

PART A	
Report of: Head of Development Management	
Date of committee:	4th October 2017
Site address:	Watford Car Sales, Dome Roundabout, WD25
Reference Number:	17/00272/FULM
Description of Development:	Change of use and redevelopment of car sales site (former petrol filling station) to provide a four storey building with twenty one flatted and associated parking, landscaping and altered access arrangements. (Amendment to Planning Permission 15/00849/FULM and 16/01151/VAR)
Applicant:	Mr S Bradford
Date Received:	3rd March 2017
13 week date (major):	(extended by agreement to 25th October 2017)
Ward:	Stanborough

SUMMARY

- 1.1 The proposal relates to land which until recently was used as a car show room. It is located to the north of the Dome Roundabout. The land was formerly used as a petrol filling station. It included the petrol pumps, a high level canopy over the pumps and a single storey sales room. However, all structures had been removed before the site was used as a car showroom.
- 1.2 The proposal involves the erection of a part three and part four storeys building to provide twenty one flats. The scheme will include twenty one car parking spaces, an amenity space plus bins and cycle storage space.
- 1.3 The proposal to provide residential accommodation in this location is considered acceptable in principle. The council has already granted planning permission for a very similar development in terms of its bulk, scale and design. The main difference is in respect to the number of dwelling units which has increased from 18 to 21. Consequently the number of car parking spaces has been increased to 21. The increased in the number car parking provision has necessitated the alteration to the landscape scheme.

- 1.4 The planning policies require 35% of any residential scheme over 9 units to be allocated for social housing purposes. Under the approved scheme there is a commitment by the applicant through s.106 to provide 6 affordable housing units. The current proposal will push the figure to 7. However, given the scheme will not result in an increase in floor space, consequently smaller dwelling units will be provided.
 - 1.5 The Council will always seek affordable housing to be provided on site. However, in appropriate circumstances the Council will consider commuted sums. In this case the range of affordable housing to be provided on site will not be acceptable. The proposed affordable housing units will be skewed on smaller units which are not in pressing demand for social housing purposes. The applicant has offered commuted sum £698,765.76 instead. The level of payment is based on the formula provided within the Council's emerging Supplementary Planning Document (Commuted Sums). The council's housing department has considered that the proposed commuted sum is better than the housing mix which can be provided on this site.
 - 1.6 The Development Management Section Head recommends the application be approved as set out in the report
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2. Site and Surroundings

- 2.1 The site is located within a prominent location at north of the Dome Roundabout where the A41 North Western Avenue meets the A412 St Albans Road. The site has an irregular shape and is located on the corner of two streets; the front of the site faces the slip road north of the Dome Roundabout, whilst the western side faces Purbrock Avenue.
- 2.2 The site until recently had been used as an open air car show room with one portable cabin on site. The site is now vacant. However, prior to this use the application site was used as a petrol filling station and comprised a forecourt area, a petrol station canopy and a single storey structure providing the associated retail store. As well as the demolition of the building and clearing of the site, all the underground petrol tanks have been removed.
- 2.3 The character of the surrounding area falls into two distinct built forms comprising residential and commercial buildings. Apart from a single storey hot food takeaway immediately to the east of the site, the built form to the north of roundabout is generally residential with a typical suburban character. The residential buildings are

primarily of two storeys and are either semi-detached or detached, set back from the road with front gardens, and with pitched and hipped roofs. There is a regular rhythm in the residential areas set up by the regularity of the building and gaps between them.

- 2.4 The commercial buildings on the other sectors of the roundabout contain petrol filling stations and large retail stores. The ground level drops away from the road on the two sectors containing the Sainsbury and Asda stores but rises to accommodate the Shell petrol filling station.
- 2.5 The one exceptional building on the landscape here is the Mirror Print Building which is the most dominant and most significant in terms of its architectural merit. Nonetheless, the most significant characteristic of the area is the dominance of the roads together with the amount of space around the roundabout. The roundabout is approached by long arterial routes which have buildings along them enclosing the space; once the roundabout is reached the buildings give way to a sense of open space and the low lying position of the commercial buildings does not inform the built character in a meaningful way.
- 2.6 As well as proximity to the large retail stores and the petrol filling stations, the site benefits from close proximity to a public library and a doctors' surgery.

3. Proposed Development

- 3.1 The current scheme seek amendments to the schemes already approved with respect to Planning Permission 15/00849/FULM and 16/01151/VAR.
- 3.2 The proposed development involves the erection of a four storey building with the top floor set back. This will be within a single block.
- 3.3 The development proposes the following breakdown of units in comparison with the recently approved scheme:

Unit size	No. of Units Approved	Percentage Approved	No. of Units Proposed	Percentage Proposed
1 bed flat	4	22%	10	47.7%
2 bed flat	14	78%	11	52.3%
Total	18	100%	21	100%

- 3.4 There are 2 entrances to the proposed building, one stair case and a lift. One entrance will be from the front and the other from the rear.
- 3.5 In total the proposal will provide 21 car parking spaces. Eleven spaces will be provided to the front of the proposed building. These will be reached via an extended dropped kerb directly from the slip road to the front. The remaining car parking spaces will be provided to the rear of the proposed building with vehicular access from Purbrock Avenue.
- 3.6 The proposal will provide an amenity space to the rear of the building between the car parking spaces and the building. The proposal will also include the provision of cycle space and bin enclosures to the rear of the site.

4 Planning History

- 4.1 On 31.03.2016 conditional planning permission(15/00849/FULM) was granted for CPP Change of use and redevelopment of car sales site (former petrol filling station) to provide a four storey building with eighteen flatted units (six affordable) and associated parking, landscaping and altered access arrangements. (AMENDED PLANS)
- 4.2 On 16.02.2017 planning permission (16/01151/VAR) was granted for the variation of Condition 2. of planning permission 15/00849/FULM to internal re-arrangement of the approved plans and minor changes to the external appearance of the building.

5.0 PLANNING POLICIES

5.1 Development Plan

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) *the continuing "saved" policies of the Watford District Plan 2000;*
- (c) *the Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026; and*
- (d) *the Hertfordshire Minerals Local Plan Review 2002-2016.*

5.2 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.

5.3 Watford Local Plan Core Strategy 2006-31

WBC1 Presumption in favour of sustainable development

SS1 Spatial Strategy

SD1 Sustainable Design

SD2 Water and Wastewater

SD3 Climate Change

SD4 Waste

HS1 Housing Supply and Residential Site Selection

HS2 Housing Mix

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

T5 Providing New Infrastructure

INF1 Infrastructure Delivery and Planning Obligations

UD1 Delivering High Quality Design

UD2 Built Heritage Conservation

GI3 Biodiversity

EMP2 Employment Land

5.4 Watford District Plan 2000

SE7 Waste Storage, Recovery and Recycling in New Development

T10 Cycle Parking Standards

T21 Access and Servicing

T22 Car Parking Standards

T24 Residential Development

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

1 Strategy for the Provision of Waste Management Facilities

1A Presumption in Favour of Sustainable Development

- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

5.6 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

5.7 Supplementary Planning Documents

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

5.8 Residential Design Guide

The Residential Design Guide was adopted in July 2014. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

5.9 Watford Character of Area Study

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

5.10 South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study (SHMA) (January 2016).

5.11 The emerging Commuted sum SPD,

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, this document has been subject to a six week statutory consultation (Regulation 13) from Monday 22nd May to 12 noon Mon 3rd July 2017. The Document will be presented to the Cabinet for approval shortly.

5.12 National Planning Policy Framework

The National Planning Policy Framework set 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:

Section 1	Building a strong, competitive economy
Section 4	Promoting sustainable transport
Section 6	Delivering a wide choice of high quality homes
Section 7	Requiring good design
Section 8	Promoting healthy communities
Section 10	Meeting the challenge of climate change
Section 11	Conserving and enhancing the natural environment
Section 13	Facilitating the sustainable use of minerals

6. CONSULTATIONS

6.1 Neighbour consultations

The occupiers of 45 neighbouring buildings within the vicinity of the site were notified by letters.

6.2 4 Replies were received citing the following objections:

- The council has failed to consider the objections raised by the local residents
- The development is over sized and not compatible with the surrounding two storey houses
- The additional traffic will cause further problems with parking and increase the road accident hazard
- There will be significant disturbance during construction period
- The proposed density is too high and there is no recreation for the children

6.3 Statutory consultations

6.4 Thames Water

6.5 Thames water has raised not objection to the scheme in principle.

6.6 Hertfordshire Constabulary

Herts constabulary has provided helpful comments with respect to improve safety and security of the premises which has been forwarded to the applicant.

6.7 Conservation Area Manager

The Conservation and Design Team Manager was consulted, on the initial plans when submitted. The design manager explained her dissatisfaction with regards to the various element of this scheme which was originally submitted, including:

- poor internal layout which restrict the ground floor unit to be access from the rear whilst the upper floors to be accessed from the front,
- the landscaping scheme which had lost greenery in comparison with the approved scheme.
- Poor design for bike and refuse store
- Poor parking layout, in particular lack of disabled parking provision to the front.

6.8 Following the comments, the officers met with the applicant and the scheme was amended in accordance with the Conservation and Design Manager's advice. The design team are now satisfied that the scheme will make a positive contribution to **the character and appearance of the area.**

6.9 Herts Sustainable Urban Drainage Strategy team has been consulted, and have explained that, the authority is now satisfied that the proposal will achieve the objective and have recommended conditions which will be attached to this decision.

6.10 Herts. Highways have been consulted.

6.11 The Highway authorities have no principle objection to the scheme and that subject to appropriate conditions, the scheme is considered to be acceptable with respect to highways safety.

6.12 Environmental Health

6.13 Environmental Health have been consulted and raised some concern that cooking smells and fumes from the adjacent hot food takeaway shop may cause odour nuisance to the future occupiers of the proposed residential block.

6.14 Environment Health Pollution team

6.15 The environmental pollution team were consulted in respect of the information initially provided by the applicant. The officer requested further information which was provided by the application. So far, the planning team has not received any further comments for the pollution team. Their comments will be reported to the

committee once it is received.

7 Planning Assessment

7.1 The main issues to be considered are as follows;

- The acceptability of the proposal in land use terms, the type of housing, the mix of tenure and the quality of life for the future occupiers.
- Whether the proposal is considered acceptable in design
- The impact upon the amenities of the adjoining occupiers
- Whether the proposal will provide sufficient amount of parking spaces and the impact upon highway safety
- Whether the proposal will incorporate appropriate measures to address the impact of development upon local public infrastructures.

Land Use

7.2 The council has already accepted that the redevelopment of the site for residential purposes is appropriate. It was considered that the land is within a Special Policy Area (SPA5) where the provision of housing is considered acceptable.

7.3 Currently, there is strong national and local policy support for the provision of residential accommodation. Both adopted plans (the District Plan and the Core Strategy) give high priority for the provision of additional residential accommodation. However, any residential accommodation needs to be provided in appropriate locations. Policy HS1 of the Core Strategy lists some of the criteria that will be taken into account in assessing the suitability of windfall sites for residential use. In this case, the site is brownfield land, is close to an existing local centre (Two supermarkets, and North Watford shopping centre), is not at risk of flooding (Flood Zone1, low risk), has some access to public transport and is not precisely allocated for other uses. Furthermore, there is not any heritage significance for the building and the site has no biodiversity or landscape significance. The proposed residential development will therefore meet the criteria set out in policy HS1.

Additional residential units and the quality of the residential accommodation:

7.4 Policy HS2 gives guidance on the mix of dwelling sizes. The proposal will provide flatted development providing 1 bed and 2 bed flats. It is considered that the proposed mix of flats is acceptable in this location.

7.5 The Technical housing standard (THS) – nationally described space standards gives guidelines for minimum unit sizes for new dwellings. Overall, it is considered that

the proposal would provide adequate floor space to provide adequate amenity for future occupiers.

- 7.6 Half the flats will be single aspect, facing either south (front) or north (rear) but the other half will be dual aspect units. The reason for single aspect units is due to the depth of the footprint of the building. Although the north facing units will receive little or no direct sunlight, with this exception, all of the flats will have good levels of outlook, natural light, privacy and generally benefit from a terrace. As the plot in which the building is located, is quite wide and deep, it will not be practically or economically feasible to provide a narrow building which could incorporate with dual aspect units for all flats. As well as terraces the proposal will provide about 150m² of amenity space.
- 7.7 The alteration to the apartments to create three additional apartments is generally acceptable and appears to make better use of the floorspace available.
- 7.8 The proposal will therefore provide reasonably good standard of accommodation for the future occupiers of the site.

Affordable housing;

- 7.9 The planning policies require 35% of any residential scheme over 9 units to be allocated for social housing purposes. Under the approved scheme there is a commitment by the applicant through s.106 to provide 6 affordable housing units. The current proposal will push the figure to 7. However, given the scheme will not result in an increase in floor space, consequently smaller dwelling units will be provided.
- 7.10 The Council will always seek affordable housing to be provided on site at 35%. However, in appropriate circumstances the Council will consider commuted sums. In this case the range of affordable housing to be provided on site will not be acceptable. The proposed affordable housing units will be skewed on smaller units which are not in pressing demand for social housing purposes. The applicant has offered commuted sum £698,765.76 instead. The level of payment is based on the formula provided within the Council's emerging Supplementary Planning Document (Commuted Sums). The council's housing department has considered that the proposed commuted sum is better than the housing mix which can be provided on this site.

Aesthetics issues:

- 7.11 The scheme in terms of the building envelope is similar to the approved scheme 2015. Therefore the proposal in terms of its visual appearance, the impact upon the amenities of the neighbours remains acceptable. The proposal will continue to be primarily for residential purposes which were recognised to meet the council's high priority need.
- 7.12 The approved scheme had been subject to lengthy negotiation with the applicant, it had been revised several times, until it was presented to the development management committee. The issues which were considered
- 7.13 With respect to aesthetics the following issues were considered;

The scheme has been designed to respond to these challenges in the following fashion:

Building line: The building has been lined up with the strong building line set by the houses in North Western Avenue and St. Albans Road.

Height: The building will be partly four and partly three storey. The height will be gradually reduced from the Purbrock Avenue to the other corner, reflecting the drop in the natural ground level. The proposal will be higher than the two storey houses but not to a significant degree. The increased in height is justified due to the open character of the wide roads and the roundabout which will require a stronger edge which could only be provided by a more robust building.

The rhythm: The surrounding residential area has well defined plot widths and regular gaps between buildings. This is probably the most important component along with building height and building line to achieving a successful scheme on this site. The proposed scheme does not provide separate buildings but its design incorporates features which follow the general rhythm of the buildings as follows:

Tower feature, Windows and Entrances: These are important in reinforcing the vertical separation and rhythm of the street. The existing pattern of separate houses has a separate entrance on the front for each house. The proposal will incorporate a tower element, two entrances which are arranged so that the ground floor incorporate accesses within two vertically separated elements, with the two stair case tower as a separating feature within the front elevation. The fenestration pattern has been vertically arranged with windows closer together.

Materials and other architectural features: The use of materials plus incorporating recesses, set backs and other features, have also been used to reinforce the vertical emphasis of the building and also to provide some separation between each floors.

Therefore, the combination of patterns of fenestration together with the position of the staircase and the use of materials and the position of entrances all contribute towards creating a strong vertical emphasis in the design in order to create a rhythm of development which is analogous to the neighbouring residential buildings.

The proposed building, in terms of its layout and footprint, reflects the site configuration. The design emphasis has been concentrated on the North Western Road elevation which faces the higher order road. However, the return frontages have not been ignored. The south west corner has been splayed and incorporates windows similar in proportion and style to the front elevation. The tower feature incorporates windows on the opposite corner are paired on a horizontal line to give an effect of a wrap round the return frontage to Purbrock Avenue. This strategy will appear to connect the two façade planes and allow a transparency 'through' the corner creating visual interest. The return frontage will also incorporate elongated windows to ensure a visual interest is maintained and alleviate its bulk. It is considered that the treatment of each corner in a different fashion gives the building an additional stature.

The design has also paid a particular attention to the rear elevation through the design and location of windows and entrances, hand rails, metal balustrades and recessed fourth floor to maintain a dynamic role.

The main materials to be used are brick. Other materials used include aluminium for windows, metal balustrades and hand rails and metal cladding. The careful use of a variety of materials as proposed will enhance the detailing of the elevations and reinforce the building's ability to fill the existing gap in the urban fabric. The architectural features described above and the variety in materials all help to break down and alleviate the massing of the building to avoid any issue of dominance, as well as creating a building which will integrate well with its site and surroundings.

The articulation in the design will ensure that the proposed scheme responds well to the pattern of the development in the vicinity. This approach complements the materials and style of the surrounding buildings. Overall, therefore, the proposed development is an acceptable and appropriate form of development for the site

and its constraints and provides a building of well balanced proportions suitable to the site and its surroundings.

- 7.14 The scheme proposed alternative internal arrangements and external landscape and parking arrangements with only a minor change to the external appearance (alteration of the position of the opening elements of the top floor and the door openings at the ground floor).
- 7.15 As there are no significant changes to the external appearance comments focus on the internal access arrangements and the external layout and appearance. The minor alteration to the top floor elevation is acceptable. Nevertheless conditions will be imposed to ensure the scheme in terms of materials and details will be acceptable.

Impact on neighbouring properties

- 7.16 There will be no additional impact upon the amenities of the adjoining occupiers from the proposed amendment which is generally internal. In respect of the approved scheme the following issues were considered;

This is almost an island site where it is separated from its other neighbours by roads. The only building which has a boundary with the application site is number 529 North Western Avenue which is a take-away restaurant.

The proposed building generally follows the building line of the houses in Great North Western Avenue. Further the building is approximately 24m away from the flank elevation of the nearest building in Purbrock Avenue. Therefore, the proposal will not result in a significant loss of light to the neighbouring building. Nor will it cause any sense of enclosure to the occupiers of the adjoining building. Further, given the distance it will not result in loss of privacy to the occupiers of the nearby residential buildings.

Given its location, scale and height and the distance from the neighbouring buildings the proposal will not have a significant impact upon the residential amenities of the nearby residents.

Transportation, access, parking, landscaping and refuse storage and cycle provision

- 7.17 The impact of the proposal upon the highways safety and car parking formed a significant issue in respect of the approved scheme. A significant number of local

residents also raised concern with respect to impact of the development upon parking conditions within the vicinity of the site. The council at the previous committee considered the following;

The site is located on a busy road that is a bus route close to shops and other amenities. Some dwellings benefit from off-street parking, but except for the stretch of the main road to the front of the site, on-street parking is permitted in the adjacent roads. These roads are not within a Controlled Parking Zone and, therefore, the Council has no power to restrict the issue of parking permits for the future resident occupier of the site.

Policy T22 expects all development to comply with the parking standards in Appendix 2 which are demand based maxima. The commentary note says that the level and location of parking provided can encourage or discourage users of a development to travel to and from the site by means other than the car. Appendix 2 says that the standards are intended to restrict over-provision and over-capacity and to encourage the use of alternative transport modes to assist in the control or reduction of traffic. Policy T9 refers to cycle parking standards. Policy T24 states that permission for residential use will only be granted where full parking needs can be met on site or off the public highways, unless the location has good access to passenger transport.

The proposal will provide 18 car parking spaces, 11 of which will be provided to the front and 7 to the rear.

The access to the rear will be from the existing vehicular access in Purbrock Road. The car parks are arranged in two rows with sufficient distance to be manoeuvred within the site to be able to enter and egress the site in a forward gear manner. Here, the scheme has indicated sight lines which demonstrate there will be sufficient visibility splay for road safety purposes. The parking spaces to the front will be directly off the slip road, via a dropped kerb.

The proposal will use the existing vehicular accesses to the site and therefore no new vehicular access will be created.

In terms of traffic generation, account must be taken of the previous use of the site. It is considered that the trip generation of the proposed development is likely to be far lower than that of the site's previous use as a

petrol filling station or its current use as car showroom. Therefore the proposal will have a lesser impact upon the traffic situation than before.

In this case the proposed development will be unlikely to lead to significantly greater on-street car parking demands than the provision that is proposed to be made. Given the scale of the development, the proximity to alternative public transport options and close proximity to the shops and services nearby (and considering the previous use of the site as a petrol filling station and its current use a car sales showroom), it is considered that the proposal will not have a significant detrimental impact upon the parking or traffic conditions in the locality.

It should be noted that the proposal incorporates space for the provision of cycle storage which is considered acceptable.

The scheme has been revised in order to allow a better pedestrian environment around the site. The new layout will incorporate contrasting paving to delineate the pedestrian route from the pavement to the island to the front over the slip road.

It is anticipated that the site will be secured by boundary treatments, the details of which will be subject to condition. Further detail will be required by means of conditions to ensure that a secure cycle storage space is provided. It is considered that the proposal (subject to conditions) will be acceptable in terms of safety and crime reduction.

Subject to the conditions outlined below the proposal is considered acceptable in terms of its impact upon highway conditions.

- 7.18 The current scheme shows an additional 3 spaces from the approved scheme. The plan which was initially submitted, indicated that the additional spaces had been created at the expense of trees and soft landscaping. The scheme was revised so that the greenery to the front was increased. The provision of greenery in this location is rather critical as the policy objectives at Policy SPA5 of Local Plan 1 – Core Strategy seek the improvement of air quality and public realm in this area. The removal of trees and soft landscaping did not meet this policy objective and hence the requirement for the revision was necessary.
- 7.19 Similarly the proposal as initially submitted revealed that to the rear also the increase in car parking provision resulted in the loss of soft landscaping the trees.

The scheme has since been revised which will ensure the quality of the soft landscaping scheme will be maintained.

- 7.20 The location of the only disabled parking bays to the rear of the development when the main access to the flats will be to the front was not considered acceptable. This has now been addressed with two parking bays to the front.
- 7.21 It is considered that detailed landscape plan will provide a variety of small element hard surface materials and good quality and appropriate trees and shrubs to provide a pleasant and usable amenity area. The scheme has now provided detailed landscaping scheme which is considered acceptable and therefore, no additional condition will be required to address this issue.
- 7.22 The desire to provide 3 additional car parking spaces has meant that the cycle storage and the bin storage had been relocated. The initial plan indicated that the cycle stores were only 2m from a bedroom window. This was not ideal.
- 7.23 The scheme has now been revised, the cycle provision has now been put back to the rear of the site in a much more secure place and the cycle parking has been designed to meet the latest Council's design guide in this respect in terms of the dimensions needed to provide sufficient space to allow them to be used properly. The storage area has also been relocated to near the vehicular entrance at the rear.
- 7.24 It is considered that the amount and the quality of amenity space, together with the provision of bike store and storage space will provide an acceptable layout.

Community Infrastructure Levy (CIL)

- 7.25 The Council's CIL charging schedule was implemented on 1st April 2015 and, as such, the proposed scheme will be liable for CIL charges. The CIL charge covers a wide range of infrastructure and community facilities including education, childcare, libraries, youth facilities, open space, children's play-space, transport and healthcare. Under the Community Infrastructure Levy Regulations 2010, payments towards infrastructure and facilities covered by CIL can no longer be sought by section 106 planning obligations unless there are site specific requirements which are necessary to make the development acceptable. CIL is charged on the relevant net additional floorspace created by the development. The charge for residential floorspace is £120m². The CIL charge is non-negotiable and is calculated at the time planning permission is granted

Planning obligations under section 106

- 7.26 With the implementation of the Council's CIL charging schedule on 1st April 2015, section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements. Tariff style financial payments can no longer be sought. 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.

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

- i) Securing financial contribution in lieu of 7 of the provision of on-site affordable house, in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
- ii) The provision, as necessary, of fire hydrants to serve the development in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

7.27 These obligations meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010 and, consequently, can be taken into account as a material planning consideration in the determination of the application. The applicant has agreed to enter into these planning obligations and a unilateral undertaking is currently in preparation.

8 Consideration of objections received

- 8.1 The objections received regarding this proposal have been summarised in the consultations section above. The points raised in respect of bulk, height and density have been addressed in the main body of the report above.
- 8.2 The issues with regards to loss of daylight, outlook and privacy have been addressed above. The impact of the proposed development upon the amenities of the neighbouring occupiers will not be so significant to warrant a refusal on these grounds. Similarly the impact of the proposed development upon the safe and free flow of traffic is considered acceptable.

8.3 The issues with regards to nuisance associated with construction work would be addressed through conditions with further protection under the remit of the environmental health legislation.

9 Conclusion

9.1 The proposed development is considered to make a positive contribution to the character of the area without any significant harm to the amenities of the adjoining occupiers.

9.2 The proposal is also considered to provide an appropriate level commuted sum instead of on-site affordable housing provision to meet the Council's requirement for affordable housing provision. The proposed size of the units, as well as the landscaping and amenity provision will ensure that a suitable mix of housing is provided for a location of this type.

10 HUMAN RIGHTS IMPLICATIONS

10.1 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.

RECOMMENDATION 1

Grant planning permission subject to terms of the legal agreement requiring;

- i) Securing financial contribution in lieu of 7 of the provision of on-site affordable house, in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
- ii) The provision, as necessary, of fire hydrants to serve the development in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

And the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:- Bin Store Details: 575-10-02, Cycle Store Details: 575-10-03 Rev A, Landscaping Plan: Area Amenity Space, Elevations – 575-35-01 Rev C, Site Plan – 575-10-01 Rev A and Site Location Plan, unless it is agreed otherwise in writing by the local planning authority.

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

3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

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

4. Notwithstanding the information already submitted, no construction of the approved buildings shall commence until details of the materials to be used for all the external finishes of the buildings including all external walls, roofs, doors, windows, balconies and canopies, rainwater and foul drainage goods 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 development applies high quality materials that makes a positive contribution to the character and appearance of the area in accordance with the provisions of the Residential Design Guide (RDG) and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31. Whilst some details of the materials have been provided with the application submission, including samples, details of the full palette of materials and further samples are required to ensure that all materials complement each other. This is a pre-commencement condition as these details need to be agreed with the Local Planning Authority before the works commence.

5. No demolition or construction works shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of temporary access for demolition/construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the relevant demolition and construction periods.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed, pursuant to Policies T24 and SE22 of the Watford District Plan 2000. This is a pre-commencement condition as these details need to be agreed with the Local Planning Authority before the works commence.

6. The development permitted by this planning permission shall be carried out in accordance with the drainage strategy produced LANMOR Consulting, reference 150714/DS/NJ/KBL/01 dated 24th November 2015 and mitigation measures detailed within the FRA
 - Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event + climate change event.
 - Providing underground attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 11.2 m³ of total storage volume in underground attenuation tanks and permeable pavements, as shown point 4.4.5 of the drainage strategy.
 - Discharge of surface water from the site into the Thames Water sewer network.

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

Reason: To prevent flooding by ensuring the satisfactory storage of surface water from the site and to ensure that the site will be effectively drained during the lifetime of the development.

7. No development shall take place until the final design of the permeable pavements, underground attenuation tanks and the rest of the drainage network is completed and sent to the LPA for approval. An attenuation volume of 11.2 m³ should be provided by permeable pavements and underground attenuation tanks. The design of the permeable pavements should be in line with best practice standards as shown in The SuDS Manual. The design of the drainage scheme shall also include:
- Details of how the permeable pavements, underground attenuation tanks and the rest of the elements of the drainage network shall be maintained and managed after completion.
 - Detailed engineering details of the design of the proposed permeable pavements in line with The SuDS Manual (CIRIA C-753)

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

8. The landscaping scheme shall be implemented in accordance with the drawings number HOW20796-11 or no development shall commence on site until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained at all times. The soft landscaping shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site in accordance with Policy SE36 of the Watford District Plan 2000 and Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

9. Prior to the commencement of the use hereby permitted the vehicular access (incorporated into a detailed plan to be produced by the applicant) shall be upgraded / widened to a minimum width of 5.5 metres in accordance with the Hertfordshire County Council residential access construction and in accordance with the Roads in Hertfordshire Highway Design Guideline 3rd edition.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway, in accordance with Policies T21 and T24 of the Watford District Plan 2000.

10. Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway, in accordance with Policies T21 and T24 of the Watford District Plan 2000.

11. Notwithstanding the information already submitted, details of the size, type, siting and finish of the free-standing refuse and recycling storage enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The store approved under this condition shall be installed and made available for use prior to the first occupation of any part of the development and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that adequate waste storage facilities are provided in accordance with Policy SE7 of the Watford District Plan 2000 and Policies UD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

12. 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 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. 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 the works commence.

13. No development shall commence on site until a scheme to protect future residents from smells and odour being discharged from the adjacent hot-food take-away shop has been submitted and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented prior to the first occupation of the site.

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

14. The dwelling shall not be occupied until the drive, the access, car parking spaces as indicated on the drawings hereby approved have been laid out and constructed in accordance with the approved details and are available for use for the future occupier of the site.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

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 2010, as amended.
2. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 6 affordable housing units and the necessary fire hydrants to serve the development. The undertaking also secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the Development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the Land in accordance with saved Policy T24 of the Watford District Plan 2000.

3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the demolition of the existing buildings; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Should there be any obstructions on the public highway, footpath, grass verge, i.e. trees, posted signs, telegraph pole, lamp columns, drainage gullies etc, then permission for removal and/or repositioning will need to be gained before work can commence on site. The applicant will need to be aware that they will/may be required to fund this work. All to the satisfaction of the Local Authority.
4. The Highway Authority requires the alterations to, or the construction of, the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to Highways (Telephone 0300 1234047) to arrange this or use link:-<https://www.hertsdirect.org/droppedkerbs/>
5. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where

the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

7. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
8. 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.
9. All new units granted planning permission and to be constructed requires naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
10. The development that is hereby approved is liable for contributions under the Community Infrastructure Levy (CIL). Please contact the Planning Support team at Watford Borough Council (tel: 01923 278327) if you have any queries about the procedure to be followed as regards making those contributions prior to the commencement of the development.

Recommendation 2

In the event that the Section 106 planning obligation is not completed by 25th October 2017 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposal fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

Drawing numbers

Floor plans with areas: 575-30-02
Bin Store Details: 575-10-02
Cycle Store Details: 575-10-03 Rev A
Landscaping Plan: Area Amenity Space
Elevations – 575-35-01 Rev C
Site Plan – 575-10-01 Rev A
Site Location Plan

Case Officer: Habib Neshat

Email: habib.neshat@watford.gov.uk

Tel: 01923 278285