emphasis is used well to break up the length of the building. The building lines have been stepped to allow the principal element of the front elevation to be the strongest element and along Louvain Way to respond to the building line further along the road.

The fenestration pattern has been used to good effect to emphasise the vertical rhythm of the building. The window style chosen is simple and works well with the building. In this instance the reveals will work better if they are deep, so details showing the reveal depth will be needed or a condition setting the minimum – probably more the 600, nearer 800 as a minimum.

The materials identified should work well together and have been used to define the different elements of the building. The patinated copper panels will add interest to the building; but all materials will need to be agreed so a condition to this effect will be needed. I would like to see more details of the textured brickwork prior to commencement as well.

The use of external walkways for access will work provided the access is restricted and properly managed. I would suggest that the door to access the 2 bed flats on the corner of The Brow and Newhouse Crescent would benefit from not being recessed as much as there is little overlooking here .

I am pleased that the area will be landscaped well and that street trees are part of the new landscape plan. I assume that the CCTV cameras in the area will be reviewed as the building is constructed and should be located so that all areas are visible without losing valuable tree canopy which will provide shade and a softer edge to the development.

On the whole I am happy with the proposed scheme and subject to appropriate conditions happy to support an approval. The scheme meets national policy and local policy objectives representing and enhancement to the character of the area and providing improved residential and retail facilities.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of development.
- (b) Scale and design.
- (c) Residential amenity for future occupiers.
- (d) Affordable housing provision.
- (e) Impacts on adjoining properties.
- (f) Car and cycle parking.
- (g) Access and servicing.
- (h) Telecommunications mast relocation.
- (i) Surface water drainage.
- (j) Temporary retail provision.

6.2 (a) Principle of development

The application site comprises the local shopping parade serving the surrounding residential estate. It comprises 8 commercial units and 8 maisonettes above. The proposal will replace the existing commercial units with modern units, each one designed to meet the requirements of the existing businesses. A larger unit is being provided for the existing convenience store (190m²) and a smaller unit for the taxi office (57m²). The other units comprise one at 90m² and five at 60m². This will result in an increase in the overall commercial floorspace (+113m²) whilst also providing units to meet the long term needs of the existing businesses. This will

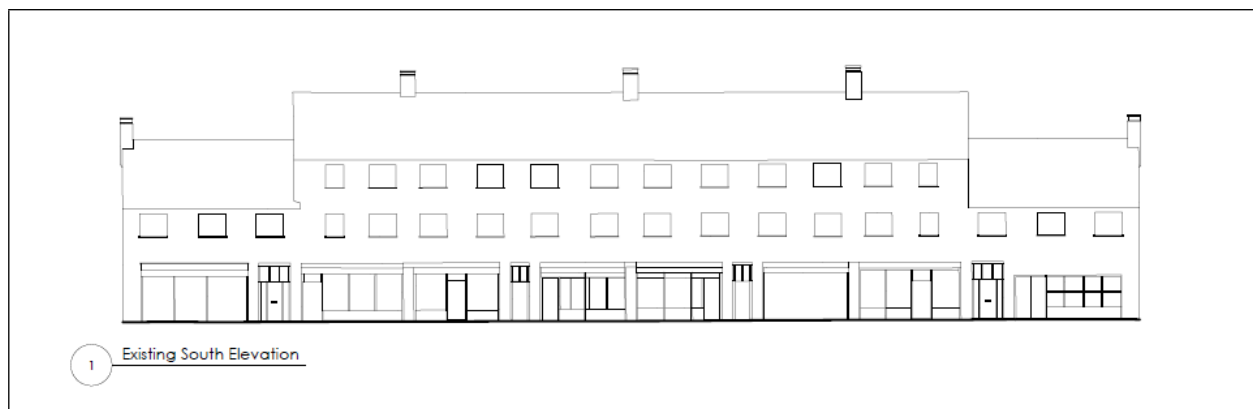
enhance the local shopping parade and secure its long term viability.

6.2.1 The Core Strategy also supports the intensification of development in sustainable and accessible locations, including neighbourhood centres. Although the local shopping parade is not a neighbourhood centre in terms of the definition used, nevertheless, it is the focal point of the residential area providing a good range of local services and goods including a convenience store, chemist, newsagent, bakery, hairdressers, taxi office and 2 take-aways. It is also directly served by the 8, 10 and 319 bus services, which serve Watford Junction, the town centre and hospital, and the community centre is opposite the site. Alban Wood primary school is also located a short distance to the west along The Brow. In this context, the site is appropriate for a higher density of residential units.

6.3 (b) Scale and design

The proposed building has a U-shaped footprint with active frontages to The Brow, Newhouse Crescent and Louvain Way. It is a consistent 4 storeys in height, with the exception of a 3 storey element at the northern end of the western wing, fronting Louvain Way, where the building adjoins 85/85a, Louvain Way. The building has a flat roof and incorporates external, rear walkways to provide access to the flats on each level. Two residential entrances are provided, directly linking to the rear walkways, on the Newhouse Crescent and Louvain Way frontages.

6.3.1 The proposed building has been designed to maximise the use of the site, particularly with regard to increasing the number of residential units, whilst respecting the scale of the existing building and the surrounding area. The existing building has a ridge height of 12m above pavement level on The Brow frontage and the proposed building has a height of 13m. This height is then used for the 2 wings on the building to give a uniformity and consistency to the building. Early, pre-application proposals to incorporate a 5 storey element on the eastern wing was removed following public consultation.



Existing elevation to The Brow



Proposed elevation to The Brow

6.3.2 The style is a simple, contemporary approach that provides a clear and legible building with a strong vertical emphasis provided by the inclusion of vertical ‘piers’ that rise up through the building from ground floor (providing separation between the commercial units) to roof level and the regular arrangement of the windows between these ‘piers’ on the upper floors. The main material to be used for the elevations is brick, with different coloured bricks proposed for the 2 wings of the building. This will help give further definition and interest to the building. The use of elements of patterned brickwork and infill panels will add further detail and interest to the building.

6.3.3 Overall, the proposal is considered to be a high quality building that is appropriate in its scale and design to the locality and which will enhance the character and appearance of the area.

6.4 (c) Residential amenity for future occupiers

The proposed flats have all been designed to meet the minimum floorspace standards set out in the Government’s ‘Technical housing standards – nationally described space standard’. This will ensure all the flats will have good levels of internal floorspace and storage.

Unit type	Minimum floorspace (m ²)	Actual floorspace (m ²)
1 bed, 2 person	50	50
2 bed, 3 person	61	62
2 bed, 4 person	70	75
3 bed, 5 person (duplex)	93	100

6.4.1 All of the flats have also been designed to be dual aspect, with those fronting The

Brow orientated north-south and those fronting Newhouse Crescent and Louvain Way orientated east-west. This will ensure all the flats will receive good levels of daylight and sunlight. The main living areas and main bedrooms have also been located on the outer elevations of the building where access to natural light will be maximised. All of the flats will also experience good levels of outlook and privacy, overlooking the public highway to the front and the secure courtyard to the rear.

6.4.2 In terms of private communal amenity space, the Residential Design Guide would require a provision of 590m² for the 38 units proposed. No communal amenity space is provided in this case as the only space available is at ground level and this used to provide car parking for the flats and servicing for the commercial units. This is not an unusual situation for residential flats above commercial premises within the town centre and other commercial sites such as this. In this case, 18 of the flats are provided with a private balcony or terrace area. Furthermore, the site is in close proximity to public open space at Cobb Green to the east and Black Hill to the south-west. Alban Wood lies a short distance to the south.

6.4.3 The residential flats are served by 2 stair cores, one located on the Newhouse Crescent frontage and one on the Louvain Way frontage. A secure, integral bin store is provided adjacent to each and these provide adequate storage facilities for waste and dry recycling, in accordance with the Council's standards.

6.5 (d) Affordable housing provision

Saved Policy H16 of the District Plan seeks the retention of existing affordable housing units within all schemes. In this case, the site currently includes 8 maisonettes that are all affordable housing. Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In this case, it is appropriate to apply this requirement to the additional units being provided after the 8 existing affordable units have been replaced. The scheme provides a net increase of 30 units, of which 35% equates to 10.5 units. The total affordable housing provision required in order to comply with saved Policy H16 and Policy HS3 is therefore 18.5 units. The applicant has submitted an affordable housing statement which states that 16 x 1 bed flats and the 15 x 2 bed flats are all to be for affordable rent. The remaining 4 x 2 bed flats are to be for shared ownership. A total of 35 units will therefore be affordable (albeit the 4 shared ownership units will not meet urgent housing need), in excess of the minimum requirement. The 3 x 3 bed flats are to be for market rent.

The mix of 1 bed, 2 person and 2 bed, 3 person flats is considered acceptable.

6.6 (e) Impacts on adjoining properties

The nearest residential properties are located on all sides of the application site on

the surrounding roads.

6.6.1 *Newhouse Crescent*

Adjoining the site to the north is a pair of semi-detached houses (nos. 103-105). These are sited 15m from the flank elevation of the proposed building at its closest point, with the existing electricity sub-station located in between. Both are set at an angle to the road. A horizontal 45° line taken from the middle of the nearest ground floor habitable room window is not bisected by the rear external walkways or the building itself. As such, the proposed building will have no significant impact on the outlook from this property.

6.6.2 The rear external walkways would allow overlooking of the rear elevations and garden areas of nos. 103-105 due to the proximity of the end of the walkway to the side garden boundary of no.103 (5.0m) and the angle at which nos. 103-105 are set. In order to prevent this overlooking and subsequent loss of privacy, a privacy screen should be erected at the end of the walkway at each level. This can be secured by condition.

6.6.3 On the opposite side of Newhouse Crescent to the site is a pair of semi-detached houses (nos. 86-88) and a short terrace of 4 properties (nos. 78-84). These face the site and the proposed building at a distance of 25-29m. Houses on the surrounding roads generally face each other across the highway at distances of 21-23m. Although the proposed building is 4 storey, it is considered that the distance of 25-29m is sufficient to ensure no significant loss of outlook to these properties. A vertical 25° line taken from the mid-point of the windows of the houses will not be bisected by the proposed building, ensuring that there will be no loss of natural light or outlook to these properties.

6.6.4 *The Brow*

On the opposite side of The Brow are 3 pairs of semi-detached properties comprising 4 flats each (nos. 50-72). These face the site and the proposed building at a distance of 26m. The proposed building has the same overall height as the existing building, although the pitched roof is replaced by a third floor with flat roof and the building is sited 4m closer to the highway. A vertical 25° line taken from the mid-point of the ground floor windows of the properties will not be bisected by the proposed building, ensuring that there will be no loss of natural light or outlook to these properties.

6.6.5 *Louvain Way*

Adjoining the site to the north is a detached property comprising 2 flats (nos. 85-85a). This property is sited only 2.5m from the flank elevation of the proposed building at its closest point. A horizontal 45° line taken from the middle of the

nearest ground floor habitable room window is not bisected by the main building. As such, the proposed building will have no significant impact on the outlook from this property.

6.6.6 On the opposite side of Louvain Way, the proposed building faces 30, Louvain Way (part of a pair of semi-detached houses) at a distance of 23m. A vertical 25° line taken from the mid-point of the ground floor windows of the house will not be bisected by the proposed building, ensuring that there will be no loss of natural light or outlook to this property.

6.7 (f) Car and cycle parking

The existing site provides informal parking for the commercial units at the rear of the parade. Aerial photographs have shown up to 13 vehicles parked in this area. The proposal will provide 38 car parking spaces within a new rear courtyard which will be allocated to the proposed 38 flats. This will be accessed from Louvain Way and will be secure. Based upon the Council's current parking standards within the Watford District Plan 2000, the proposed development would require a maximum of 53 spaces. Based upon the Council's emerging standards in the Local Plan Part 2, the total would be slightly lower at 50 spaces.

6.7.1 The actual level of provision sought within these maximum figures should have regard to the existing levels of car ownership within the area and the existing on-street parking situation, i.e. whether any significant parking congestion is currently experienced in the area.

6.7.2 Based upon the Census 2011 data for car ownership within the surrounding area (comprising 2000 households), the proposed 38 units are predicted to own 47 cars. This is likely to be an overestimate due to the fact that the predominant type of unit in the wider area is 3 bedroom houses whereas the development comprises principally 1 and 2 bedroom flats. However, this will allow a 'worst case scenario' to be assessed based upon a deficit of 9 spaces.

6.7.3 In order to assess the potential impact of this deficit of 9 spaces, a night-time on-street car parking survey has been undertaken to support the proposal. This has followed the same methodology as those submitted for other recent applications by the Community Housing Trust at Meriden Estate, Boundary Way, Haines Way and Hemming Way.

6.7.4 The parking survey undertaken followed the methodology developed by Merton Council and which is now widely used for parking surveys. The first stage established the survey area as all kerb space within 200m of the application site. This included parts of The Brow, Newhouse Crescent, Cobb Green, Louvain Way,

Poplars Close and the whole of Weall Green. The capacity of all parking bays and unrestricted on-street kerb space was then recorded within the survey area to calculate the maximum capacity of parking within the area. This excluded any on-street parking that would block existing accesses or which was deemed to be unsafe.

6.7.5 Two overnight parking surveys were then undertaken on Wednesday 20th and Thursday 21st January 2016 at 01.00am to establish the existing level of parking demand (or parking stress as a percentage of existing capacity) from local residents. The results as an average of both surveys are set out below:

Street name	Overnight average		
	Total parking spaces	Cars parked	Parking stress (%)
The Brow	54	37	69%
Louvain Way	56	23	41%
Newhouse Cres.	41	33	80%
Cobb Green	0	0	0
Weall Green	59	33	56%
Poplars Close	13	9	69%
Total	223	134	60%

6.7.6 This survey data shows the average parking stress was 60% within the survey area with Newhouse Crescent experiencing the highest stress at 80%. The survey revealed 89 parking spaces available on-street.

6.7.7 The surveys also recorded an average of 7 vehicles parked within the rear servicing yard of the shops. These will be displaced by the proposed development. Added to the 9 cars potentially generated by the residential flats that cannot be accommodated within the site, this gives a potential additional 16 cars to be accommodated on-street. Based upon the survey figures, this would increase the number of cars parked on-street overnight to 150, increasing the average parking stress in the locality from 60% to 67%, with 73 spaces still available.

6.7.8 Based upon this analysis of existing and proposed car parking demand, the proposal will not give rise to any significant increase in overnight parking stress on the surrounding roads.

6.7.9 In response to comments made by Herts. County Council as the Highway Authority, a daytime on-street parking survey was also undertaken, following the same methodology. This survey was undertaken between 8.00am and 12.00pm on Wednesday 28th September 2016. The greatest parking stress was observed at

10.00am and is summarised in the table below:

Street name	10am survey		
	Total parking spaces	Cars parked	Parking stress (%)
The Brow	54	33	61%
Louvain Way	56	21	38%
Newhouse Cres.	41	19	46%
Cobb Green	0	0	0
Weall Green	59	35	59%
Poplars Close	13	7	54%
Total	223	115	52%

6.7.10 This shows an average parking stress of 52% with 108 spaces available out of the identified 223 on-street spaces. If the 9 cars potentially generated by the residential flats that cannot be accommodated within the site, together with 13 cars identified within the rear yard from aerial photographs, are displaced on to the street, this would give a potential additional 22 cars to be accommodated on-street. Based upon the survey figures, this would increase the number of cars parked on-street during the daytime to 137, increasing the average parking stress in the locality from 52% to 61%, with 86 spaces still available. This demonstrates that there is adequate capacity to safely accommodate additional on-street parking arising from the development.

6.8 (g) Access and servicing

The existing site has a single vehicular and pedestrian access from Louvain Way. This access will be retained and improved to serve the courtyard parking area and provide segregated pedestrian access. A separate pedestrian access will also be provided from Newhouse Crescent. The internal courtyard will allow short-term servicing of the commercial units by small vans which will be sufficient for the size of units proposed (60-90m²). The larger convenience store (190m²), located at the junction of The Brow and Newhouse Crescent, will be serviced from a new lay-by provided on the Newhouse Crescent frontage. This will be formed within the existing public highway. This lay-by has been the subject of a Stage 1 Safety Audit and, as a consequence, has been increased in length to 23m to allow for a single 16.5m articulated lorry or two 10m long rigid lorries to utilise the lay-by safely.

6.9 (h) Telecommunications mast relocation

There is an existing 12m high telecommunications mast sited on Newhouse Crescent directly adjoining the site. This has the appearance of a telegraph pole with internally mounted antennas. This mast will be very similar in height to the proposed building and will result in the antennas being in close proximity to the

third floor flats on this elevation. This will mean the proposed flats will fall within the public exposure exclusion zone under the international guidelines for non-ionizing radiation. Under these guidelines, there are 2 specified exposure zones. One is more restricted and relates to employees who need to access the antennas for maintenance/repair. They are only permitted to enter this zone for limited periods of time. The second, less restricted zone relates to the general public. The public should not be allowed to enter this zone. Both zones extend horizontally from the face of the antennas and are, therefore, not normally accessible to the public. As the existing antennas will be at the same level as the third floor flats, the flats will fall within the exclusion zone for the general public. As such, the proposed antennas must be relocated in order to avoid unsafe levels of radiation within these flats.

6.9.1 Following discussions with the operator of the mast, EE Limited, it has been agreed that the antennas can be relocated to the roof of the proposed building, and the approximate siting of the antennas is shown on the drawings. This will be subject to final approval by EE Limited but has been selected to minimise views of the antennas from the public realm. The antennas will need to be approximately 2.5-3.0m high. This is considered to be an acceptable solution.

6.9.2 The existing mast will need to be removed before the eastern wing of the building is constructed in order to comply with the international emissions guidelines. This will require the provision of a temporary mast during construction works. The General Permitted Development Order allows the provision of temporary masts for period of up to 6 months. A longer period will need to be subject to the normal prior approval process for telecommunication masts.

6.10 (i) Surface water drainage

A sustainable surface water drainage scheme has been designed for the site. This includes porous paving for the car park area and an underground attenuation tank with a volume of 106 cubic metres, designed to accommodate the most extreme storm water flows. Water from this attenuation tank will be released to the main sewer at a rate of 3 litres per second, which is lower than the normal greenfield run-off rate of 5 litres per second. It is calculated that the existing surface water run-off rate is approximately 71 litres per second. The proposed scheme will therefore ensure the site provides a significant betterment over the existing situation and reduce the risk of sewer flooding in the future.

6.11 (j) Temporary retail provision

The submitted application included an illustrative drawing showing the provision of temporary retail units on Black Hill, close to the application site, to allow the existing commercial uses to continue during the construction period (18-24

months). This generated significant objection from local residents, as summarised in Section 5.2 of this report. As a consequence, the applicant explored further options and undertook a further public consultation on the provision of temporary units at Cobb Green. This similarly generated significant local opposition. As a consequence, the applicant issued the following statement to local ward councillors:

“You are aware that the Trust has consulted very thoroughly with the local community on the possibility of providing a temporary retail hub at the Brow. These public events have generated a great deal of intense opinion within the community, unfortunately none of it supporting the idea of the temporary provision. The strength of their feelings were made clear through direct contact with us as well as the various petitions and media forums online.

As a consequence, the Trust will be contacting all eight of the retailers to confirm that, due to the intense opposition from across the community, we will not be in a position to offer any short-term retail accommodation while the redevelopment proceeds. We will be informing the retailers via letters which will be hand-delivered and sent via recorded delivery.

I can confirm that we are offering all of the existing operators long-term leases in the completed development and we will also be entering into discussions with the retailers that have residential accommodation as part of their current arrangements.”

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.

7.1.1 The CIL charge applicable to the proposed development is:

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm

7.1.2 The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities (where the building is used for charitable purposes), social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced. Assuming that 35 of the residential units are to be for social housing, as stated by the applicant, the CIL charge due will be £44,647.06.

7.1.3 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.

7.2 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants.

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

7.2.2 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.

7.2.3 The provision of affordable housing is directly related to the proposed

development, and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.

7.2.4 Accordingly, the provision of affordable housing meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, this planning obligation can be taken into account as material planning consideration in the determination of the application. The Council's approach to seeking affordable housing provision is also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

7.2.5 The affordable housing requirement in this case is 18 units.

8.0 Conclusion

8.1 The proposal will replace the existing shopping parade and maisonettes with a contemporary building, providing 8 shops within modern units and 37 residential flats above, an increase of 30 flats. Of these, 31 flats are intended to be affordable housing for rent. This will secure the long term future of the shopping parade and provide much needed affordable housing. The scale and design of the proposal is considered appropriate and acceptable in this location, improving and reinforcing this site as the focal point of the surrounding estate.

8.2 All of the proposed flats will provide high quality accommodation and each will have 1 on-site parking space. A parking survey submitted with the application demonstrates that the proposal will have no significant adverse impacts on the adjoining highways. It is the intention of the applicant that the existing retail uses will be relocated to temporary accommodation during construction works, which is welcomed, but this element is the subject of a separate planning application.

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

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

Section 106 Heads of Terms

- i) To secure a minimum of 19 of the units as affordable housing for affordable rent.

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:-

0407 PL 010, 011, 020B, 100D, 101D, 102D, 103D, 104C, 110A, 200C, 201C, 202C, 300A

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

3. No removal of trees, scrub or hedges shall be carried out on the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously searched the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal may proceed.

Reason: In order to avoid harm to nesting birds which are protected.

4. No construction works shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors, balconies) have been submitted to and approved in writing by the Local Planning Authority.

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

5. No construction works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i) details of the window reveals;

- ii) details of the patterned brickwork on the north elevation;

- iii) details of privacy screens at the northern end of the walkways at the eastern end of the building at first, second and third floor levels.

The development shall only be implemented 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, and to prevent overlooking and a loss of privacy to the property at 103, Newhouse Crescent, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. No construction works shall commence until details of a lighting scheme for the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved prior to the first occupation of each phase of the development to which it relates.

Reason: To meet the needs for safety and security for users of the site and to ensure no adverse impacts on the adjoining public highways or adjoining properties, in accordance with Policy SE23 of the Watford District Plan 2000.

7. No individual dwelling or commercial unit shall be occupied until a detailed soft landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of 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.

8. No individual dwelling or commercial unit shall be occupied until a detailed hard landscaping scheme for all the land within the site, including details of all site boundary treatments, has 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.

9. No individual dwelling shall be occupied until the respective refuse and recycling facilities and cycle storage facilities to serve the dwellings, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy SE7 of the Watford District Plan 2000.

10. No commercial unit shall be occupied until the respective refuse and recycling facilities to serve the unit, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy SE7 of the Watford District Plan 2000.

11. No individual dwelling shall be occupied until the car parking accommodation, as shown on approved drawing no. 0407 PL 100D, has been provided and made available for use. This parking accommodation shall be permanently retained and shall not be used for any other purpose than the parking of vehicles of occupants of the development or visitors to the site.

Reason: To ensure that the development makes adequate provision for the parking of vehicles of the future occupiers of the development and their

visitors in the interests of highway safety and to accord with Policies T22 and T24 of the Watford District Plan 2000.

12. No residential dwelling or commercial unit shall be occupied until the modified access junction on Louvain Way, as shown in principle on approved drawing no. 0407 PL 020B, has been laid out and constructed in full.

Reason: In the interests of highway safety and convenience , in accordance with saved Policy T21 of the Watford District Plan 2000.

13. The retail unit at the south-eastern corner of the building, shown on approved drawing no. 0407 PL 100D with a floor area of 190sqm, shall not be occupied until the servicing lay-by on Newhouse Crescent, as shown in principle on approved drawing no. 0407 PL 020B, has been laid out and constructed in full.

Reason: To ensure adequate servicing facilities are provided for this unit, in accordance with saved Policy T21 of the Watford District Plan 2000.

14. No plant or equipment associated with the commercial units shall be sited on the external elevations of the building unless details of the plant or equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include size, appearance, siting and technical specifications relating to noise and odour control as appropriate.

Reason: In the interests of the appearance of the building and the amenities of the residential occupiers on the upper floors.

15. The commercial units within the development shall only be used for the following uses within the Town and Country Planning (Use Classes) Order 1987 (as amended), unless otherwise agreed in writing by the Local Planning Authority:

- a) A maximum of one unit shall be used as a taxi office (sui generis).
- b) A maximum of two units shall be used as hot food take-aways (Class A5).
- c) A maximum of one unit shall be used as a café (Class A3).
- d) A minimum of 4 units shall be used as retails shops (Class A1), including the largest unit at the south-eastern corner of the building with a floor area of 190sqm.

Reason: To ensure an acceptable range of uses to serve the local community.

16. No commercial unit shall be open to the public before 0700 hours or after 2300 hours on any day.

Reason: In the interests of the amenity of neighbouring residential properties.

17. No dwelling shall be occupied until details of a communal terrestrial television aerial(s) and satellite dish(es) have been submitted to and approved in writing by the Local Planning Authority.

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

18. For the avoidance of doubt, and with the exception of the replacement antenna system shown on the approved drawings, no communications development permitted by Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be undertaken on the building.

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

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the provision of a minimum of 19 affordable housing units.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the

demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

4. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise.

5. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email (semeta.bloomfield@watford.gov.uk).

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

6. 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.
7. The applicant is advised to register the development with the Considerate Constructors Scheme in order to safeguard the amenities of neighbouring properties and the local environment during construction works.

Drawing numbers

0407 PL 010, 011, 020B, 100D, 101D, 102D, 103D, 104C, 110A, 200C, 201C, 202C, 300A

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