

PART A	
Report of: <b>Head of Development Management</b>	
Date of committee:	<b>5<sup>th</sup> July 2017</b>
Site address:	<b>Land at Willow Lane (to southeast of Rose Gardens)</b>
Reference Number:	<b>17/00178/FULM</b>
Description of Development:	<b>Redevelopment of the site to provide 95 residential dwellings with associated landscaping, amenity space, access and parking.</b>
Applicant:	<b>Watford Health Campus Partnership LLP</b>
Date Received:	<b>16<sup>th</sup> February 2017</b>
13 week date (major):	<b>18<sup>th</sup> May 2017</b>
Agreed extended deadline:	<b>7<sup>th</sup> July 2017</b>
Ward:	<b>Holywell</b>

## **1.0 Site and surroundings**

- 1.1 The application site forms part of the wider Watford Health Campus masterplan area and benefits from outline planning permission for residential development (granted under application reference 14/00511/OUTM). It is an irregular-shaped parcel of land situated immediately to the southeast of Rose Gardens and Laurance Haines School.
- 1.2 The site covers an area of 0.7 hectares and incorporates part of the former Willow Lane allotment gardens. The Secretary of State consented to the appropriation of the allotments in October 2012 for the benefit of the Health Campus scheme in pursuance of his powers under Section 8 of the Allotments Act 1925. At present, the site is vacant and comprises bare ground, low level shrubs and trees located mostly around its perimeter. There are no buildings or other structures within the site.
- 1.3 The Croxley Green Branch railway which is currently disused but is due to become operational under the Metropolitan Line Extension (formerly known as the Croxley Rail Link) runs to the southwest of the site. The southeastern boundary of the site abuts a sloped, wooded area and beyond this lies a cleared area at a lower level to the subject site which extends up to the River Colne. This area to the southeast of the site also forms part of the masterplan area and is earmarked for residential development.

- 1.4 The northeastern boundary of the site abuts the recently-opened road known as Thomas Sawyer Way. Further to the northeast of the new road lies the Watford General Hospital complex. The new road links Willow Lane with Dalton Way and incorporates an intersection where it crosses Wiggenhall Road. It provides a new access route for hospital traffic and serves the Watford Health Campus masterplan area. A roundabout on the new road has been constructed adjacent to the site and this will provide access into the site from its southern spur. Traffic entering and leaving the application site will be required to pass along Willow Lane as the section of Thomas Sawyer Way immediately to the east of the aforementioned roundabout is restricted to emergency vehicle and bus use only.
- 1.5 The properties within Rose Gardens are two storey and predominantly comprise semi-detached houses. A two storey, detached building, known as De Beers House (56 Willow Lane), is located adjacent to part of the northwestern boundary of the application site on land which formerly comprised part of the garden of 20 Willow Lane. This building fronts Willow Lane and is currently in use as a House in Multiple Occupation.
- 1.6 The subject site does not encompass any statutory listed or locally listed buildings and is not located within a Conservation Area. None of the trees located within, or immediately adjacent to, the site are subject to a Tree Preservation Order.

## **2.0 Proposed development**

- 2.1 The application seeks full planning permission for the erection of 95 dwellings with associated landscaping, amenity space, access and parking.
- 2.2 The 95 units will be created by way of three individual blocks of flats ranging in height between 5 and 6 storeys – referred to as Blocks “A”, “B” and “C” on the submitted plans (see proposed site layout in Appendix 1).
- 2.3 Block A will be the easternmost of the three blocks and will be sited nearest to Thomas Sawyer Way. It will incorporate 33 apartments configured over six floors. Block B will be sited in between Blocks A and C (to the southwest of Block A and to the northeast of Block C). This block will also comprise 33 apartments arranged over six floors. Block C will be the westernmost of the three blocks. This will comprise 29 apartments arranged over five floors. All of the apartments contained within Block C will be allocated for affordable housing.
- 2.4 The access road, car parking and refuse stores will be sited on the northwestern side of the site. Both vehicular and pedestrian access into the site will be gained via

the new roundabout located adjacent to the northeastern boundary of the site.

- 2.5 A total of 61 car parking spaces are to be provided on site. Six of these will be wheelchair-friendly spaces. Two spaces will also be allocated for electric vehicles with charging points provided. Additionally, secure and weatherproof cycle parking is to be provided by way of stores incorporated into the ground floor levels of the buildings.
- 2.6 The flats will benefit from having access to communal amenity space that is to be provided around the buildings. The amenity space will be mainly located to the southeast of the blocks and also to the southwest of Block C – where a children’s play area will also be provided. All flats will benefit from private balconies or terraces.

### **3.0 Relevant planning history**

- 3.1 The parcel of land to which this application relates forms part of the wider Watford Health Campus site. The redevelopment of the Watford Health Campus site (or parts of) has been under consideration for a number of years. In 2001, two inter-linked planning applications were submitted for the regeneration of the Cardiff Road Industrial Estate and surrounding area.
- 3.2 These planning applications were granted planning permission in 2002 but were never implemented. Opportunities for a wider, more beneficial holistic redevelopment project became apparent and as a result the independent development of the Cardiff Road Industrial Estate was not pursued.
- 3.3 In 2007, an outline application was submitted for a new masterplan for the redevelopment of a larger site comprising Watford General Hospital, Cardiff Road Industrial Estate, the former Carriage Sheds site off Wiggshall Road and Oxhey Park playing fields, an area of 26.4 hectares (65.2 acres):

Ref. 07/00958/OUTM – Outline planning permission for the development of a mixed use Health Campus comprising major acute hospital (Class C2), office and research facilities (Class B1), retail, financial and restaurant uses (Class A1, A2 and A3), hotel (Class C1), residential (Class C3), clinics, creche and nursery (Class D1), formal leisure facilities (Class D2), combined heat and power plant, lake and informal leisure facilities, access road and bridge from Wiggshall Road and link road from Dalton Way.

3.4 This application was considered by the Development Control Committee in December 2007 and May 2008 and was granted outline planning permission in July 2010 following the completion of a Section 106 agreement.

3.5 Due to the difficult economic conditions since this planning permission was granted and the changing requirements of the West Hertfordshire Hospitals NHS Trust (WHHT) the approved masterplan underwent a fundamental reconsideration in order for a new masterplan to be formulated that was capable of being delivered. In 2012, Kier Project Investment Limited was selected as the preferred bidder to join the Council in the establishment of a Local Asset Backed Vehicle (LABV) to deliver the new Health Campus project. In September 2013 an application was submitted for a new access road to serve the future Health Campus development:

Ref. 13/00971/FULM – Demolition of existing Cardiff Road Industrial Estate buildings and structures, construction of a new hospital access road (comprising the Access Road and Link Road) between Dalton Way and Willow Lane comprising new carriageway, footpaths and cycleways, new railway over-bridge (vehicular and pedestrian/cycle) ,formation of new road junctions with Dalton Way, Willow Lane and Wiggenhall Road, embankments, drainage works, ground remodelling and flood compensation works, landscaping (permanent and interim), retention of temporary hospital car parking and provision of replacement temporary hospital car parking areas (temporary access via Vicarage Road) construction compounds, soil remediation facility, utilities and other ancillary works.

3.6 This application was granted planning permission by Members at Development Control Committee in December 2013. Following this approval, a subsequent application for the new Health Campus masterplan was submitted in April 2014:

Ref. 14/00511/OUTM – Hybrid planning application for the development of a mixed-use health campus accessed from the approved Access Road comprising:

1. Outline element for the construction of new hospital/healthcare accommodation, together with business, retail, office, food and drink, hotel, and leisure uses, and up to 681 new dwellings, safeguarding of land for the expansion of Laurance Haines primary school, new public spaces, play space and landscaping, associated car parking, access roads, footways and cycleways.

2. Detailed element (business area south) for the construction of three industrial business units together associated vehicle and cycle parking, site landscaping and the creation of a new wildlife area.
- 3.7 This application received a resolution to grant planning permission by the Development Control Committee in September 2014 subject to the agreement of the content, and the completion, of a s.106 planning obligation. The content of the s.106 was agreed by Development Control Committee and planning permission was subsequently granted on 6<sup>th</sup> January 2015.
- 3.8 A separate outline planning application was also submitted in April 2014 for the Farm Terrace Allotments site:

Ref. 14/00512/OUTM – Outline planning application for redevelopment of Farm Terrace allotment land for the construction of new hospital/healthcare accommodation and up to 69 new residential dwellings, together with new public spaces, landscaping, new car parking, access roads, footways and cycleways accessed from both the approved Access Road and existing Cardiff Road.
- 3.9 This application was held in abeyance subject to confirmation of the appropriation of the allotments for planning purposes by the Secretary of State. At the time of writing this report this application had not yet been determined.
- 3.10 In addition to the above, part of the site was the subject of an application relating to a proposal for the erection of a community centre for use as religious purposes by the Sikh Community and for community purposes. This development was granted planning permission in June 1993 (under Ref. 93/00015/FUL) but was not implemented.

## **4.0 Planning policies**

### **Development plan**

- 4.1 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:
  - (a) *Watford Local Plan Core Strategy 2006-31*;
  - (b) the continuing “saved” policies of the *Watford District Plan 2000*;
  - (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
  - (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

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

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

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SPA3 Health Campus
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix
- HS3 Affordable Housing
- T2 Location of New Development
- T3 Improving Accessibility
- 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 The *Watford Local Plan Part 2: Publication Version* has been subject to rounds of public consultation since November 2013 – the latest of which ended on 3<sup>rd</sup> October 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be afforded only limited weight at this time.

**Watford Local Plan Part 2 Site Allocations and Development Management Policies 2006-31**

- SPMX1 Special Policy Areas
- SD5 Sustainable Design Requirements
- SD6 Renewable Energy Technology
- SD7 Decentralised Energy
- SD8 Managing Flood Risk and the Water Environment
- SD9 Water Consumption

SD10	Waste
SD11	Unstable, Contaminated and Potentially Contaminated Land
SD13	Air Quality
SD14	Noise
SD15	External Lighting
HS12	Housing Delivery
T6	Car Parking Provision
T7	Car clubs and Charging Points for Low Emission Vehicles
T8	Cycle Parking Provision
T9	Access and Servicing
UD5	Design Policy: Residential
GI5	Trees, Woodlands and Hedgerows
GI9	Provision of Open Space and Play Space in Residential Development
GI10	Managing Biodiversity in new Developments

#### 4.5 **Watford District Plan 2000 (saved policies)**

SE7	Waste Storage, Recovery and Recycling in New Development
SE20	Air Quality
SE22	Noise
SE23	Light Pollution
SE24	Unstable and Contaminated Land
SE27	Flood Prevention
SE28	Groundwater Quality
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Protection in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H10	Planning Agreements for Educational and Community Facilities
L8	Open Space Provision in Housing Development
L9	Children's Play Space

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

1A	Presumption in Favour of Sustainable Development
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 (RDG)*

A revised Watford Residential Design Guide was adopted as a Supplementary Planning Document by Watford Borough Council's Cabinet on 23<sup>rd</sup> July 2014 following public consultation between 4<sup>th</sup> November and 16<sup>th</sup> December 2013. This superseded the Residential Design Guide Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004). An amended version of the RDG was subsequently adopted by the Council in August 2016. The amended version was required to bring the internal space standards in line with the nationally described standard. The changes were consulted on between 15<sup>th</sup> June and 15<sup>th</sup> July 2016 and approved on 23<sup>rd</sup> August 2016. New residential development is expected to comply with the RDG.

#### 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 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment



Decision taking

## 5.0 Consultations

### 5.1 Neighbour consultations

Letters were sent to 52 properties in Willow Lane, Rose Gardens and Stripling Way.

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

Number of original notifications:	52
Number of objections:	9
Number in support:	0
TOTAL REPRESENTATIONS:	9

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

Representations	Officer's response
Overlooking and loss of privacy.	These matters are considered in the "Impact on neighbouring properties" section of the report below.
Overbearing, overshadowing and impacts on daylight and sunlight at neighbouring properties.	These matters are considered in the "Impact on neighbouring properties" section of the report below.
Loss of view for existing dwellings.	This is not a material planning consideration.
A development of high rise residential buildings on a green field site in the West Watford area is out of character with present low level homes with gardens.  5/6 storey blocks is too massive a change.	The site forms part of the Watford Health Campus Special Policy Area which has been earmarked for development. The proposed scale, massing and form of the buildings is considered to be acceptable for this location. This matter is discussed further in the "Design, scale and impact on visual amenity" section of the report below.
Proposal will prejudice the quiet enjoyment of neighbour's property which has impact on their human rights.	The proposal seeks to create residential development and does not include any uses involving industrial activity or machinery. It is not considered that the proposed residential use will lead to excessive noise or

	<p>cause any material noise disturbance to neighbours.</p>
<p>Disturbance, fumes and pollution to neighbouring properties within Rose Gardens which will compound the existing, unattenuated traffic noise and disturbance from the factory/warehouse units sited in the valley.</p>	<p>Activity associated with this residential development will not be at a level that will result in any considerable disturbance to neighbours or a noticeable increase in fumes and pollution.</p> <p>Only the impacts of the proposed development are to be considered under this application. Noise generated by existing uses cannot be used as a reason for refusal. Should existing uses be causing disturbance to residents then there are other legislative regimes in place that allow these to be controlled, for example, The Control of Pollution Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990. In any case, the new buildings would act as a screen and potentially reduce noise generated by the uses to the south/southeast and by traffic using the new road.</p>
<p>Increased noise disturbance due to removal of trees, construction of elevated bridge and carriageway levels of the link road and cutting back levels of adjoining contours.</p>	<p>See above.</p>
<p>Inadequate car parking and traffic problems.</p>	<p>This matter is discussed in the “Car parking, access and transportation” section of the report below.</p>
<p>Overdevelopment and number of units too high.</p>	<p>All of the proposed units meet the internal space standards and the levels of amenity space exceeds the minimum level required by the RDG. Suitable spacing will be provided between the blocks of flats and the new buildings will also be separated from the neighbouring properties in line with the RDG’s separation distances. Furthermore, suitable levels of on-site parking and associated access and manoeuvring space</p>

	will be accommodated on site. As such, it is not considered that the proposal constitutes an overdevelopment of the site.
Oppressive for houses in Rose Gardens and children in playground.	This matter is considered in the “impact on neighbouring properties” section of the report below.
The distances to local shops for such a large new development will encourage more traffic.  Lack of local amenities.	The site is located less than 250 metres from the nearest convenience shop located at 1 Hagden Lane (located adjacent to the junction where Hagden Lane meets Vicarage Road). In addition to this, the site is within walking distance of the shops and services located along Whippendell Road, the Vicarage Road precinct and also the town centre.  New shops will also be incorporated into the future phases of the Watford Health Campus development.
Increase in cycle traffic.	It is not anticipated that cycle traffic will be increased, as a result of the development, to an extent that will cause any harm to the amenity of residents.
Increased levels of crime.	Hertfordshire Constabulary’s Crime Prevention Design Service has been consulted and has not raised any objection to the proposal.
How will new housing association tenants in practice be held accountable for any anti-social behaviour?	A tenant should be held accountable for anti-social behaviour whether they live in affordable housing or private housing. Any acts of crime or anti-social behaviour would need to be reported to the relevant authorities. This is not a material planning consideration.
Will the new rail link be implemented in time for new housing development?	This is unknown at this stage. There is a possibility that the scheme would be implemented prior to the rail link becoming operational. Notwithstanding this, the development is not reliant on the Metropolitan Line Extension given its sustainable location.
Inconsistent with the previously-	These matters are considered in the

<p>approved Health Campus masterplan as only flats are now included whereas the original plan was for a mixture of houses and flats and also land is supposed to have been allocated for future expansion of Laurance Haines School and this application seems to have taken the only land available adjacent to the existing Laurance Haines site.</p>	<p>“Principle of development” section of the report below.</p>
<p>The Archaeological Desk Based Assessment concludes that there is an absence of archaeological evidence for the site but does not mean that there is nothing there.</p> <p>Objection to the suggestion in the Archaeological desk based assessment that an archaeological investigation prior to development is unnecessary on this site.</p>	<p>These matters are considered in the “Archaeology” section of the report below.</p>

**5.3 Statutory publicity**

The application was publicised through the display of 6 site notices at various points around the site including locations at Willow Lane, Rose Gardens and Stripling Way and by a notice published in the Watford Observer on 3 March 2017. The site notice period expired on 15 March 2017 and the newspaper notice period expired on 24 March 2017.

**5.4 Technical consultations**

The responses received from technical consultees are set out below. Some of the matters raised by consultees have required an officer response. In such cases, the officer has either provided comments (in brackets) in the section below or the matters are discussed further in the “Appraisal” section of the report.

The report summarises the technical comments, full copies of all responses are available on the public planning record.

**5.4.1 Local Highway Authority (Hertfordshire County Council)**

Hertfordshire County Council (HCC) as Highway Authority does not wish to raise an objection to the proposed development, subject to suitable conditions requiring the submission of detailed plans, a construction traffic management plan, a travel plan, swept path assessments, a car parking management plan and a servicing and delivery plan.

#### 5.4.2 Lead Local Flood Authority

No objection. The proposed development site can be adequately drained and any potential existing surface water flood risk mitigated if carried out in accordance with the overall drainage strategy.

We therefore recommend the following conditions to the LPA should planning permission be granted.

LLFA position

##### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Assessment carried out by Waterman reference WIE11284-101-R-5-3-1-YN dated February 2017, and the following mitigation measures;

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Implementing appropriate drainage scheme based on discharge to public sewer.
3. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
4. Implementing appropriate SuDS measures as shown on proposed drainage layout drawing reference 0001 Rev A05 and to include permeable surfacing, Filter trench, raingarden/bio retention system and tree pits.

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

Reason:

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

#### Condition 2

No development shall take place until a detailed surface water drainage scheme for the site based on the approved FRA and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme should include;

1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Routes of exceedance to be identified for rainfall events that exceed the 1 in 100 year + climate change event.

Reason: To prevent the increased risk of flooding, both on and off site

#### Condition 3

Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding.

Informative to the LPA

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

#### 5.4.3 Environment Agency

No objection subject to conditions to deal with the risks associated with contamination and protecting groundwater.

#### 5.4.4 Hertfordshire Constabulary Crime Prevention Design Advisor

Pre-app

I can confirm that in November 2016 I had pre-application discussions with the applicants as regards safety and security for the site and Secured by Design standards.

Safety and Security

This is dealt with in the applicant's Design and Access Statement (DAS) on page 72 under 'Secured by Design'. I can confirm I am content with the items mentioned in that section. Hopefully if planning permission is granted it will be built to the physical security standards of Secured by Design which also, 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 obviously be keen to see any development built to the physical security standards of Secured by Design which is the police approved minimum security standard, as this will reduce the potential for burglary by 50% to 75% and therefore demand on the Police as well as achieving ADQ.

#### 5.4.5 Network Rail

Network Rail has the following comments:

(1)

The development is adjacent to railway land, which is also proposed for use as part of the Croxley Rail Link. There is a proposed play area adjacent to the railway boundary, which may be used by increased numbers of people including minors.

If not already in place, the Developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land including all foundations. Network Rail's existing boundary treatment must not be removed or damaged in any way. Any vegetation on Network Rail land and within Network Rail's boundary must not be disturbed. Any fencing installed by the applicant must not prevent the railway undertaker from maintaining its own boundary treatment. Network Rail is a publicly funded organisation therefore it would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by third party development adjacent to the railway.

The trespass proof fence adjacent to the railway boundary is to prevent users of the site and play area from gaining unauthorised access to the railway.

(2)

Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

(3)

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.



- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

(4)

With a development of a certain height that may/will require use of a tower crane, the developer must bear in mind the following. Tower crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail's Asset Protection prior to implementation. Tower cranes have the potential to topple over onto the railway; the arms of the cranes could over-sail onto Network Rail air-space and potentially impact any over-head lines, or drop materials accidentally onto the existing infrastructure. Crane working diagrams, specification and method of working must be submitted for review and agreement prior to work(s) commencing on site.

(5)

All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Suitable foul drainage must be provided separate from Network Rail's existing drainage.
- Drainage works could also impact upon culverts on developers land.

Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

(6)

Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works might impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree to any alterations to ground levels, de-watering or ground stabilisation and we would need to agree to the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The LPA are advised that the impact of third party excavation and earthworks can be different depending on the geography and soil in the area.

(7)

Network Rail is aware that residents of dwellings adjacent or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the LPA via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction. Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for project or emergency works around the clock (24/7, 365, and at weekends, night-time and bank holidays).

(8)

Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

(9)

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing

operational railway infrastructure. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

[AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

(10)

In order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA.

For major works / large scale developments an Asset Protection Agreement will be required with further specific requirements.

[AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

[Officer response: The information received from Network Rail has been forwarded on to the developer who has initiated discussions with Network Rail to ensure that the necessary agreements with Network Rail are in place. These agreements will need to be formed between the developer and Network Rail direct and it is not necessary for them to be secured through the use of planning conditions. An informative note will be added, however, to remind the applicant of their duties in this regard].

#### 5.4.6 Hertfordshire County Council Minerals & Waste Team

No objection subject to a condition requiring the submission of a Site Waste Management Plan.

#### 5.4.7 Hertfordshire Ecology

The site was once identified as a potential wildlife site for its wooded area. However since this much of the woodland has been removed and given way to scrub and tall ruderal. The site is not under any statutory or non-statutory protection. Approximately 50-75 m to the south of the site is the Lairage Land Local Nature Reserve (LNR) and Local Wildlife Site (LWS). It has been designated for its mix of marginal and riverine habitats. Due to the nature of the application and the intervening land use it is unlikely to be impacted by the application.

The Ecological Assessment submitted with the application has highlighted ecological constraints involving badgers, breeding birds, foraging and community bats, and recommended the provision of suitable foraging habitat post construction.

Active badger setts have been identified on site, currently they have been identified as outlier setts; however if they are in use they will still require a licence to shut down. Therefore badger activities surveys will be required prior to commencement of the development to inform the possibility of requiring a licence. Surveys must be completed over a minimum of 4 weeks, and if a licence is required setts can only be shut between July and November (inclusive). I would therefore recommend that these activity surveys are conditioned within any planning decision and that the applicant seeks a Protected Species Licence from Natural England if necessary. I can suggest the following wording:

*Prior to the commencement of the development, a badger activity survey shall be carried out within the site by a licensed ecologist. A report of the findings including a suitable mitigation strategy if required, should active badger setts be found, shall be submitted to the local planning authority and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.*

Suitable habitat for breeding birds is present on site. Therefore caution must be taken in preventing the disturbance or destruction of active nest sites. I would therefore recommend that the following condition be added to any planning decision:

*No removal of hedgerows, trees, shrubs brambles, ivy and other climbing plants that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

Although no bat roosts were identified on site and all trees that were identified as having suitable features for roosting bats have been surveyed and soft felled, bats remain a material concern due to their use of the site. Although much of the wooded area is to be lost in the centre of the site, the southern and eastern boundaries will retain their tree line. It is likely that bats will continue to use these features for commuting purposes. I would therefore advise that a sympathetic

lighting scheme is designed to shade these features from light spill and reduce the impact on commuting bats. I can recommend the following Condition:

*Prior to occupation a "lighting design strategy for biodiversity" for bats shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.*

The landscape strategy predominately using native trees and shrubs, and create a mixture that will flower and fruit at different times of the year. I welcome these aims and would only add that bird nesting boxes and possibly bat roosting boxes also be introduced into the landscape design to help mitigate the loss of nesting/roosting habitat on site. I would also advise that the northern boundary (adjacent to Rose Gardens) is further bolstered to provide cover for badger movements. It is likely that badgers will continue to use this area for foraging and commuting, therefore providing cover for them to do this will further mitigate the impact of this application on biodiversity. It might also be prudent to provide access through that boundary where push through's have been identified. As if no it is likely that badgers will force their way through the boundary anyway.

#### 5.4.8 Thames Water

##### Waste Comments

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

## 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.

### 5.4.9 Hertfordshire County Council Natural, Historic & Built Environment Advisory Team (Archaeology)

An archaeological desk-based assessment (DBA) was submitted with the planning application. Although it was not produced in consultation with this office, it does contain some useful information.

The proposed development site lies on a ridge overlooking the valley of the River Colne. While few archaeological sites have been identified in close proximity to the development area, this absence is likely to be mainly due to the lack of large scale intrusive archaeological work and the negative impact of modern industrial and residential development on the survival of possible archaeological features. The valley of the Colne has, in other locations, shown itself to be rich in archaeological remains and finds from the Palaeolithic to post-medieval periods. This is especially true where intensive modern development has not occurred, such as to the east of Rickmansworth, where there are three Scheduled Monuments (two moated manor houses – Historic Environment Record nos. 829 & 816, and a Roman villa – HER no. 82) and a high density of Iron Age, Roman and Medieval occupation remains.

The area of the proposed development itself appears as open farmland on the 1844 Tithe Map, adjacent to a former building identified as Watford Pest House (HER no. 10683), a post-medieval hospital for infectious diseases that is likely to have predated the 18<sup>th</sup> century in origin. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> edition Ordnance Survey maps suggest that the area was an undeveloped field until after World War II, when it became woodland. The DBA indicates that it was used for allotments during the war. It also states that gravel extraction and considerable earth movement has occurred onsite, although little clear evidence for this is provided.

As the development area is quite large (0.7ha), it is probable that some undesignated heritage assets lie within its footprint, given the relatively high density of such remains in Hertfordshire. The topographic position, on a ridge overlooking the river valley, is favourable for prehistoric settlement. The land within the proposed area has not been subject to large-scale development before, and thus any archaeological remains are comparatively less likely to have been disturbed or truncated.

With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological field evaluation of the proposed development area, by means of trial trenching. This should occur after the removal of tree cover on site has occurred, but before any other development commences. Tree stumps and roots should be left in situ prior to this archaeological work being carried out.
2. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
  - a) the preservation of any remains *in situ*, if warranted,
  - b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
  - c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
  - d) such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 12 (para. 141, etc.) of the National Planning Policy Framework. and the guidance contained in the Historic Environment Planning Practice Guide.

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

*A. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

1. *The programme and methodology of site investigation and recording;*

2. *The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;*
3. *The programme for post investigation assessment;*
4. *Provision to be made for analysis of the site investigation and recording;*
5. *Provision to be made for publication and dissemination of the analysis and records of the site investigation;*
6. *Provision to be made for archive deposition of the analysis and records of the site investigation;*
7. *Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

*B. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

*C. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide a design brief detailing the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations. Please allow 5-10 working days for this document to be issued.

#### 5.4.10 Herts & Middlesex Wildlife Trust

Objection. The loss of a priority habitat (lowland mixed deciduous woodland) has not been adequately compensated in accordance with NPPF 118. Appropriate and proportionate compensation measures must be proposed before the application can be approved.

According to the information presented in the ecological report, this development will result in the loss of 1.1 ha of lowland mixed deciduous woodland. This is categorised as a priority habitat in accordance with section 41 of the NERC act 2006 and as a UK BAP priority habitat. Extrapolating from the pictures and description in the ecological report, which does not contain a full species list or National Vegetation Classification (NVC), it would appear that this woodland is consistent with NVC W8d. W8d is specifically mentioned in the definition of lowland mixed deciduous woodland as provided by the UK BAP priority habitat definition (JNCC November 2016):



'In terms of the National Vegetation Classification the bulk of this type falls into W8 (mainly sub-communities a - c in ancient or recent woods; in the lowlands W8d mostly occurs in secondary woodland) and W10 (sub-communities a to d)'

The ecological value of the loss of this habitat has not been quantified or compensated. The ecological report incorrectly dismisses this priority habitat for the following reasons:

'This is highlighted as a priority habitat, however field surveys have determined this area to be of low conservation value. Also some of the woodland is being retained within the development. Therefore, no constraint to development is anticipated.'

Priority habitat is a material consideration in a planning application and its loss must be compensated.

NPPF is clear that planning decisions should conserve and enhance biodiversity leading to net gains in biodiversity. Paragraph 118 of NPPF states:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;'

The net loss of this priority habitat is a significant harm. It has not been measurably compensated in this instance. Therefore the application should be refused, unless the applicant offers meaningful and quantified compensation to offset the loss.

It is recognised that the principle of development on this site has been granted by the previous application (14/00511/OUTM). However, that application contained conditions within it seeking to 'conserve the ecological value of the site'. This subsequent application does not in any measurable way 'conserve the ecological value of the site' and so in its present form should be refused.

The DCLG planning practise guidance on the natural environment reiterates the requirement for the adequate compensation for biodiversity loss.

<https://www.gov.uk/guidance/natural-environment>

In answer to the question;

'Where significant harm to biodiversity is unavoidable, how can mitigation or

compensation measures be ensured?'

It states:

'Where compensation is required a number of avenues have been available. The applicant might offer a scheme tailored to the specific context, or consider the potential for biodiversity offsetting with the local planning authority.'

Biodiversity offsets are measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from a development after mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity.'

In this instance the only viable means of compensation for the significant loss of a priority habitat is a scheme of biodiversity offsets. This approach was advocated by Herts Ecology in the previous application.

The applicant should quantify the value of the habitat to be lost by employing the DEFRA Biodiversity Impact Calculator (Environment Bank 2015), and either put forward a habitat creation site of sufficient value to offset this loss, or a condition that the development cannot proceed until a habitat creation scheme of the requisite value has been approved by the LPA should be imposed.

The habitat creation scheme should be fully funded and legally secured in perpetuity to properly compensate for the habitat loss. For this reason it is advised that the applicant enlist the services of a biodiversity offsetting broker to ensure deliverable and permanent offsets.

Summary:

This development results in the loss of approximately 1.1 ha of priority habitat - lowland mixed deciduous woodland.

This loss has not been measurably compensated or mitigated.

NPPF is clear that in such circumstances the application should be refused.

The previous outline application requires via condition that that the development should conserve the ecological value of the site. At present this has not been achieved.

In order to properly compensate for these impacts and facilitate planning permission a biodiversity offsetting scheme should be put forward for approval by

the LPA.

#### 5.4.11 Natural England

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less

harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

#### 5.4.12 Hertfordshire County Council Development Services Team (fire hydrant provision)

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

#### 5.4.13 Council Waste & Recycling Team

100 litre capacity allowed for refuse and recycling, equating to 9 1100's for each waste type which is under the recommendations in the planning guidance. Based on 140 litre capacity the requirement would be 12 bins for each service.

#### 5.4.14 Arboricultural Officer

Whilst the proposals indicate the loss of a large number of trees the indicative replanting along the boundary with properties in Rose Gardens and retention of trees on the slope will offset the losses. The proposed tree protection and method statements will help ensure that the retained trees are safely retained.

The proposed landscaping is considered acceptable, however there are no details relating to the proposed trees specie and planting sizes: these details should be secured prior to work commencing on site. I would also suggest that extra heavy standard or semi- mature specimens are planted along the boundary with the existing properties in Rose Gardens.

[Officer response: The case officer requested that further details be provided in light of the above. An amended landscaping drawing was submitted during the course of the application which provided the additional detail requested by the Arboricultural Officer. The Arboricultural Officer subsequently made the following comments:]

Thanks for the amended plans. I have checked them through and I am now happy with the proposed landscaping in terms of specie, location and planting sizes.

#### 5.4.15 Head of Housing

Policy HS3 of the Council's adopted Local Plan Part 1 – Core Strategy requires a rate of 35% affordable housing on sites of ten or more units with a proposed tenure split as follows: Social Rent – 20% Affordable Rent – 65% Intermediate Affordable Housing (Shared Ownership) – 15%.

The full application has 95 units which based on the 35% policy requirement would attract 33 units of affordable housing. The application provides that the 95 units will be split 66 Market Housing and 29 affordable housing. Reducing the affordable housing provision from 35% to 30.5%.

It is proposed that the entirety of Block C, consisting of 29 units be provided for affordable housing. The affordable housing to be split 20% affordable rent and 80% shared ownership. If policy HS3 were to be applied the affordable housing mix would be 85% social/affordable rented and 15% shared ownership. Shared ownership and other intermediate affordable housing do not provide a housing solution to households on the council's housing register.

There is a shortage of affordable housing rented properties in the borough and increasing statutory homelessness and housing need. The Housing Department is facing severe pressure in accommodating clients in temporary accommodation provision and would wish to maximise additional social/affordable housing provision in the borough, where ever possible.

However, the Housing Department acknowledges that viability assessments have been submitted to justify the proposed reduction in affordable housing provision and significant alteration to the affordable housing tenure split. The Department further acknowledges that this development is the 1<sup>st</sup> phase of a much wider residential development.

Therefore, the department will support the application of 29 affordable housing units on the basis that;

- a) The 20% split for the Affordable Rented units must be made up of 6no. 2B4P units
- b) Clarity should be provided to the Council that the reduction in the affordable housing element of this zone can be addressed elsewhere on the site to achieve a site wide affordable housing provision of 35%
- c) The Affordable Rent element of the affordable housing split must be increased in later phases to align more closely with WBC Housing's requirements
- d) The future affordable rented units to be predominantly family sized units (2 bedroom plus), as this is our most pressing need

#### 5.4.16 Transport for London (TfL)

TfL has a direct interest due to the proximity of the development to the route of the Metropolitan Line Extension (MLX). Any development that takes place close to the MLX will need to take into account the Croxley Rail Link Order 2013 which was made under the Transport and Works Act 1992 by the Secretary of State for Transport on 31 July 2013 and came into force on 21 August 2013.

Appropriate safeguards for the MLX will need to be provided as part of any planning permission to include a legally binding agreement between TfL/LU and the applicant and suitably worded planning conditions. These will be required:

- 1 To ensure that there is no conflict with the Croxley Rail Link Order 2013
- 2 To ensure that there are no negative impacts on the construction programme for the MLX
- 3 To ensure that there are no negative impacts on its subsequent operation as a live railway which will form part of the London Underground (LU) network

TfL advises that a detailed Construction Management Plan (CMP) should be submitted for approval to include consultation with the MLX project team at TfL. The CMP will need to demonstrate how the interface with the MLX will be managed during the construction process and include measures to ensure that the two construction programmes can proceed simultaneously.

Subject to the inclusion of appropriately worded planning conditions and the applicant entering into a legally binding agreement with TfL/LU that addressed all interfaces between the two projects, including an agreed ICD, TfL does not have an in principle objection to the application. However, consultation with the MLX project team at TfL will need to continue throughout the planning and construction

process as detailed designs and timescales are progressed, including submission of additional information, approval of details and the discharge of any relevant planning conditions.

[Officer response: The information received from TfL has been forwarded on to the developer. The developer will be required to liaise directly with TfL in order to ensure that all the necessary measures are in place before construction works begin. It is not necessary for these to be secured through the use of planning conditions. An informative note will be added, however, to remind the applicant of their duties in this regard].

#### 5.4.17 Contaminated Land Officer

The Contaminated Land Officers final comments raise no objection subject to a No objection subject to the following condition:

No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:  
As shown to be necessary by the January 2017 Waterman Group Preliminary Environmental Risk Assessment, a Phase 2 Site Investigation adhering to BS 10175 and incorporating all appropriate sampling as per the Waterman recommendations.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme with measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment.

#### 5.4.18 Environmental Health

I do not have any objections to the proposal but must insist on the following to protect the amenity of the existing surrounding properties and future occupants of the proposed building.

In order to achieve acceptable internal noise levels, section 8.1 of the acoustic report sets out the window sound insulation requirements. All glazing must meet the specifications set out in this section.

Achieving an acceptable internal noise level will require the provision of mechanical ventilation. A poorly designed system could lead to a build-up of heat resulting in a need to open a window and thereby negate any benefits from the acoustic glazing. Therefore, prior to installing such a system, it must be designed by a competent person, for example, a building services engineer and the applicant must demonstrate that it is able to prevent an excess heat housing hazard as per the Housing Act 2004.

Owing to the scale of the build, it will be necessary to submit a demolition and construction plan, which must incorporate the recommendations set out in section 7,8 and Appendix A of the air quality report provided by Mayer Brown. The plan must be approved by the environmental health team.

Overall, the proposal is acceptable with these requirements in place.

#### 5.4.19 Planning Policy Team

##### 1. SITE ANALYSIS

The key emerging policies of the Local Plan Part 2:

SPMX1 – Special Policy Areas

SPMX2 – Mixed Use Allocations

HS3 – Affordable housing

Local Plan Part 2 was published in summer 2016 and as such these policies have some weight in planning terms.

The site allocations in the Local Plan Part 2 envisage an integrated mixed use development in line with the general character of the area. Proposals for the whole of this Special Policy Area site expect a significant residential led mixed use scheme. In terms of site allocations and general quantum of development proposed, the scheme is supported and there is no objection in principle.

The Council aims for 35% affordable housing and whilst this has not been achieved this has been accompanied by a viability report to show that 30.5% is the most achievable rate.

The proposal is for 95 flats made up of;



Type of flat	Quantum
1 bed	24
2 bed	68
3 bed	3

The inclusion of 3 bed flats in the scheme is welcomed and ideally we would like to have seen more 3 beds.

## 2. SCALE/MASSING AND APPEARANCE

The NPPF expects a high standard of design as set out in para 56 and subsequent paras at section 7. Policy UD1 of the Adopted Local Plan 1 Core Strategy requires a high standard of design and sets out the design principles which should be followed to achieve this.

### Scale and massing:

These are important elements in defining how a new building relates to its context. The proposal is part of the Health Campus scheme, where it is accepted that density levels will be higher than currently found in the areas adjoining the site. This necessitates a different building form and a change to the approach to scale and massing. This site lies on the edge of the Health Campus SPA and will be seen alongside traditional 2 storey residential properties. The building typology proposed in this scheme is for 5 storey flats. The scheme proposes three separate buildings which are much bigger in terms of scale and massing than the adjoining two storey semi-detached houses. As this site is part of the wider health campus scheme it is appropriate that development on it reflects the new character of the wider health campus area. On this basis the approach of using flats to deliver the higher number of housing units indicated across the whole health campus site is acceptable here.

The Design and Access statement sets out a number of different ways of delivering the housing units responding to a range of constraints; it is accepted that the broad arrangement of the three blocks as proposed on the site is the most effective way of accommodating this number of units. The position of the buildings allows a good distance between the rear of the two properties adjoining the site and the 5 storey proposed blocks; the layout is also heavily constrained by topography and costs associated with building on a steep slope .

The Design and Access statement looks at ways in which the impact of the massing can be reduced through different approaches to articulation of the elevations and

to the roof form. The design rationale presents a solution involving adding pitched roofs to the blocks to create additional visual interest. Whilst this can work it is considered in this case that the addition of a pitched roof form as proposed looks out of scale in relation to the buildings on which they sit. It is considered that a different approach to the articulation of the principal elevations could provide visual interest whilst providing better amenity areas for the individual flats. See comments below in relation to balconies and materials.

#### Materials:

The proposal shows a mix of materials including two mixed buff bricks for the main elevation with a darker brown brick for the ground floor plinth. It is considered that the darker brown brick, whilst it may be found in the local area is not a preferred colour as it does not blend well with the lighter bricks in adjacent sections of the elevation. We would encourage consideration of an alternative colour to provide additional visual interest (a grey brick often works well in such schemes). Another option is to make use of different brick bond patterns or relief patterns which result in variations in light and shadow across the elevations of a building.

Where the pitched roof forms are used the proposed material is a 'slate appearance concrete tile which is not a preferred option. As set out above the pitched roof form is not one we particularly encourage on buildings of this size and it would be preferable to consider a flat roof which could support solar panels or a green roof system. The precedents cited along with our own experience from visiting schemes supports a simple flat roof form on buildings of this nature.

The entrance points to the buildings are identified through a setting back of the building line which also helps to articulate the long elevations on each block. The mixed palette of colours helps to reduce the overall impact of massing and bulk. However, it is considered that this could be taken further by highlighting sections of the vertical panels of the buildings using devices such as textured brick patterns and different bonds.

The articulation of the part of the front elevation to Block C which faces the entrance and provides the visual end stop, seems at odds with the rest of the scheme; the roof line of the pitched roofs looks dated and out of character when compared to the other 2 blocks along with the rather flat appearance of the front elevation – the balconies almost appear as an afterthought and the fenestration arrangement is limited. The articulation of block A and C needs further work. For Block A it would improve the scheme if the applicant would increase the floor plan to allow balconies to be recessed and incorporated into the main part of the building rather than protruding from the wall facing the entrance. This will then allow that corner to be articulated and highlighted - this is important as it is the first

part of the scheme that will be viewed. This would also afford the users of the balconies greater privacy and improved quality of amenity in a location which will be visible to all entering the site.

In terms of improving the articulation of the principal elevation to Block C, at present the dark board cladding does not work; it looks less substantial than the brick and is considered to devalue the quality of the building; also it is likely to become dated. This should be replaced with brick and again the section of the block to the right of the cladding should be brought forward to allow recessed balconies which can be articulated. This section potentially may benefit from a darker brick. It would be preferred if this material were not to be used in the scheme.

The materials used for the hard landscape elements of the scheme are important as is the design approach here. The use of bricks as a small element material for the pavements and landscaping that surround the green areas is important. There is some concern regarding the overall approach to the Home Zone style concept (see comments under the Transport section below).

#### Balconies

There is some concern about the widespread use of overhanging balconies on many of the elevations in the scheme rather than recessed balconies which are used sparingly; recessed balconies provide much better quality amenity areas in particular when located fronting the car park and circulation area. Recessed balconies can be mixed with projecting balconies to provide better articulation of elevations as well. We would suggest that there are no overhanging or protruding balconies over roadways as these do not provide good amenity and it is noted that the overhanging balconies are used where there is only single aspects in single dwelling flats. Overhanging balconies over amenity features or public realm/ green landscaping can work.

The use of railings on balconies can create visual amenity issues as residents either place an internal screen behind the railings to provide greater privacy or, as this is the only external space available to residents, balconies are often used as storage areas resulting in a cluttered appearance. However, the applicant has mentioned this will be managed by through the management agency, we would prefer to see some use of either obscure glass or solid panels where projecting balconies are proposed; where balconies can be incorporated into the building, as recessed areas, then the sides are often solid and not exposed which means that railings on the fronts are more likely to work. This is very important to avoid cluttering and disrepair of the area. The use of timber flooring on the balconies is questioned as a

material as this tends to weather and quickly cause the balconies to look shabby and can be slippery if exposed to the wet weather. The applicant is requested to review the materials used on the facings of the balcony, especially the balconies facing on to the car parking area and to have a more solid material rather than railings.

With the amendments suggested in the above section it is considered that UD1 requirement for high quality design can be met

### 3. LANDSCAPING/ SUSTAINABILITY AND AMENITIES

Attention to detail regarding the materials and construction of the landscaping is important in ensuring that quality is delivered and maintained; in particular, attention to the way different materials meet is important and can raise the feel of a landscape scheme when done well. The detailed landscape scheme showing planting schemes and hard surface materials to be used is welcomed and also the maintenance strategy for the landscape areas which should ensure that the quality is retained going forwards.

#### Street lighting/light pollution

There is no mention of street lighting within the scheme. This no doubt will be looked at in more detail at a later stage. There is a need to make sure the level of lighting provided is appropriate but if standard street lighting is used, there is concern that there may be a light pollution issue for some residents facing onto the car park area. If there is to be low level shrub lighting, will this be operating for 24 hours? The proposal mentions that there will be time controls for lighting within the building which is positive.

#### Public Realm, open space and amenity

It is positive to see 2 play areas for younger children, informal recreation and a toddler play area along with a planting scheme. The landscape strategy shows a coherent approach to the spaces and overall should provide a good quality amenity area for the residents. All the spaces are relatively well overlooked and a good level of enclosure is provided. However, there are concerns regarding the proposed play area to the back of block C, in terms of ensuring that this play area is not taken over by a particular group or at risk from becoming neglected. It may be more appropriate to manage access to this area by creating a community growing garden as part of the wider scheme and which would be managed by the landscape company and a residents group. In any case, how this area is managed from a security/safety perspective should be reviewed as this is a secluded area with little

passing footfall and poor overlooking if residents are at work during the day. This naturalistic play area could be accommodated behind block A.

In terms of the overall Special Policy Area and management/design brief proposals for a community garden or community garden hubs should be explored. In addition, a Green Gym should be considered within the overall SPA3 area.

Regard should be had to Policy GI9 of the Local Plan Part 2 which links provision to the Council's Green Spaces Strategy.

#### Waste management/ recycling

There is minimal disruption for waste collection/ vehicle movement. With one refuse pick up and location.

There is no mention of a waste plan and whether the size and provision proposed is sufficient for the number of flats. The applicant should consider having venetian style timber fence and a green roof. The applicant has not given details on the retaining wall materials.

#### Transport, Parking and Infrastructure

'Car lite' developments are encouraged in locations in close proximity to major transport infrastructure where secure cycle storage is provided. The proposed development is located fairly near to the new Met Line Station, providing 95 cycle parking spaces and 61 car parking spaces. The proposed parking provides sufficient car parking spaces with a ratio of 0.64 spaces per unit and the Council welcomes the electric charging points and would also emphasise the importance on continuing exploring the provision of a car club within the wider development. There is no information regarding blue badge spaces; the design ensures that the active frontage of the scheme is not compromised.

The design statement states this is a 'Home Zone'; generally we would expect such an area to have a fully shared surface area with no kerbs and no defined traffic route in such an area. It would be helpful to understand why the home zone concept has not been taken further here. The use of materials such as asphalt and the presence of pavement kerbs along with the concrete paver car parking spaces does not give the feel of a typical home zone. More thought should be given to having a single material from the building frontage to the rear of the car park spaces, ideally small element concrete pavers with the car spaces identified using a contrast edging or studs.

The applicant needs to refer to the draft cycle storage SPD and provide more details on the cycle storage provision; cage storage is preferred as it allows other large items to be stored. Separate cycle storage provision with access by key or fob for each block is provided next to each of the residential cores; this is considered sufficient to maintain a good level of security.

## Sustainability

The sustainability statement indicates that CO2 emissions have been reduced but could explain more clearly how the scheme design, layout and orientation responds to the requirements of Core Strategy Policy SD3. The sustainability statement should also show how the scheme minimises water consumption, surface water run-off and non-fluvial flooding, whilst protecting water quality as set out in Core Strategy Policy SD2. The statement touches on these fairly briefly, although I note there is a separate drainage strategy. The statement indicates that the scheme will meet the tighter Building Regulation requirement of 110 litres per person per day.

There is no mention that the design incorporates solar PV tiles on the roofs, or green roofs for any of the blocks, which would seem to be a missed opportunity. We would expect to see the inclusion of renewable energy in the scheme, in line with emerging Local Plan Part 2 policy SD6, and Core Strategy SD3. The Health Campus is identified as an energy opportunity area for decentralised energy networks – development here is expected to contribute towards the provision of district heating networks, in line with LPP2 SD7.

## CONCLUSION

The proposed scheme is broadly acceptable in principle and with some further changes to the design to address the concerns raised we are confident that support can be given to the design of the scheme as well. It is a balance but where we are considering schemes of this nature it is important to ensure that the quality of the places created is considered as well as the need for housing numbers. The NPPF (Para 56, 57, 58 and 64) and UD1 of LPP1 requires good design which responds to the character of the area and maximises opportunities to improve the character and quality of an area.

## **6.0 Appraisal**

### **6.1 Main issues**

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

(a) Principle of development.

- (b) Design, scale and impact on visual amenity.
- (c) Quality of residential accommodation.
- (d) Affordable housing provision and housing mix.
- (e) Impacts on surrounding properties.
- (f) Landscaping and impacts on trees
- (g) Car parking, access and transportation.
- (h) Flood risk and drainage.
- (i) Sustainability
- (j) Other environmental considerations
- (k) Archaeology
- (l) Section 106 and Community Infrastructure Levy (CIL)

## 6.2 (a) Principle of development

### *Background information*

- 6.2.1 The application site forms part of the wider Watford Health Campus masterplan area and benefits from outline planning permission for residential development – granted in January 2015 under application reference 14/00511/OUTM. It encompasses part of the area identified as the “Willow Lane Residential Area” on the masterplan.
- 6.2.2 The plans approved under permission 14/00511/OUTM had detailed a total of 681 new dwellings across the wider Health Campus site. Within the Willow Lane Residential Area which encompasses the site to which this application relates and also the remaining part of the former Willow Lane allotment site which extends to the southeast, a total of 47 houses and a small block of flats were proposed (see extract from masterplan in Appendix 2).
- 6.2.3 The scheme proposed under this application differs from that which was shown on the masterplan in that 95 flats are now proposed on this northeastern part of the Willow Lane Residential Area rather than the houses originally proposed. It is understood that this change in approach is due to a number of technical and financial factors that mean that the site lends itself more to a flatted development layout rather than that providing family houses.
- 6.2.4 The masterplan had shown the complete removal of the wooded area to the southeast of Rose Gardens and the provision of a road that would meander its way through this part of the site to serve the new houses. Due to the topographic characteristics of this area, such development would be reliant on the creation of significant retaining wall structures to account for the change in levels. As this first residential phase has advanced nearer to commencement, it has become apparent

that such structures would result in the creation of a fairly 'harsh' physical environment that would not offer a high quality form of development. Consequently, since the grant of permission 14/00511/OUTM, alternative forms of residential accommodation have been looked at for this part of the masterplan area with the aim of achieving a less hostile environment.

- 6.2.5 The layout and building form proposed under the current application allows three blocks of flats to be provided on the relatively flat plateau area which sits nearest to the southeastern end of Rose Gardens. The wooded area to the southeast of the plateau will be retained and will provide a green buffer between the Willow Lane residential zone and the other residential zone to the southeast (known as the "Riverside" zone which is to come forward as a future phase). The retention of a wooded area and the omission of the retaining wall structures will enhance the visual amenity of this part of the Health Campus area and will allow a high quality residential environment to be created.
- 6.2.6 While the proposed scheme will be of a different form and layout to that originally envisaged under the masterplan, it will, nevertheless, continue to provide residential development in this area and remains consistent with the masterplan in this respect.
- 6.2.7 In addition to the above, it should be noted that the masterplan was based on the expansion of Laurance Haines School. However, as the Health Campus project has gained momentum it is apparent that there is an opportunity for a new school to be provided within the Health Campus development. Following discussions between the applicant and Hertfordshire County Council, the option of securing a new standalone primary school within the Health Campus development is favoured. It is felt that this would better meet demand and allow the delivery of a new two form entry school rather than an extension. In light of this, it is considered entirely appropriate that the area of safeguarded land is released to accommodate additional residential development. The allocation of an area within the Health Campus for this new school is reflected in the section 106 agreement – see "Section 106 planning obligations and Community Infrastructure Levy (CIL)" section of the report below).

#### *Land use allocation*

- 6.2.8 The Proposals Map of the Watford District Plan 2000 identifies the site as allotment land. However, the allotment use has now ceased and the site currently comprises a largely cleared area with low lying vegetation and some trees mostly around parts of its perimeter.



6.2.9 The site forms part of the Watford Health Campus Special Policy Area as set out within the Watford Local Plan Core Strategy 2006-31 (see below) and has therefore been earmarked for redevelopment. The use of the site to provide residential development has already been established and accepted in principle under the masterplan.

*Watford Health Campus Special Policy Area*

6.2.10 Policy SPA3 (Health Campus) of the Watford Local Plan Core Strategy 2006-31 has as its objective:

6.2.11 “To deliver a major mixed use development project providing a new quarter for west Watford which seeks to provide new housing, jobs and community facilities with the catalyst of a significantly enhanced new acute hospital. This new quarter will be integrated seamlessly with the existing surrounding neighbourhoods, will enhance the local services and amenities for the existing local communities in west Watford and is expected to provide in the order of 1,000 to 1,900 new jobs.”

6.2.12 The policy also sets out the requirements for the Health Campus SPA as follows:

- Improved major acute hospital providing new facilities for patients and staff.
- Residential development (at least 500 new homes) including affordable housing.
- Commercial office development.
- Local centre shops and community facilities.
- Leisure facilities including the support of Watford Football Club as an important local asset.
- New combined heat and power plant.
- New road access arrangements to alleviate congestion on Vicarage Road and site circulation improvements to assist walking and cycling.
- Traffic signaling improvements to Junction 5 of the M1 motorway.
- Improved quality and quantity of green infrastructure.
- A primary school.

6.2.13 The new development should also be of high quality design, making the most of opportunities for energy conservation, renewable energy provision and water recycling; maintain and add to open space for recreational and biodiversity purposes; provide local employment opportunities and affordable and key worker housing; and be designed to reduce flood risk.

6.2.14 The principle of developing this site, as part of the wider Watford Health Campus project, was accepted under the previous hybrid application 14/00511/OUTM as

already mentioned. The current proposal reflects the original objectives of the hybrid application in that the site will be used to accommodate new residential units. The works proposed under this application do not compromise the objectives of the original scheme or Policy SPA3 and the proposal will help to bring forward the first residential phase of the Health Campus development following the recent completion of the new link road.

### 6.3 (b) Design, scale and impact on visual amenity

6.3.1 Policy UD1 of the Watford Local Plan Core Strategy 2006-31 seeks to ensure that all new development is based on an understanding of the local characteristics of the surrounding area. Section 7.1.2 of the RDG advises that “New development must create a place of distinction by building on local identity” and further advises that “Where positive aspects of local character are more limited, development needs to begin to set a standard for the area by creating a distinctive place in its own right”.

6.3.2 At a national level, the government’s planning guidance places a strong emphasis towards the creation of high quality environments through good design. There is also a strong emphasis towards achieving sustainability. Section 7 of the NPPF states that planning decisions should aim to ensure that developments “will function well and add to the overall quality of the area” and “are visually attractive as a result of good architecture and appropriate landscaping”.

#### *Existing character of area*

6.3.3 The area in which the application site is located can be regarded as being mixed in character – being surrounded by varying residential development, the somewhat disjointed hospital complex and also the former industrial land. The nearest residential properties are those located within the Rose Gardens cul-de-sac located to the northwest of the site and comprise pairs of two storey, semi-detached houses built in the 1920s (with the exception of a modern, detached, two storey “infill” building at No. 12A). Other nearby residential properties include the detached, two storey De Beers House at 56 Willow Lane, which sits within close proximity to the northwestern boundary of the site (built on land which formerly comprised part of the back garden of 20 Rose Gardens), and the two storey, terraced properties along the southwestern side of Willow Lane. To the south of the disused railway lies Stripling Way which is a modern residential estate predominantly comprised of two storey, terraced houses. Other nearby buildings of note include those forming part of the Watford General Hospital complex to the northeast of the site. The hospital has developed over time on an ad-hoc basis and this complex dominates the surroundings.

- 6.3.4 The application site itself is undeveloped and falls outside of the character areas identified by the Watford Character of Area Study. The development of this vacant site provides an opportunity for new character and identity to be created. The proposal forms part of the Health Campus scheme, where it is accepted that density levels will be higher than those currently found in the areas adjoining the site. It must therefore be accepted that this necessitates a different building form and a change in approach to scale and massing. The architect has adopted a contemporary design approach that will introduce a new style of architecture to the area and it is felt that the site lends itself to this.
- 6.3.5 The submitted Design and Access Statement sets out a number of potential layout options for delivering the housing units while taking into account a range of constraints including the topography of the site and the costs associated with building on a steep slope. The arrangement of the three blocks on the site, as proposed, appears to be an effective way of accommodating the number of units planned. The positioning of the proposed buildings will also allow suitable separation distances between the properties surrounding the site and the new blocks and also between the new blocks themselves. Furthermore, the proposed arrangement of the buildings in this manner will allow the provision of usable amenity space, car parking and manoeuvring space.

#### *Scale and massing*

- 6.3.6 The new buildings will incorporate 5 and 6 storeys and will therefore be significantly taller than the surrounding two storey residential properties. The new buildings will be separated a sufficient distance from the nearest two storey properties, however, ensuring that they have no overbearing or imposing impacts on them. Additionally, views towards the site from the lower parts of the wider masterplan area, including those afforded from Thomas Sawyer Way (when approaching the site from the southeast), are currently dominated by the large hospital buildings and the other buildings within the hospital complex. As such, the new buildings will not appear unduly prominent in this context. The retention of a wooded area to the southeast of the buildings will also help to soften their appearance when viewed from surrounding areas. It is considered that the new blocks of flats will remain compatible with the surrounding development but will also mark the transition from the traditional built form to the north with the more contemporary and higher density Health Campus development.
- 6.3.7 The proposed buildings will incorporate features to help 'break up' their massing and create visual interest including the use of articulated elements, contrasting materials, protruding balconies and variation in window sizes. Additionally, Blocks A and C will incorporate asymmetric pitched roof elements and these features will

add further interest. It is acknowledged that the Planning Policy Team, in providing observations on the application, has raised concerns that the pitched roof form, as proposed, appears out of scale in relation to the buildings on which they sit and that a different approach to the articulation of the principal elevations could provide visual interest whilst providing better amenity areas for the individual flats (see Planning Policy Team's comments in the "Consultations" section of the report above). The Planning Policy Team does not support the pitched roof form and considers it preferable to have a simple flat roof form. However, in this particular case, if all blocks were to incorporate flat roofs then this would reduce the variation between them, and some of the visual interest would be lost which would have a detrimental impact on the overall appearance of this development. The pitched roof elements add subtle variety to the roofline when viewed from a distance whereas a continuous flat roof across all three blocks has the danger of appearing too harsh against the skyline. The Planning Policy Team has also suggested that the use of flat roofs would support the use of solar photovoltaic (PV) panels. There is no reason, however, why the design, as proposed, could not support the use of solar PV panels. Indeed, the use of solar PV panels has been embraced by the applicant and Drawing No. A1-152 provides details of the proposed PV panel layout.

#### *External materials*

- 6.3.8 The materials are shown indicatively on the documents submitted with the application and include buff bricks for the main elevations with a darker coloured brick for the ground floor plinth. Grey panelling will be added to the recessed parts of the elevations and also to the panels that will sit alongside some of the windows. This will complement the window frames that will also incorporate a grey finish. Where the pitched roof forms are used the proposed material is a slate appearance concrete tile. It is considered that the proposed materials are acceptable in principle. The Planning Policy Team has raised some concerns with the choice of roof tile and cladding material and also with the colouring of the bricks. The full details of external finishes will be secured by condition, however, and this will provide an opportunity for samples to be reviewed and for the exact material choices to be considered in more detail.

#### *Balconies*

- 6.3.9 With regard to the balconies, the Planning Policy Team has advised that the scheme would be improved if the floor plans of the buildings were increased to allow balconies to be recessed and incorporated into the main parts of the buildings rather than protruding from the walls. There may be some merit in adding recessed balconies to add further visual interest but, as already discussed, measures have been implemented to ensure that suitable visual interest for the elevations of the

buildings will be achieved through articulation and the use of varied window sizes, contrasting materials and pitched roof elements. The use of inset balconies had been reviewed during the pre-application consultation process and following a number of variations explored, it was felt that a simple façade with projecting balconies worked best.

6.3.10 It is considered that the lack of recessed balconies does not render the scheme unacceptable in design terms. In any case, the introduction of recessed balconies, would necessitate the enlargement of the buildings in order to provide the space required to accommodate them. This is because they cannot simply be added without 'eating' into the internal floor areas of the flats. Consequently, any enlargement of the buildings would increase their massing and is likely to result in lesser separation between the new blocks and neighbouring buildings. This, incidentally, would have implications on privacy distances and the amount of car parking and communal space provided.

6.3.11 It is important that any railings or other means of enclosure around the balcony platforms sit comfortably with the design of the building. There is a danger that household items will be placed on/over the balconies and this could have a detrimental impact on visual amenity. Various balcony design options have been considered (pages 37 and 38 of the Design and Access Statement). It is considered that the balcony type shown on the submitted elevations works well with the design aesthetic proposed and allows better natural lighting and outlook within the flats than would be offered by more solid panel types. Notwithstanding this, further details of the balcony design can be secured by condition. There is also the opportunity for a management regime to be put in place to ensure that balconies are left largely free of paraphernalia and this would help to reduce the potential for any visual cluttering.

#### *Other design considerations*

6.3.12 The siting of the balconies and windows has been carefully considered to enhance the composition of the facades while at the same time providing the best possible outlook and amenity to the occupants. The window and balcony design is intentionally simple and repeated across the blocks to provide some cohesion to the development across the site.

6.3.13 Overall, it is considered that the proposed scale, design and form will offer a robust elevational treatment for the buildings and will achieve a high quality appearance. In this respect, the design concerns raised by the Planning Policy Team are not considered sufficient to warrant a reason for refusal of the application.

#### 6.4 (c) Quality of residential accommodation

##### *Internal space*

- 6.4.1 The proposal provides a mix of 1 bedroom (2 person), 2 bedroom (3 person), 2 bedroom (4 person) and 3 bedroom (5 person) units. All of the proposed units meet the minimum floorspace standards set out in the RDG and will therefore provide a suitable amount of internal space. Additionally, the units will benefit from layouts that will allow a typical arrangement of furniture and adequate circulation space.

##### *Lighting and outlook*

- 6.4.2 The majority of units will receive good levels of daylight and sunlight to all habitable rooms in excess of the Building Research Establishment (BRE) targets. Some of the flats will have a more limited level of amenity due to windows facing towards the elevations of adjacent blocks. However, the submitted Daylight and Sunlight Report indicates that only one of the living, dining and kitchen rooms assessed will be below standard in terms of meeting the daylighting and sunlighting tests. The report identifies that some of the bedrooms will be below standard in terms of daylighting with only one bedroom below standard in terms of sunlighting. However, it must be acknowledged that the BRE guidance considers bedrooms to have a lesser requirement for daylight and sunlight amenity given their predominant night time use. Some units with slightly lower levels of amenity are inevitable in high density urban schemes of this nature, particularly on more constrained sites. Overall, however, it is considered the development will provide good quality accommodation for its future occupiers. It must also be acknowledged that amendments have been made to the plans during the course of the application to facilitate an enlargement of some of the window openings within Block C and this will enhance levels of natural lighting within these units.

##### *Privacy*

- 6.4.3 The scheme has been carefully designed to minimise any potential overlooking between properties and to ensure that future occupiers of the flats benefit from suitable levels of privacy.
- 6.4.4 Where necessary, some of the roof terraces will be set in from the edge of the building to ensure that direct views into neighbouring flats cannot be afforded from these areas. For those units at ground floor level that front onto communal areas, defensible spaces are to be provided immediately adjacent to doors and windows serving habitable rooms, where possible, through the use of hedging and other treatment.

### *Amenity space*

- 6.4.5 All of the units above ground floor level will benefit from having either their own private balconies or terraces.
- 6.4.6 Section 7.3.23 of the RDG advises that “For flatted developments, communal open space provided for the exclusive use of occupants of the development may be acceptable as long as its location, size and shape enable it to be enjoyed by the occupants”. It further advises that “The minimum area for usable communal space is 50 square metres, plus 15 square metres per additional unit over two units”. Using this standard, the scheme would be required to have a minimum area of 1,445 square metres in communal open amenity space. The amount of communal open space to be provided exceeds this standard and therefore meets the aims of the RDG. The amenity space will comprise areas laid to lawn, part-paved, landscaped areas and a play area – allowing it to be enjoyed by all residents.

### *Children’s play space*

- 6.4.7 Provision has been made to accommodate a play area within the confines of the site. This is to be sited to the rear of Block C and will cater for young children. It will consist of “naturalistic” play equipment including stepping stones, logs, boulders and timber elements which will help ensure that these features do not appear too stark in their setting.
- 6.4.8 The Planning Policy Team has raised concerns that the proposed children’s play area has the potential to be taken over by a particular group and will be at risk of becoming neglected due to its position behind Block C.
- 6.4.9 During pre-application discussions it had been indicated that the play area would be sited to the southeast of Block A. Concerns were raised that this would be too close to the entrance road and public footpath and hence the area behind Block C was considered a safer option. Since it is designed to serve small children only, it is assumed that parents would accompany and supervise their children at play and, in doing so, will create social surveillance and make the area safe. Having reviewed the scheme, the Herts Constabulary Crime Prevention Design Advisor has not raised any concerns with the location of the children’s play area. It is felt that it will benefit from suitable levels of natural surveillance from the windows provided on the rear elevation of Block C. While the area will be sited behind Block C it will be overlooked by a number of flats and the surveillance offered by these will help to discourage anti-social behaviour from taking place here.

6.4.10 The Harwoods Recreation Ground with its associated adventure playground is located a short distance to the northwest of the site (less than a 350 metre walk). Occupiers of the flats would have easy access to this public open space.

#### *Noise*

6.4.11 The site is located adjacent to the disused Croxley Green Branch railway line. At present, there are no trains using this railway but this line is soon to become operational through the Metropolitan Line Extension project. In order to mitigate the impacts of this noise and to achieve suitable internal noise levels within flats attenuation measures will need to be implemented. The submitted Noise Assessment sets out the acoustic performance required for glazing in order to ensure that residents do not suffer from any significant disturbance from the railway when it becomes operational. Furthermore, in order to enable rapid ventilation to take place without occupants having to rely on opening their windows, a system for mechanical ventilation is also required. Such measures can be secured by condition.

#### *Refuse and recycling storage facilities*

6.4.12 The Council's Waste & Recycling Team has been consulted and has advised that further bin storage capacity is required in order to meet the demands of the development. In light of this, the applicant has submitted amended drawings during the course of the application which show revisions to the design and layout of the bin storage so as to increase capacity in line with the Waste & Recycling Team's recommendations. The proposed purpose-built stores will be conveniently located for future occupiers of the development and for the refuse collection teams. It is felt that such provision will ensure that adequate refuse and recycling storage will be accommodated without causing harm to the amenities of future occupiers of the development or neighbours and without compromising the appearance of the site, the streetscene or the character of the area, in accordance with saved Policy SE7 of the Watford District Plan 2000 and Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

### 6.5 (d) Affordable housing provision and housing mix

#### *Affordable housing*

6.5.1 Policy HS3 of the Core Strategy requires 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal, a total of 95 units are proposed and this would require the provision of 37 affordable units. The Policy requires a mix of 65% affordable rent, 20% social rent and 15% intermediate



(shared ownership) tenures and advises that only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.

6.5.2 A viability appraisal has been submitted on behalf of the applicant and this claims that the scheme is only financially viable with a maximum of 29 affordable units (30.5% of the total number of units) being provided. Of these, 5 units (17% of the 29 affordable units) will be allocated for affordable rent and the remaining 24 units (83%) will be allocated for intermediate housing as shared ownership. No provision is to be made for any social rented units.

6.5.3 The applicant's viability appraisal has been the subject of a detailed review by external consultants on behalf of the Council. Following extensive negotiations, the affordable housing mix has been agreed as set out below.

29 affordable units in total comprising:

Affordable Rent (20.7%)

6 x two bedroom 4 person units.

Shared Ownership (79.3%)

9 x one bedroom 2 person units

10 x two bedroom 3 person units

4 x two bedroom 4 person units

6.5.4 One aspect of the viability appraisal in which agreement between parties could not be reached relates to the build costs associated with the delivery of the scheme. In order for this matter to be resolved a Memorandum of Understanding has been agreed setting out that an overage payment will be made to the Council in the event that the actual build costs end up being less than those forecast by the applicant. In such an event, the overage payment will be allocated towards providing further affordable housing within the Health Campus.

*Housing mix*

6.5.5 Policy HS2 of the Watford Local Plan Core Strategy 2006-31 states that the Council will seek the provision of a mix of housing types, sizes and tenures at local level to meet the requirements of all sectors of the community. The application proposes a combination of one, two and three-bedroom flats, which is considered to be an acceptable housing mix for a sustainable location such as this.

6.5.6 As mentioned earlier in the report, it was envisaged under the masterplan that

houses would be provided within the area covered by the application site. The scheme now presented under this current application proposes a purely flatted development without any houses. Notwithstanding this, it is apparent that some of the flats proposed will be able to accommodate up to 5 persons and will provide family-sized accommodation. The varied flat sizes are to be welcomed. It is also worth bearing in mind that it is the Council's aim for a proportion of the units provided across the wider Heath Campus area to comprise houses so as to ensure that a balanced housing stock is achieved overall and ensure that some demand for this type of housing is satisfied. It is considered that there is adequate scope for such provision elsewhere in the Special Policy Area.

## 6.6 (e) Impacts on surrounding properties

- 6.6.1 It is considered that the proposed development will cause no significant harm to the amenities of any neighbouring occupiers or uses, in accordance with the provisions of the RDG, Policy SS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 17 of the NPPF.
- 6.6.2 The development will be visible from many of the surrounding properties. However, given its size and siting, it is considered that it will not have any overbearing impact on neighbouring properties and will not significantly affect their outlook.
- 6.6.3 The submitted Sunlight and Daylight Report demonstrates that the scheme will result in no significant loss of natural light to those nearest residential properties within Rose Gardens. The proposed buildings will be sited a sufficient distance from these properties so as not to result in any significant heightened sense of enclosure or impact on outlook (this is helped somewhat by the fact that the proposed buildings will be sited on lower ground than those nearest properties within Rose Gardens). Adequate levels of natural light and outlook will also be maintained at De Beers House owing to its separation from the new blocks.
- 6.6.4 A sufficient distance (in excess of the 11m set out by the RDG) will be maintained between the windows and balconies on the northwest elevations of the proposed blocks and the neighbouring residential properties to the northwest so as to ensure that no significant overlooking occurs. The development allows for a separation distance of more than 27.5 metres between the northwest elevations of Blocks A and B and the rear elevations of the nearest houses within Rose Gardens, in accordance with the RDG. Additionally, a distance of more than 27.5 metres will be provided between the windows on the rear elevation of Block C and the nearest properties on Stripling Way.

## 6.7 (f) Landscaping and impacts on trees

6.7.1 The site has been largely cleared and currently comprises bare ground, low-lying shrubs and some trees which are mostly located around parts of its perimeter and at its southern end. Some trees have already been removed through site clearance works and the development will involve the removal of further trees although the scheme does allow for the retention of the majority of the trees situated along the southeastern boundary. An Arboricultural Impact Assessment has been submitted with the application and following a review of this, the Council's Arboricultural Officer has raised no objection to the proposal.

6.7.2 A detailed landscaping scheme has accompanied the application and this provides details on the proposed planting and the various treatments to be applied to hard surfaces. The proposed landscaping scheme will allow some replacement trees to be planted and for other forms of soft landscaping to be introduced helping to create an attractive environment. The Arboricultural Officer, in his initial review of the plans, had asked for the species of trees to be provided along the northwestern boundary of the site to be specified. This information has been added to the soft landscaping plan during the course of the application. The Arboricultural Officer has subsequently confirmed that the landscaping scheme is acceptable.

## 6.8 (g) Car parking, access and transportation

6.8.1 The Local Highway Authority has been consulted and has confirmed that it does not consider that the proposed development is likely to have an impact on the safety of the local highway network. It has raised no objection to the proposal subject to conditions being secured as discussed below.

6.8.2 The Local Highway Authority has recommended that a condition be imposed requiring the applicant to submit a Construction Traffic Management Plan (see "Consultations" section above). Issues arising from the construction period are not material planning considerations and are covered by other legislation. As such, it is not considered appropriate to impose a planning condition relating to these matters. Nevertheless, an informative note will be added to the decision notice (see "Recommendations" section below) to provide advice to the applicant with regard to wheel washing, contractors' parking and their responsibilities for ensuring that the highway remains unobstructed (unless agreed by the Local Highway Authority).

6.8.3 The Local Highway Authority has also requested a condition requiring the submission of detailed plans. This is not considered necessary as detailed, scaled plans have already been provided as part of the application submission. Furthermore, the Local Highway Authority has recommended that a Travel Plan, Car

Parking Management Plan and a Servicing and Delivery Plan be secured by condition but the Local Planning Authority considers that requiring these details for a residential development of this scale is not necessary and cannot be justified.

#### *Car parking*

6.8.4 Saved Policy T22 and Appendix 2 of the Watford District Plan 2000 set out the Council's current parking standards and advise that in a location such as this (Zone 4 of the Car and Cycle Parking Zones as detailed within Appendix 2 of the Watford District Plan 2000) that the following car parking standards should be applied:

*For 1 bedroom dwellings – a maximum of 1.25 spaces per dwelling*

*For 2 bedroom dwellings – a maximum of 1.5 spaces per dwelling*

*For 3 bedroom dwellings – a maximum of 2.25 spaces per dwelling*

6.8.5 Based on the number and size of units proposed, a maximum provision of 138 spaces would be permitted. The proposal seeks to provide 61 spaces which includes 6 disabled parking spaces and 2 electric charging spaces. The proposed car parking provision will not exceed the maximum threshold and will remain compliant with the parking standards.

6.8.6 The submitted Transport Statement advises that census data for this ward indicates that 29% of households are without a car. Based on this information, and also taking into account that the site lies within close proximity to bus stops (and the proposed Vicarage Road Metropolitan Line station) and is within easy reach of the town centre, future occupiers are likely to be less reliant on car usage than if the site were situated in a more suburban location.

6.8.7 Concerns have been raised by residents in terms of the development causing increased parking on surrounding roads. However, the nearest residential roads including Willow Lane and Rose Gardens are subject to parking controls (as they are located within controlled parking zones). Future occupiers of the flats will not be entitled to parking permits within these surrounding streets and therefore the development is unlikely to result in any significant increase in on-street parking.

#### *Access and Servicing*

6.8.8 The development will be served by a single vehicular access off the newly-constructed roundabout to the northeast of the site. A turning head will be provided within a central part of the site. This will help to reduce the potential for any obstruction being caused to the adjoining highway.

6.8.9 The Local Highway Authority has asked for swept path assessments to be provided. These have been submitted during the course of the application and demonstrate that there is adequate space within the site to allow vehicles, including fire appliances and refuse collection vehicles, to be able to enter, manoeuvre and leave in a safe and convenient manner without compromising the safety and freeflow of the adjacent highway.

6.8.10 The proposed bin stores will be sited in locations that will allow the refuse collection teams easy access to them.

#### *Cycle storage*

6.8.11 Cycle storage will be provided by way of internal storage rooms accommodated within each of the proposed blocks. These will be large enough to meet the demands of the development and such provision will be secure and weatherproof in accordance with the requirements of saved Policy T10 of the Watford District Plan 2000.

#### 6.9 (h) Flood risk and drainage

6.9.1 The site lies within Flood Zone 1 with minimal risk of flooding from all sources. In order to minimise the risk of flooding post-development, a surface water drainage strategy has been approved by the County Council as the Lead Local Flood Authority. This can be secured by condition.

#### 6.10 (i) Sustainability

6.10.1 There is an over-riding objective of the NPPF to achieve sustainable development through the planning system. This is supported by Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2006-31. New development is expected to incorporate measures to minimise water consumption, surface water run-off and non-fluvial flooding and maximise the use of energy efficiency and energy conservation measures.

6.10.2 The application is supported by an Energy Strategy and this indicates that the development will have a high airtightness rating, well insulated walls, roofs, windows and doors – all of which will help to reduce heat loss in winter. Other measures to be implemented include high efficiency lighting and efficient mechanical ventilation with heat recovery. Solar photovoltaic panels are to be fixed to the roofs of Blocks A and B and these will help to secure a renewable energy source.

## 6.11 (j) Other environmental considerations

### *Ecology*

6.11.1 According to the Watford District Plan 2000 Proposals Map the site lies within a Wildlife Site. Up until recently, the area in which the development is proposed was covered by trees. The main part of the site has now been cleared and the majority of retained trees are located around parts of its perimeter and at its southern end. Where the woodland has been removed it has given way to scrub and tall ruderal.

6.11.2 The site is not under any statutory or non-statutory protection. Approximately 50-75 metres to the south of the site is the Lairage Land Local Nature Reserve and Local Wildlife Site. Due to the nature of the application and the intervening land use it is unlikely that this area will be impacted by the application.

6.11.3 The Ecological Assessment submitted with the application has highlighted ecological constraints involving badgers, breeding birds, foraging and community bats, and recommended the provision of suitable foraging habitat post construction. Suitable measures to safeguard this wildlife can be secured through the use of conditions and this approach is considered suitable by Natural England and Herts Ecology.

6.11.4 It is acknowledged that the Herts & Middlesex Wildlife Trust has raised an objection to the proposal on the basis that the development will involve the loss of a priority habitat of lowland mixed deciduous woodland. However, the current proposal seeks to retain the wooded area immediately to the southeast of the site which, under the masterplan application, had been shown to be removed. In this respect, the current scheme allows for some of the woodland to be retained which must be considered an improvement, in ecological terms, when compared to the scheme allowed under the masterplan permission. On this basis, and also taking into account the lack of objection from Natural England and Herts Ecology, it is considered that the loss of part of the woodland would not warrant a refusal of the application.

### *Land contamination*

6.11.5 The site is located on a Principal Aquifer in Source Protection Zone 1 indicating that groundwater beneath the site will directly feed public drinking water supply. If pollution reaches the groundwater then this may result in the loss of that abstraction point. The Preliminary Environmental Risk Assessment submitted with the application has revealed potentially contaminative previous uses of the site (e.g. limekilns and gravel pits that were historically in-filled with unknown material).

In order to ensure that ground water is adequately protected certain measures are necessary including further investigations for contamination. Such measures can be secured by condition. Any piling or foundations using penetrative methods should be prohibited without further consent in order to prevent any additional unacceptable risk to the groundwater. This can also be secured by condition.

## 6.12 (k) Archaeology

6.12.1 The area in which the application site is located appears as open farmland on the 1844 Tithe Map, adjacent to a former building identified as Watford Pest House, which is likely to have predated the 18<sup>th</sup> century in origin. A historical map dated from the 1870s shows there to be lime kilns in the northern corner of the site. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> edition Ordnance Survey maps suggest that the area was an undeveloped field until after World War II, when it became woodland. The archaeological desk-based assessment indicates that it was used for allotments during the war. It also states that gravel extraction and considerable earth movement has occurred onsite, although little clear evidence for this is provided.

6.12.2 Owing to the size of the site (covering an area of 0.7ha), there is the potential that some undesignated heritage assets lie within it, given the relatively high density of such remains in Hertfordshire. It is understood that the topographic position, on a ridge overlooking the river valley, is favourable for prehistoric settlement. The land within the proposed area has not been subject to large-scale development before, and thus any archaeological remains are comparatively less likely to have been disturbed or truncated.

6.12.3 In light of the above, the site should be regarded as likely to have an impact on heritage assets with archaeological interest. As such, it is recommended that an archaeological field evaluation of the proposed development area is carried out prior to the commencement of the development. This evaluation, and any subsequent mitigation measures, are to be secured by condition.

## 6.13 (l) Section 106 planning obligations and Community Infrastructure Levy (CIL)

### *CIL*

6.13.1 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.

6.13.2 The Council's CIL Charging Schedule includes the Watford Health Campus site within one of its Major Developed Areas for which there is a zero CIL charge.

*S.106 planning obligations*

6.13.3 Since the Council introduced its CIL charging in April 2015, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements.

In the case of this planning application, the planning obligations required to make the development acceptable are:

- i) Securing fire hydrants;
- ii) Securing 29 of the units as affordable housing;
- iii) The agreement of Hertfordshire County Council to legally relinquish their option on the School Land (2,617sqm land zone at Willow Lane previously marked for the expansion of Laurance Haines School) and Additional School Land (land comprising no more than 1000sqm on Harwoods Recreation Ground) on completion of the agreement;
- iv) Watford Borough Council to transfer the freehold of 0.9hectares of developable land for the purposes of a two form entry primary school. The land is to be fully remediated and serviced prior to the transfer and suitable access to the site will be provided prior to the transfer;
- v) The Land identified in (iv) to be transferred by Watford Borough Council to Hertfordshire County Council for the sum of £2,250,000;
- vi) Securing a financial contribution of £274,556 towards the provision of primary education facilities;
- vii) Securing a financial contribution of £36,930 towards the provision of secondary education facilities;
- viii) In the event that the actual Building/Construction Costs are less than the applicant's estimated Building/Construction Costs an overage payment will be made to Watford Borough Council to be used for affordable housing up to a ceiling cap of £386,516.

6.13.4 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.

6.13.5 The obligations outlined above are directly related to the proposed development, and are fairly and reasonably related in scale and kind to the development. They are also necessary to make the development acceptable in planning terms. Accordingly, the obligations meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, they can be taken into account as material planning considerations in the determination of the application. The Council's approach to securing land for a new school, seeking affordable housing provision, fire hydrant provision and contributions towards education 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.

## **7.0 Conclusion**

- 7.1 The site is located within the Watford Health Campus Special Policy Area and was earmarked for residential development under the previously-approved masterplan. The proposed housing differs to that shown on the masterplan in that a flatted development is now proposed whereas the masterplan had shown houses in this location. However, due to the physical and financial constraints that have arisen as the scheme has advanced, it is apparent that the provision of flats in this location will allow a better standard of development to be achieved.
- 7.2 The character of the area in which the application site is located is mixed. The site itself occupies a cleared, vacant parcel of land that provides an opportunity for new character and identity to be introduced through its architecture. The contemporary design approach which has been adopted will create a high quality appearance and provide a suitable transition between the surrounding built form and the new housing forming part of the Health Campus project. Given this context, the proposed design, scale and layout of the scheme is considered acceptable on this site.
- 7.3 The level of parking to be provided on site is considered to be suitable taking into account the site's relatively sustainable location which is set to become even more accessible with the Metropolitan Line Extension and the introduction of its associated Vicarage Road Station. The proposed residential flats will provide a good overall quality of accommodation for future residents, subject to appropriate conditions.

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## **8.0 Human Rights implications**

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

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## 9.0 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) Securing fire hydrants;
- ii) Securing 29 of the units as affordable housing;
- iii) The agreement of Hertfordshire County Council to legally relinquish their option on the School Land (2,617sqm land zone at Willow Lane previously marked for the expansion of Laurance Haines School) and Additional School Land (land comprising no more than 1000sqm on Harwoods Recreation Ground) on completion of the agreement;
- iv) Watford Borough Council to transfer the freehold of 0.9hectares of developable land for the purposes of a two form entry primary school. The land is to be fully remediated and serviced prior to the transfer and suitable access to the site will be provided prior to the transfer;
- v) The Land identified in (iv) to be transferred by Watford Borough Council to Hertfordshire County Council for the sum of £2,250,000;
- vi) Securing a financial contribution of £274,556 towards the provision of primary education facilities;
- vii) Securing a financial contribution of £36,930 towards the provision of secondary education facilities;
- viii) In the event that the actual Building/Construction Costs are less than the applicant's estimated Building/Construction Costs an overage payment will be made to Watford Borough Council to be used for affordable housing up to a ceiling cap of £386,516.

### Conditions

Time Limit

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.

#### Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: A2-001 Rev 1; A2-002 Rev 1; A1-001 Rev 8 – amended plan received 12.05.17; A1-002 Rev 4 – amended plan received 21.04.17; A1-101 A Rev 7 – amended plan received 21.04.17; A1-101 B Rev 1 – additional plan received 21.04.17; A1-102 Rev 5 – amended plan received 21.04.17; A1-103 Rev 7 – amended plan received 12.05.17; A1-151 Rev 2 – amended plan received 03.04.17; A1-152 Rev 01; A1-401 Rev 4; A1-402 Rev 3; A1-403 Rev 1; L-200 Rev M – amended plan received 03.04.17; L-700 Rev G – amended plan received 03.04.17; MBSK170403-1; MBSK170403-2; MBSK170403-3; MBSK170403-4; MBSK170403-5.

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

#### External Materials and Finishes

3. Notwithstanding the information already submitted, 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 buildings, including all walls, roofs, doors, windows, balconies, rainwater and foul drainage goods (including samples where considered necessary by the Local Planning Authority) and details of the reveal treatment to be applied around windows and doors 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 the provisions of the Residential Design Guide (RDG), Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and Section 7 of the National Planning Policy Framework (NPPF).

#### External Lighting

4. None of the units hereby approved shall be occupied until a scheme detailing the external lighting to be installed within the site (including free standing light fixtures and any external lighting attached to the buildings) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
  - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed prior to the first occupation of the development in accordance with the specifications and locations set out in the scheme, and shall be maintained thereafter in accordance with the approved scheme. Under no circumstances should any other external lighting be installed without the prior written approval of the Local Planning Authority.

Reason: To ensure that any external lighting safeguards the security and amenities of residents, respects the character and appearance of the area and is sensitive to wildlife in accordance with Policies GI3 and UD1 of the Watford Local Plan Core Strategy 2006-31.

#### Surface Water Management

5. The development permitted by this planning permission shall be carried out in accordance with the approved Outline Drainage Strategy carried out by Waterman Infrastructure & Environment Limited (document reference WIE11284-101-R-5-3-1-YN – dated February 2017), and the following mitigation measures;
  1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

2. Implementing appropriate drainage scheme based on discharge to public sewer.
3. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
4. Implementing appropriate Sustainable Drainage System (SuDS) measures as shown on the proposed drainage layout drawing reference 0001 Rev A05 and to include permeable surfacing, filter trench, raingarden/bio retention system and tree pits.

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

Reason: To reduce the risk of flooding by ensuring the satisfactory disposal and storage of surface water from the site, in accordance with saved Policy SE27 of the Watford District Plan 2000, Policies SD1 and SD2 of the Watford Local Plan Core Strategy 2006-31 and Section 10 of the National Planning Policy Framework (NPPF).

- 6a. No development shall take place until a detailed surface water drainage scheme for the site based on the approved Outline Drainage Strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include;

1. Detailed drawings of the proposed SuDS (Sustainable Drainage Systems) features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

2. Routes of exceedance to be identified for rainfall events that exceed the 1 in 100 year + climate change event.
- 6b. Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure must be submitted to and approved in writing by the Local Planning Authority and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with saved Policy SE27 of the Watford District Plan 2000, Policies SD1 and SD2 of the Watford Local Plan Core Strategy 2006-31 and Section 10 of the National Planning Policy Framework (NPPF).

#### Piling and Foundations

7. No piling or other foundation designs using penetrative methods shall take place until a method statement (detailing the depth and type of piling and/or foundations to be undertaken and the methodology by which such piling/foundations will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, measures to prevent harm to groundwater resources and the programme for the works) has 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: To safeguard underground sewerage utility infrastructure and to ensure that the proposed foundation works do not harm groundwater resources in accordance with saved Policy SE28 of the Watford District Plan 2000, Policy SD1 of the Watford Local Plan Core Strategy 2006-31 and Section 11 of the National Planning Policy Framework (NPPF).

#### Refuse, Recycling and Cycle Storage

8. No part of the development shall be occupied until the refuse, recycling and cycle storage to serve the development, as shown on the approved drawings, has been constructed and made available for use. These facilities shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for residents of the proposed development and in the interests of visual amenity, in accordance with saved

Policies SE7 and T10 of the Watford District Plan 2000 and Policies SD4 and UD1 of the Watford Local Plan Core Strategy 2006-31.

#### Hard and Soft Landscaping and Children's Play Space

9. The hard and soft landscaping and children's play area shall be carried out in accordance with the details shown on Drawings: L-200 Revision M (amended plan received 03.04.17) and L-700 Revision G (amended plan received 03.04.17). With the exception of the proposed planting, all works shall be completed prior to the first occupation of any part of the development. The proposed planting shall be completed not later than the first available planting and seeding season after the first occupation of any part of the development. For the purposes of this condition a planting season is the period from 1 October in any one year to 31 March in the following year. 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 in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and to ensure that suitable play facilities are provided for children in accordance with saved Policies L9 and SE36 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

#### Means of Enclosure

10. Notwithstanding the information already submitted, none of the units hereby approved shall be occupied until details of the siting, height, type, materials and finish of all fencing, walls, gates or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. All fencing, walls, gates or other means of enclosure shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be maintained as such at all times thereafter. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no gates or means of enclosure, other than those approved under this condition, shall be erected or installed on the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity, to ensure that suitable levels of privacy are provided for future occupiers of the development and

neighbours, and to minimise danger, obstruction and inconvenience to users of the adjacent highway, in accordance with the provisions of the Residential Design Guide (RDG), saved Policies T21 and T24 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

#### Photovoltaic Panels

11. The photovoltaic (PV) panels shall be provided in accordance with the details shown on Drawing A1-152 Revision 01. In the event of the approved PV panels not being available, details of any alternative PV panels (including their type, size, height, siting and layout) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the development shall only be carried out in accordance with any alternative details approved by this condition.

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

#### Parking, driveway and manoeuvring layout

12. None of the units shall be occupied until the access road, on-site parking (including those served by electric charging points) and manoeuvring areas have been laid out and constructed in accordance with the approved drawings and made available for use. These facilities shall be retained as approved at all times.

Reason: To ensure that adequate facilities are provided for the occupants of the development and to ensure that the adjoining highway is not obstructed, in accordance with saved Policies T21 and T24 of the Watford District Plan 2000.

#### Obscure glazing

13. The following windows 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:
  - (i) All proposed ground, first, second, third and fourth floor windows on the northeast-facing elevation of the building referred to as Block B on the drawings hereby approved;



- (ii) All proposed windows on the southwest-facing elevation of the building referred to as Block B on the drawings hereby approved with the exception of those serving the communal corridors;

Reason: To ensure that suitable levels of privacy are achieved for the occupiers of the flats and neighbouring properties pursuant to the provisions of the Residential Design Guide (RDG) and paragraph 17 of the National Planning Policy Framework (NPPF).

#### No use of flat roofs

- 14. No parts of the flat roofs of the development, with the exception of those areas marked as terraces on the drawings hereby approved, shall be used as terraces, balconies or other open amenity spaces.

Reason: To prevent overlooking and consequent loss of privacy to the occupiers of the development pursuant to the provisions of the Residential Design Guide (RDG) and paragraph 17 of the National Planning Policy Framework (NPPF).

#### Levels

- 15. Notwithstanding the information already submitted, no construction of the approved buildings shall commence until detailed plans showing the existing and new or altered ground levels within the site and the floor levels of all the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.

Reason: To ensure that the proposed buildings and any other changes in level on the site maintain a satisfactory relationship between the development and existing properties so as to safeguard the character and appearance of the area and the privacy and amenities of neighbouring properties in accordance with the objectives of Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 17 of the National Planning Policy Framework (NPPF). Details of all the levels have not been specified within the application submission and these details need to be agreed with the Local Planning Authority before any works commence.

#### Tree Protection Measures

16. No works of development comprising site preparation or construction shall commence until the tree protection fencing detailed within the Arboricultural Impact Assessment, prepared by Middlemarch Environmental (Report No. RT-MME-124281-02 Rev A – dated January 2017), has been erected on the site. No works shall take place within the protected areas until a method statement detailing the works to be undertaken and the methods to be used have been submitted to and approved in writing by the Local Planning Authority. Works within the protected areas shall only be undertaken in accordance with the approved method statement.

Reason: To safeguard the health and long term retention of the existing trees and shrubs which represent an important visual and ecological asset, in accordance with saved Policies SE37 and SE39 of the Watford District Plan 2000 and Policies UD1 and GI3 of the Watford Local Plan Core Strategy 2006-31.

#### Badger Protection

17. No development shall commence until a badger activity survey has been carried out within the site by a licensed ecologist. A report of the findings including a suitable mitigation strategy if required, should active badger setts be found, shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. The development shall be carried out in accordance with the approved details including any mitigation strategy where necessary.

Reason: In the interests of protecting wildlife in accordance with Policy GI3 of the Watford Local Plan Core Strategy 2006-31.

#### Archaeology

18. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording;
  2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
  3. The programme for post investigation assessment;
  4. Provision to be made for analysis of the site investigation and recording;

5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. Provision to be made for archive deposition of the analysis and records of the site investigation;
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall only take place in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation. No part of the development shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains on the site can be evaluated and recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

#### Contamination

19. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following components:
  1. A site investigation scheme, based on the Preliminary Environmental Risk Assessment prepared by Waterman Infrastructure & Environment Limited (document reference: WIE11284-100-R-4-2-3-PERA, Issue: 4-2-3, dated January 2017) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: This site is located on a Principal Aquifer in Source Protection Zone 1 which means that groundwater here forms part of the public drinking water supply. If pollution reaches the groundwater then this may result in the loss of that abstraction point. This condition is required to protect groundwater and to ensure that the issue of contamination is adequately addressed in line with saved Policies SE24 and SE28 of the Watford District Plan and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: This site is located on a Principal Aquifer in Source Protection Zone 1 which means that groundwater here forms part of the public drinking water supply. If pollution reaches the groundwater then this may result in the loss of that abstraction point. This condition is required to protect groundwater and to ensure that the issue of contamination is adequately addressed in line with saved Policies SE24 and SE28 of the Watford District Plan and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

21. No part of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This site is located on a Principal Aquifer in Source Protection Zone 1 which means that groundwater here forms part of the public drinking water supply. If pollution reaches the groundwater then this may result in the loss of that abstraction point. This condition is required to protect groundwater and to ensure that the issue of contamination is adequately addressed in line

with saved Policies SE24 and SE28 of the Watford District Plan and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

22. No infiltration of surface water drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority.

Reason: This site is located on a Principal Aquifer in Source Protection Zone 1 which means that groundwater here forms part of the public drinking water supply. If pollution reaches the groundwater then this may result in the loss of that abstraction point. This condition is required to protect groundwater and to ensure that the issue of contamination is adequately addressed in line with saved Policies SE24 and SE28 of the Watford District Plan and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

#### Noise Mitigation Measures

23. None of the units hereby approved shall be occupied until the window sound insulation measures, as specified in section 8.1 of the Residential Planning Noise Assessment prepared by Ion Acoustics Limited (document reference A1091 R01a, dated 6<sup>th</sup> February 2017), have been carried out.

Reason: To protect the future occupiers of the development from external noise sources including the railway. This is required to ensure an acceptable living environment is achieved for the future occupiers of the development in accordance with saved Policy SE22 of the Watford District Plan 2000 and paragraph 17 of the National Planning Policy Framework (NPPF).

24. No construction works above damp proof course level shall commence until details of a system(s) for mechanical ventilation serving the new buildings have been submitted to and approved in writing by the Local Planning Authority. The approved system(s) shall be installed and shall be fully operational prior to the first occupation of the development and shall be maintained as such at all times thereafter.

Reason: To protect the future occupiers of the development from external noise sources including the railway. This is required to ensure an acceptable living environment is achieved for the future occupiers of the development in accordance with saved Policy SE22 of the Watford District Plan 2000 and paragraph 17 of the National Planning Policy Framework (NPPF).

#### Satellite Dishes and Aerials

25. None of the units 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. No aerials or satellite dishes, other than those approved by this condition, shall be installed within the site.

Reason: To prevent visual cluttering and to ensure that a high quality environment is achieved, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Informatives:

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This planning permission is accompanied by a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure land for a new school, affordable housing provision, fire hydrant provision and contributions towards primary and secondary education.
3. 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](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise).

4. All new developments 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](mailto: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.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

8. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. You are advised that appropriate arrangement should be made within the site to provide for:
  - a.) Servicing and Delivery associated with the construction
  - b.) Parking for workers and contractors associated with the construction
  - c.) Wheel washing to prevent the spread of debris onto the public highway.

Failure to make such provisions may be contrary to the Highways Act and/or require a separate licence from the Local Highway Authority.

10. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMS directly to: [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

In order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA.



For major works / large scale developments an Asset Protection Agreement will be required with further specific requirements.

[AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk)

11. You are advised that The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), The Protection of Badgers Act 1992 and The Natural Environment and Rural Communities (NERC) Act 2006 relate to the protection of habitats and species. It is a criminal offence to disturb or destroy protected species and it is the applicant's responsibility to ensure that this legislation is complied with and that suitable measures are put in place in order to safeguard protected species. Your attention is drawn to the measures outlined in the submitted Ecological Assessment prepared by Wardell Armstrong (reference LE13449-001 dated January 2017).
12. 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.
13. A legally binding agreement between Transport for London (TfL)/London Underground (LU) and the applicant is required to:
  - 1) To ensure that there is no conflict with the Croxley Rail Link Order 2013
  - 2) To ensure that there are no negative impacts on the construction programme for the Metropolitan Line Extension (MLX).
  - 3) To ensure that there are no negative impacts on its subsequent operation as a live railway which will form part of the London Underground (LU) network

If the MLX is operational before a start is made on the housing development the applicants will be required to engage with LU Infrastructure Protection and to meet all the requirements for undertaking development adjacent to operational rail infrastructure.

In all cases a legally binding agreement will be required between the developer and TfL/LU in the form of an Interface Control Document (ICD) which will need to be prepared and agreed to manage the interface and liaison process. This will also need to include any reasonable costs to make any adjustments to LU's plans that are required as a result of the proposed development.

In all cases developers will need to build in line with LU's guidance for working on or near the railway. Amongst other matters these will need to cover issues such as visual impact, sightlines, noise and vibration as well as safety and access requirements.

TfL advises that a detailed Construction Management Plan (CMP) should be submitted for approval to include consultation with the MLX project team at TfL. The CMP will need to demonstrate how the interface with the MLX will be managed during the construction process and include measures to ensure that the two construction programmes can proceed simultaneously.

14. Please be advised that no hedgerows, trees, shrubs, brambles, ivy and other climbing plants that may be used by breeding birds shall be lopped, topped, felled or removed between 1st March and the 31st August inclusive in any year, unless a competent and suitably qualified ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

15. Environment Agency Advice to Applicant:

When dealing with contamination on site we recommend that developers:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination.
- Refer to our Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our website for more information and, in particular, the Planning and Land Contamination resource pages at <https://www.gov.uk/contaminated-land>
- Refer to Groundwater Protection Principles and Practice (GP3). This can be viewed via our webpage at <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011 A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality).
- Use MCERTS accredited methods for testing contaminated soils at the site.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 '*Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan*' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
  - Duty of Care Regulations 1991
  - Hazardous Waste (England and Wales) Regulations 2005
  - Environmental Permitting (England and Wales) Regulations 2010
  - The Waste (England and Wales) Regulations 2011

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

#### Drawing numbers

A2-001 Rev 1

A2-002 Rev 1

A1-001 Rev 8 – amended plan received 12.05.17

A1-002 Rev 4 – amended plan received 21.04.17

A1-101 A Rev 7 – amended plan received 21.04.17

A1-101 B Rev 1 – additional plan received 21.04.17

A1-102 Rev 5 – amended plan received 21.04.17

A1-103 Rev 7 – amended plan received 12.05.17

A1-151 Rev 2 – amended plan received 03.04.17

A1-152 Rev 01

A1-401 Rev 4

A1-402 Rev 3

A1-403 Rev 1

L-200 Rev M – amended plan received 03.04.17

L-700 Rev G – amended plan received 03.04.17

MBSK170403-1

MBSK170403-2

MBSK170403-3

MBSK170403-4

MBSK170403-5

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