

<b>PART A</b>	
<b>Report of: Head of Development Management</b>	
Date of committee:	<b>3<sup>rd</sup> January 2018</b>
Site address:	<b>16-18, St Albans Road and former Kingham Memorial Hall car park, St John's Road</b>
Reference Number:	<b>17/01367/FULM</b>
Description of Development:	<b>Redevelopment of existing garage and surface parking areas for 90 one and two bedroom apartments in one 8 storey building and one 10 storey building with associated hard and soft landscaping areas</b>
Applicant:	<b>St Albans Road Limited</b>
Date Received:	<b>3<sup>rd</sup> October 2017</b>
13 week date (major):	<b>2<sup>nd</sup> January 2018</b>
Ward:	<b>Central</b>

## **1.0 Site and surroundings**

- 1.1 The site is located on the eastern side of St Albans Road and comprises 2 plots of land either side of the junction with St John's Road. The southern plot comprises a single storey car dealership with ancillary workshops and car display areas. This adjoins Flanders Court to the south, a block of 123 flats up to 9 storeys high, and a detached, 2 storey property to the east occupied by The Samaritans. The northern plot comprises an open car park area for the display of cars for sale and customer parking associated with the car dealership. This adjoins Benskin House to the north, a block of 28 flats 7 storeys high, and 34, St John's Road to the east, a 2 storey semi-detached house. This plot of land is set back from the St Albans Road frontage behind the pedestrian subway.
- 1.2 This section of St Albans Road is characterised by taller buildings, including Flanders Court, Benskin House and the Bravo Quarters (formerly the Park Inn hotel). On the opposite side of St Albans Road is Caledonian House. A proposal for the redevelopment of this site with a residential building up to 8 storeys was recently granted on appeal. Construction has not yet commenced. To the east, between St Albans Road and Clarendon Road, is a residential enclave characterised by 2 storey dwellings dating from the Victorian and Edwardian periods but with later infill

evident. Clarendon Road itself is characterised by large scale commercial buildings.

## **2.0 Proposed development**

2.1 To demolish the existing building on the site and erect 2 blocks of flats:

i) Southern plot – A block of 60 flats (comprising 20 x 1 bed and 40 x 2 bed) with the main building 10 storeys high facing St Albans Road and a 3 storey element fronting St John's Road.

ii) Northern plot – A block of 30 flats (all 2 bed) with the main building 8 storeys high fronting St Albans Road and a 3 storey element fronting St John's Road. This block will provide all affordable housing with 25 flats for affordable rent and 5 flats for shared ownership.

Each block will be served by its own bin and cycle stores. The proposal is car-free with no on-site parking provided.

## **3.0 Relevant planning history**

3.1 The following planning history is relevant to this application:

i) Northern plot

The Kingham Memorial Temperance Hall that formerly occupied the northern plot was demolished in 1992 with temporary use as a car park (92/0177/9). Permanent use of the site as a car park for the car dealership was granted in 1997 (97/0396/9).

ii) Southern plot

9/0338/89 – Formation of vehicle hardstanding and use for display and sale of motor vehicles. Planning permission granted in August 1989.

94/0053/9 – Erection of car showroom with associated car parking, demolition of 16 and 18 St Albans Road and replacement with parking for display and customer cars and alterations to existing workshop. Planning permission granted September 1994.

94/0478/9 – Erection of a conservatory and two storey front extension for car showroom and associated parts store together with managers flat. Planning permission granted in February 1995.

## **4.0 Planning policies**

### **4.1 Development plan**

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

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

### **4.2 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.

*Residential Design Guide*  
*Watford Character of Area Study*  
*Skyline*

### **4.3 National Planning Policy Framework**

The National Planning Policy Framework sets out the Government’s planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Section 12 Conserving and enhancing the historic environment

Decision taking

4.4 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. The Court of Appeal has recently confirmed that a

“realistic prospect” of a site coming forward within the required timeframe will be sufficient to meet the deliverability test set by national planning policy, thereby endorsing an earlier decision of Mr Justice Ouseley (St Modwen Developments Limited v Secretary of State for Communities and Local Government & Ors. Case Number: C1/2016/2001 ). Officers have undertaken a recent review of the housing supply having regard to these judgements and are of the view that the Council is able to demonstrate a 5 year supply based on the OAN. Accordingly, the Council’s housing policies can be considered up to date.

## 5.0 Consultations

### 5.1 Neighbour consultations

Letters were sent to 361 properties in Flanders Court, Benskin House, St John’s Road, St Albans Road, Franklin Road, Wellington Road, Albert Road North, Malden Road and Essex Road. Letters of reply were received from 20 properties with 18 raising objections. These are summarised in the table below:

Representations	Officer’s response
Loss of sunlight to garden areas and rear of properties on Franklin Road.	Due to the distance of the proposed tall buildings from these properties, they will not give rise to any significant loss of sunlight. See Section 6.6 of the report.
Overlooking and loss of privacy to gardens of properties in Franklin Road.	Due to the distance of the proposed tall buildings from these properties, they will not give rise to any significant loss of privacy. See Section 6.6 of the report.
Loss of outlook from properties in Franklin Road.	Due to the distance of the proposed tall buildings from these properties, they will not give rise to any significant loss of outlook. See Section 6.6 of the report.
Overshadowing and loss of light and privacy to properties in St John’s Road.	Due to the tall buildings being sited due west of the houses in St John’s Road, they will not have any significant adverse impact on the amenities of these properties.
Already experience noise from the balconies on Benskin House.	Where excessive noise is considered to constitute a noise nuisance, Environmental health can investigate and take appropriate action under environmental protection legislation.
10 and 8 storey blocks are not in keeping with the surrounding 2	The existing buildings fronting St Albans Road are of a different scale to those to the

storey houses.	east of St Albans Road. The site is adjoined by existing buildings 7-9 storeys high. Their scale is appropriate in this context.
Car parking is already a significant problem in this area. No parking provision will make this worse.	The site is in a sustainable location where national and local policies encourage reduced parking or car-free parking in principle. The development can also be excluded from the local controlled parking zone.
CPZ hours should be extended into the evening to prevent on-street parking once the CPZ ends at 6.30pm.	This is a separate matter that will need to be the subject of a public consultation by the Council.
Residents from Flanders Court and Benskin House alleged to park on double yellow lines and within disabled parking bays at Suthergrey House Medical Centre.	This is a matter for enforcement by the Council's Parking Service and the owners of Suthergrey House respectively.
Schools, hospitals and health centres are already oversubscribed.	The development will be liable for a Community Infrastructure Levy charge towards local infrastructure based upon the net additional floorspace created.
Design very generic and will not add to the appeal of the area. Will not stand the test of time.	The design is contemporary and appropriate for this site, fronting St Albans Road and adjoining St John's Road, 2 very different character areas. The main facing material is brick which is more robust and longer lasting than render and timber cladding.
Rear 3 storey elements should be more sympathetic in design.	The proposed flat roof design of these elements is considered the appropriate design response (rather than a traditional pitched roof) to maintain the integrity of the new buildings.

## 5.2 Statutory publicity

The application was publicised by 2 site notices posted on 25<sup>th</sup> October 2017 and by advertisement in the Watford Observer published on 3<sup>rd</sup> November 2017. The site notice period expired on 17<sup>th</sup> November 2017 and the newspaper advertisement period expired on 24<sup>th</sup> November 2017.

### 5.3 Technical consultations

The following responses have been received from technical consultees:

#### 5.3.1 Hertfordshire County Council (Highways Authority)

Has no objection to the proposed scheme but has requested conditions relating to construction traffic management, servicing and deliveries, and emergency access. *[These conditions are not considered acceptable or appropriate as they do not satisfy the relevant tests for conditions. The Council as the Local Planning Authority cannot control construction vehicles using the public highway or service/delivery vehicles serving the completed development. Emergency access will be directly from St John's Road as the development does not include any internal access roads or parking areas. A Travel Plan has also been requested but this is not considered necessary for a wholly residential scheme in a sustainable location]*

#### 5.3.2 Hertfordshire County Council (Lead Local Flood Authority)

Objected to the original surface water drainage scheme as required further information. This information was subsequently submitted by the applicant's consultants but it was not possible for the County Council to review this information before the committee agenda was published. The County Council's final comments and any conditions required will be reported at the committee meeting.

#### 5.3.3 Thames Water

Has no objection with regard to sewerage capacity. Has requested a condition requiring no piling to take place until a method statement has been agreed. This is to protect underground sewers.

#### 5.3.4 Planning Policy

Raise no objection to the overall scale of the proposed buildings or their design. Made various detailed suggestions for improving the proposal including the removal of projecting balconies on the noisy St Albans Road frontage to improve the amenity of the flats *[these have now been replaced with winter gardens]*, the provision of separate entrances to the ground floor flats fronting St Albans Road *[this has not been incorporated as it was considered to reduce the legibility of the main buildings – the 3 storey elements do incorporate separate ground floor entrances]*, and further details of the cycle storage, detailed design elements and landscaping *[these can be secured by condition]*.

#### 5.3.5 Housing

The Housing team initially commented as follows on the submitted application:

“The proposal provides 32 affordable housing units so meets the 35%, however the

proposed split of 16 rented affordable housing units and 16 LCHO/intermediate units does not meet the policy requirements. The households on our housing register are seeking assistance from the Council as they are homeless or in housing need i.e. living in inadequate housing. They are seeking housing assistance as they cannot find suitable and affordable housing on the private market. Shared Ownership or other LCHO products are neither affordable nor accessible to the households on our housing register. The proposal does not specify the unit type/size for the affordable housing. We would want the vast majority, if not all, of the affordable and social rented units to be 2 bedroom accommodation. On the above basis, the Housing Service does not support this application for planning.”

Subsequently, a meeting was held with the applicant and a revised design for the northern affordable block was agreed incorporating all 2 bed units with 83% of units for affordable rent (see Section 6.5 below). This provision has now been agreed by the Housing team:

“The Housing Service can now support this application. The mix of affordable housing units offered is favourable, with recognition of the Council’s need for family sized rented affordable housing. The full site is 22% 1 beds and 78% 2 beds, despite that all 30 affordable housing units being offered are 2 beds, with 24 of those units being the larger 2 bed 4 person units.

“The affordable housing units are split across 2 cores, A and B. Core A has 25 x 2 beds and Core B has 5 x 2 beds. That lends itself to an obvious and reasonable split of Core A - 25 units of rented affordable housing (85% of total affordable housing), and Core B - 5 units of LCHO (15% of total affordable housing).

“I would still like to see whether within the 25 rented units in Core A, a small proportion could be social rented, maybe 1 or 2 floors, ideally 6 units. The provision of social rented tenure as well as affordable rented tenure is desirable and would ensure the site fully meets policy requirements. If unachievable, the Housing Service would still support the application due to the high proportion of 2 bedroom units and 2 bedroom 4 person units.”

#### 5.3.6 Environmental Health

No objections to the proposed scheme subject to appropriate conditions relating to noise mitigation measures for the proposed flats and land remediation of the site.

## 6.0 **Appraisal**

### 6.1 **Main issues**

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

- (a) Principle of the use
- (b) Scale and design
- (c) Quality of residential accommodation
- (d) Affordable housing provision
- (e) Impacts on surrounding properties
- (f) Transport, servicing and parking
- (g) Environmental considerations

## 6.2 (a) Principle of the use

The northern plot was in use as a community hall up until 1992 when it was demolished and the land used for car parking. The southern plot has a long history of employment use related to the motor trade. Both plots of land are currently in use as a Fiat car dealership (Palmers). This use is due to cease shortly when the Fiat dealership relocates to Greenhill Crescent as part of Palmers existing Peugeot/Citroen car dealership. The site is not designated as employment land and both plots of land are adjoined on all sides by residential development. The site is suitable as a windfall housing site as it comprises previously developed land, is close to public transport in the town centre and Watford Junction, is close to a wide range of facilities in the town centre, is not at risk of flooding, is of no ecological or cultural value, and will be compatible with adjoining land uses. The proposed 90 flats will make a significant contribution to the borough's housing supply.

## 6.3 (b) Scale and design

The proposed blocks form a new gateway feature to St John's Road and infill the existing gap within the St Albans Road streetscene at this point. Both of the adjoining buildings, Flanders Court and Benskin House, were designed in anticipation of the application site coming forward for a similar scale of development. Flanders Court has a large, blank elevation facing the site with no windows in acknowledgement of the fact that the car dealership would be likely to come forward for development. Similarly, Benskin House was designed with a mono-pitch roof rising towards the site with only small, secondary windows on the flank elevation. Both of these buildings are 7 storeys high where they adjoin the application site. Flanders Court steps up to, effectively, 9 storeys at the corner facing the Town Hall roundabout. To the north of Benskin House, Bravo Quarters is also 7 storeys high. The principle of tall buildings of a similar 7-9 storey scale on the application site is therefore acceptable in principle.

- 6.3.1 The proposed blocks have been designed as a pair, framing the junction with St John's Road. They adopt a contemporary design style with facing brick as the main material, reflecting current design styles. The main facades are simple with little detailing providing a robust brick frame with the window and balcony fenestration

giving a strong vertical emphasis and interest to the facades. The lower 2 levels in each case are in a contrasting brick to form a base or plinth for the buildings. On the southern block, winter balconies form projecting bays at ground-third floor levels with larger windows in between. On the upper floors, open balconies are used with smaller intervening windows. On the northern block, the winter balconies and open balconies are recessed into the frame of the building but the same hierarchy of windows is used within the facade. The southern block, being the larger of the two, incorporates recessed top floors in a contrasting fibre cement panel to 'cap' the building, in a similar way to Flanders Court. The northern block does not incorporate this feature, reflecting the roof design of the adjoining Benskin House and Bravo Quarters buildings.

- 6.3.2 The southern block is 8 storeys adjoining Flanders Court before stepping up to 10 storeys towards the corner. The 8 storey element is very similar in height to Flanders Court, which is taller at ground and first floor levels due to the Ex-Servicemen's Social Club which occupies the ground floor of the building. The 10 storey element is also of a similar scale to the corner rotunda feature facing the Town hall roundabout, with the top parapet level being the same height as the top of the rotunda feature.
- 6.3.3 Both blocks successfully address their respective corners and provide a strong return frontage to St John's Road before stepping down to 3 storeys to reflect the scale of the existing 2 storey houses in this road. The ground and first floor levels are in facing brick, the same as the main elements, and match the eaves levels of the adjacent houses. The second floor is recessed and in the contrasting fibre cement panel used on the southern block, aligning with the ridgelines of the adjacent houses. This provides a satisfactory transition between the larger scale buildings fronting St Albans Road and the smaller scale houses to the east.
- 6.3.4 Both of the main 8 and 10 storey elements have their main entrances on St John's Road while the 3 storey elements also incorporate individual entrances for the ground floor flats, reflecting the regular rhythm of front doors seen on the adjacent houses. The bin and cycle stores are also accessed from St John's Road. This ensures high levels of pedestrian activity on the residential road frontage.
- 6.3.5 Overall, it is considered that the proposal provides a successful design response to this transition site. The larger scale elements fronting St Albans Road complete this section of the streetscene providing a robust frontage to this busy road. The buildings then step down significantly to respect the scale of houses on St John's Road. The use of brick as the main facing material will ensure the long term quality of the building. The adjoining Benskin House is a good example of a successful brick building with simple, good quality brick facades with a strong vertical emphasis

through the fenestration.

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

All of the proposed residential flats will meet or exceed the nationally described space standards for new residential dwellings. All of the flats will also have good levels of natural light, outlook and privacy. The majority of the flats are dual aspect and all have their main living rooms orientated east, south or west to receive direct sunlight. Due to the relatively small areas of each of the plots, there is only limited provision for communal amenity space at ground floor level. However, all of the flats will have private balconies or winter gardens that will provide directly accessible private space for each flat. This is commonly the way private amenity space is provided in high density developments in sustainable locations and is acceptable for this site.

- 6.4.1 A noise impact assessment has been submitted with the application to assess potential noise impacts from road traffic on St Albans Road on the proposed flats. This has concluded that additional acoustic double glazing will be required for the flats facing St Albans Road in order to ensure acceptable internal noise levels are achieved in accordance with British Standard BS8233:2014. Also, in order to allow the flats to be adequately ventilated without the need to open windows, mechanical ventilation will also be required, to provide background and purge ventilation. These additional measures can be secured by condition.

#### 6.5 (d) Affordable housing provision

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing for all major developments, with this provision having a tenure split of 65% affordable rent, 20% social rent and 15% shared ownership. The proposed northern block is allocated entirely for affordable housing in the proposed scheme, a total of 30 flats comprising 6 no. 2 bed, 3 person units and 24 no. 2 bed, 4 person units. The 30 flats equate to a provision of 33% affordable housing by units and 36% by habitable rooms. The proposed tenure split is 25 units (83%) for affordable rent (2 no. 2 bed, 3 person and 23 no. 2 bed, 4 person), comprising the units in the 8 storey building, and 5 units (17%) for shared ownership (4 no. 2 bed, 3 person and 1 no. 2 bed, 4 person) comprising the 3 storey element fronting St John's Road. This provision of affordable housing has been negotiated and agreed with the Housing team with the scheme being redesigned in part to remove 1 bed units and ensure all of the units were 2 bed, with the large majority being 4 person units. Overall, the provision of all 2 bed units, with the majority being 4 person units and for affordable rent, is considered to best meet the current urgent housing needs of the households on the Council's waiting list. This is considered an acceptable and welcome provision of affordable housing to meet the borough's urgent housing needs.

## 6.6 (e) Impacts on surrounding properties

### 6.6.1 i) Flanders Court

The proposed southern block is sited due north of Flanders Court. The front and rear elevations of the 10 storey element align with the front and rear elevations of Flanders Court. As such, the proposed building does not breach a 45° line taken from the rear facing windows and will have no adverse impact on outlook or natural light. The 3 storey element facing St John's Road has rear windows and balconies facing towards the raised communal amenity area of Flanders Court at a distance of 14m. This is in excess of the minimum 11m guideline in the Residential Design Guide. Furthermore, the amenity is communal and is overlooked by a large number of existing flats within Flanders Court. This relationship is therefore considered to be acceptable and will not result in any harmful loss of privacy.

### 6.6.2 ii) Benskin House

The proposed northern block is sited due south of Benskin House. The main 8 storey element does not align with the front and rear elevations of this building due to the presence of the existing pedestrian subway on St Albans Road. This results in the rear elevation projecting 4m beyond the rear elevation of Benskin House at its closest point. In order to minimise the impact of the northern block on Benskin House, the block has been designed to not breach the 45° line taken from the nearest windows above second floor level. This will ensure that any loss of natural light to the nearest windows in Benskin House will not exceed the guidelines in the British Research Establishment's publication 'Site layout planning for sunlight and daylight'. Whilst some loss of natural light and outlook will occur to the nearest windows in Benskin House, this will not be so significant and harmful to merit a refusal of planning permission.

6.6.3 The 3 storey element facing St John's Road has rear windows and balconies facing towards the communal amenity area of Benskin House at a distance of 6m. This is less than the minimum 11m guideline in the Residential Design Guide. However, the amenity is communal and is overlooked by 14 existing flats within Flanders Court. In this case, it is considered that this relationship is acceptable and will not result in any harmful loss of privacy.

### 6.6.4 iii) St John's Road properties

The proposed new blocks are sited due west of the existing properties in St John's Road. The closest properties comprise 2 storey detached and semi-detached houses with the exception of no.45 which is occupied by The Samaritans. The blocks have been designed with 3 storey elements adjacent to the existing properties which reflect the eaves and ridge heights of these properties. This is an appropriate

response to these properties. They do not breach a 45° line taken from the nearest windows to the front or rear and will have no adverse impact on natural light or outlook to these properties.

6.6.5 In terms of overlooking of the rear gardens of these properties, there are windows in the rear, east facing elevations of the 8 and 10 storey elements that face towards these gardens. However, they face the nearest gardens at distances of 32m (northern block) and 38m (southern block) respectively and both these distances are more than sufficient to ensure no significant loss of privacy will occur. Where there are balconies on the rear elevations of the respective 3 storey elements, these have privacy side screens to prevent direct overlooking.

6.6.6 iv) Franklin Road properties

The rear elevations and gardens of these properties (odd numbers only) back on to the Bravo Quarters and Benskin House sites. The northern block does contain windows that face towards these gardens. The main 8 storey block has bedroom windows that face towards these properties at a distance of 35m which is more than sufficient to ensure no significant loss of privacy will occur. The balconies on the rear elevation of the 3 storey element will have oblique views towards these properties over the communal amenity area of Benskin House at a distance of 12m. This is considered to be an acceptable distance and exceeds the minimum guideline of 11m for rear/side relationships. Furthermore, direct views are largely screened by existing trees along the rear boundary of the Benskin House site.

6.7 (f) Transport, servicing and parking

The site is located on the edge of the defined wider town centre area and is within a short walking distance from the town centre and Watford Junction Station. As such, it is a highly sustainable and accessible location well served by public transport. In such a location, car-free development is acceptable and complies with national policy and the Core Strategy. The car-free nature of the development will mean it will not add to existing traffic flows. As the site is located within a controlled parking zone, the development will need to be excluded from this in order to ensure future residents of the development are not entitled to residents permits to park on-street during the operating hours. This can be secured by a s.106 planning obligation in the normal way.

6.7.1 Each of the blocks will have bin storage to serve their respective number of flats. In each case, the main building will have an internal store with direct access to the highway for collection. The flats within the two 3 storey elements will each have separate bin stores at ground level on the site frontage. Details of these can be secured by condition.

6.7.2 Each block will have its own secure and weatherproof cycle storage at 1 space per flat and this is acceptable.

## 6.8 (g) Environmental considerations

### 6.8.1 i) Land contamination

A Phase 1 Desk Study and Phase 2 Environmental Assessment have been submitted with the application. However, these investigations have been limited by the extent of existing structures on the southern plot of land. As such, further investigation will be required to fully assess any contamination on the site from its current and previous uses and to formulate an appropriate remediation strategy. This can be secured by condition.

### 6.8.2 ii) Surface water drainage

A surface water drainage strategy has been submitted with the application. This proposes that all surface water from the site will be discharged via infiltration into the ground water. Both plots will have permeable paving areas and all surface water will be directed to these areas to infiltrate into the ground. In order to ensure no surface water accumulation or flooding, the permeable paving will incorporate an attenuation volume beneath the paving that is sufficient to store predicted surface water flows while infiltration takes place. This strategy is acceptable in principle to Herts. County Council as the Lead Local Flood Authority but their final approval is subject to agreeing the additional information that has been submitted (see paragraph 5.3.2 of this report).

## 7.0 **Community Infrastructure Levy and s.106 planning obligations**

### 7.1 **Community Infrastructure Levy (CIL)**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. The CIL charge applicable to the proposed development is £120m<sup>2</sup>.

### 7.2 **S.106 planning obligation**

Following the adoption of the Community Infrastructure Levy, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in controlled parking zones and the provision of fire hydrants. The proposed development is one where affordable housing is to be provided on-site and this will

need to be secured. The development will also need to be excluded from the local controlled parking zone and necessary fire hydrants provided to serve the development.

## **8.0 Conclusion**

- 8.1 The site is suitable as a windfall housing site as it comprises previously developed land, is close to public transport in the town centre and Watford Junction, is close to a wide range of facilities in the town centre and will be compatible with adjoining residential uses. The proposed 90 flats will make a significant contribution to the borough's housing supply including 30 affordable housing units. The proposed development is considered to be an appropriate and acceptable response to the context of this site in respect of its scale, design and materials. The proposal will sit comfortably within the streetscene and will strengthen the urban form in this part of St Albans Road.
- 8.2 The proposal will provide residential units of good quality and amenity and will not give rise to any significant harmful impacts to surrounding residential properties. The proposal is car-free which is acceptable in this sustainable and accessible location. The proposal will deliver many planning benefits and is welcomed.
- 8.3 The application is therefore recommended for approval subject to the final comments and approval of the County Council to the proposed surface water drainage scheme and the imposition of any relevant conditions.
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## **9.0 Human Rights implications**

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

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

## Section 106 Heads of Terms

- i) To secure 30 two bed flats as affordable housing comprising 25 flats for affordable rent and 5 flats for shared ownership.
- ii) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being issued to this site;
- iii) To secure the provision of fire hydrants to serve the site as required by Hertfordshire County Council;

## 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:-

216012/PA/110A, 120A, 121A, 122A, 123A, 124A, 125A, 126A, 130A, 131A, 132A, 133A, 134A, 135A, 140, 141, 150

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

3. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include

- i) a site investigation scheme, based on the Desk Study report by Geotechnical and Environmental Associates Limited dated 4<sup>th</sup> May 2017 (ref. J17057), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

- ii) the results of the site investigation and risk assessment referred to in (i) above 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;
- iii) 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 (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure any contamination of the ground is identified and remediated in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 4. No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3 above) 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 is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

6. No development (excluding demolition works) shall commence until a noise mitigation scheme for each of the residential dwellings, based upon the recommendations of the Noise Assessment dated September 2017 (SLR Ref. 402.06524.00002.002 by SLR Consulting, has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

7. No development (excluding demolition works) shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings with windows facing St Albans Road has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwelling remaining closed. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake; extraction units; generators and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 and an acceptable level of air quality is achieved in accordance with EU and national air quality limit values for the future occupiers of the dwellings.

8. No development (excluding demolition works) shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors, balconies and privacy screens) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in the approved materials.

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

9. No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site (based upon the Landscape Design Statement (ref. PRI21395DAS dated August 2017) by ACD Environmental) and Landscape Masterplan has been submitted to and approved in writing by the Local Planning Authority. This shall include new tree and shrub planting. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

10. No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site (based upon the Landscape Design Statement (ref. PRI21395DAS dated August 2017) by ACD Environmental) and Landscape Masterplan has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

11. No dwelling shall be occupied in the respective blocks until details of the refuse and recycling stores and secure and weatherproof cycle stores to serve the dwellings, as shown in principle on the approved drawings, have been submitted to and approved in writing by the Local Planning Authority and these stores have been constructed as approved 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, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

12. No dwelling shall be occupied in the respective blocks until the existing vehicular crossovers on St John's Road serving both the northern plot of land and the southern plot of land have been removed and the footpaths reinstated.

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

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

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

14. For the avoidance of doubt, no communications development permitted by Class B or Class C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be undertaken on either of the buildings hereby approved.

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

### Informatives

1. 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).

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

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

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

3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure 30 flats as affordable housing, the exclusion of the development from the local controlled parking zone and necessary fire hydrants to serve the development.
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. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in

accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council entered into extensive pre-application discussions with the applicant and requested amendments during the consideration of the application.

6. All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Drawing numbers

216012/PA/001, 010, 030, 031, 032, 033, 034

216012/PA/110A, 120A, 121A, 122A, 123A, 124A, 125A, 126A, 130A, 131A, 132A, 133A, 134A, 135A, 140, 141, 150

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