

<b>PART A</b>	
<b>Report of: Head of Development Management</b>	
Date of committee:	<b>28<sup>th</sup> February 2018</b>
Site address:	<b>85 Chalk Hill Watford WD19 4BT</b>
Reference Number:	<b>17/00862/FULM</b>
Description of Development:	<b>Demolition of existing disused bank building and replacement with new residential development which includes 11 new dwellings - 9 x apartments, 1 x duplex apartment, and 1 x 2-storey house, with associated gardens and car parking. (Amended plans to provide an additional flat at third floor in order to facilitate the provision affordable housing)</b>
Applicant:	<b>Pinnacle UK Investments Ltd</b>
Date Received:	<b>4<sup>th</sup> July 2017</b>
Statutory Target Date (agreed extension)	<b>2<sup>nd</sup> March 2018</b>
Ward:	<b>Oxhey</b>

## **1.0 Site and Surroundings**

- 1.1 No. 85 Chalk Hill is a vacant bank which is located on the corner of Haydon Road and Chalk Hill. The building is of two storeys and is fairly utilitarian in appearance. The external walls are finished in brickwork and the building is designed with a flat roof.
- 1.2 The adjoining property at No. 83 consists of a shop at ground floor and a flat at first floor. No. 81 consists of a ground floor take-away and flats at the rear of the ground floor and at first floor. The properties are not located within a designated retail frontage, however No. 83 has been identified in Appendix 3 of the Watford District Plan 2000 as an isolated shop to be protected. The vacant bank at No. 85 is not the subject of any designations in the Development Plan.
- 1.3 The application site is served by a vehicular crossover on to Haydon Road, which provides access to a parking area. The access also services the flats and commercial units at Nos. 81 – 83 Chalk Hill.

- 1.4 Haydon Road predominantly consists of two storey Victorian terraced houses. The adjacent property at No. 4 Haydon Road consists of a commercial unit at ground floor. Haydon Road is an un-classified road and there is high demand for on-street parking due to the lack of on-site parking spaces. The area is not within a Controlled Parking Zone.
- 1.5 The application site includes an alleyway that serves the rear gardens of Nos. 4 – 16 Haydon Road. A number of trees have become established in the alleyway which has made it impassable. It was evident at the site visit that the bins of Nos. 6 – 16 are being stored in the small front gardens.
- 1.6 The houses to the south-west of the application site in King Edward Road are sited at a higher level than the application site.
- 1.7 The application site is in a sustainable location because it is approximately 270m from the designated Local Shopping Frontage in Chalk Hill and a walking distance of approximately 450m from Bushey train station.
- 1.8 Chalk Hill is categorised as a Class A Main Distributor Road in Hertfordshire County Council's Hierarchy of Roads.
- 1.9 No. 85 Chalk Hill is not listed or located in a designated conservation area. The nearby Bushey and Oxhey Methodist Church is a designated Locally Listed Building.

## **2.0 Proposed Development**

- 2.1 The application proposes the demolition of the existing disused bank building and replacement with a new residential development which includes 11 new dwellings (2no. 1-bed flats; 7no. 2-bed flats, 1no. duplex 3-bed flat and 1no. 3-bed house) with associated gardens and car parking. The application originally proposed 10 dwellings, however this was increased to 11 units to facilitate the delivery of 3no. 3-bed affordable rented houses at 17 – 19 St Johns Road (ref: 17/01619/FUL). This change has resulted in the width and depth of the third floor being increased slightly, however it would remain set back from all external walls. The amended plans also improve the external elevations in response to consultation comments made by the Design & Conservation team.
- 2.2 The proposed 2-storey house would be positioned adjacent to No. 4 Haydon Road and is of a fairly traditional style. The main building on the corner of Haydon Road and Chalk Hill would contain the proposed flats. It is contemporary in design and predominantly consists of 3 storeys with a recessed fourth storey. A vehicular access would be retained between the proposed house and block of flats, which would provide access to a car park. The car park would provide 8 on-site parking

spaces for the proposed dwellings.

- 2.3 A communal garden area would be provided to the rear of the building, as well as a roof garden for Unit 5 (3-bed duplex flat) on the second floor and a roof garden for Unit 10 on the third floor. The proposed house would also have a small rear garden. Refuse storage would be provided to the rear of the building adjacent to the car park.
- 2.4 The application follows a previous refused application (ref: 16/01633/FUL). In comparison to the previous refusal, the nursery has been removed from the scheme and replaced by residential accommodation. Significant changes to the layout have been made to address the concerns raised in the previous application. The design approach has moved to a more contemporary style.

### **3.0 Relevant Planning History**

- 3.1 The following planning history is relevant to this application:

16/01633/FUL - Demolition of existing building (Class A2) and erection of nine residential units (Class C3) and nursery (Class D1). The application was refused planning permission under delegated powers in January 2017 for 5 reasons.

The reasons for refusal are summarised below:

- The building was designed with a pitched roof, including a number of large dormers, and it was considered that it would not achieve a high standard of design and appearance and would have an uncomfortable relationship with the adjoining properties in Haydon Road and Chalk Hill.
- The layout of the development would not provide an acceptable standard of amenity for future occupants due to sub-standard internal floor areas and lack of storage for some flats, poor outlook from some habitable windows, uninviting access to some flats, and inconvenient waste collection arrangements.
- Loss of light and outlook to the habitable rooms of the upper floor flat at No. 83 Chalk Hill due to the close proximity of the side gable of the proposed building to the neighbouring windows.
- Unsatisfactory access and parking arrangement for the proposed nursery. The site is in a sustainable location, however the application failed to demonstrate that the nursery would not cause parking problems in the surrounding area.
- Inappropriate location of bin and cycle storage. External buggy parking area would not be secure and would appear unsightly in the street scene.

## **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*

### **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 8 Promoting healthy communities

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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

- 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 properties in Haydon Road, Brick Kiln Close, Chalk Hill and King Edward Road on 12<sup>th</sup> July 2017. Following the submission of amended plans to make minor internal and external changes and the creation of an additional flat, neighbouring properties were re-consulted on 9<sup>th</sup> January 2018.

43 letters of objection and 1 letter of support were received.

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

Representations	Officer’s response
<p>The development is too big and too dense for this small area.</p> <p>It is not in keeping with the period properties that surround the site. It is an ugly looking modern style development.</p> <p>The height is too tall. 4 storeys is too high for the position. 2 storeys should be the limit.</p>	<p>This is considered in paragraph 6.10 of the report.</p>
<p>Lack of parking. Less than 1 space per dwelling is unacceptable.</p> <p>Haydon Road has become a parking nightmare due to commuters using Bushey station using it as an all-day</p>	<p>The application site is located is a sustainable location close to a Local Shopping Frontage in Chalk Hill and public transport facilities including bus stops and Bushey train station. As such, it is considered that 8no. on-site</p>

<p>car park. We have people turning up at 6am and not returning until 7pm, along with staff from the Skoda garage, the daily school drops and pickups which can bring 20 plus cars into road.</p> <p>The old bank car park is currently being used as a free car park by many commuters when this goes 12 + cars will be looking at taking up resident spaces.</p>	<p>parking spaces is sufficient in this location.</p> <p>The existing bank car park is private land and is not a public car park. The proposal would not displace parking into the road because commuters have no right to park at the site.</p>
<p>More traffic congestion.</p>	<p>The Highway Authority has raised no objections with regard to the impact of the development on the capacity of the local highway network.</p>
<p>Is the vehicular access wide enough for delivery vans to the shops plus refuse vehicles?</p>	<p>The vehicular access would be 4.8m wide, which accords with the Hertfordshire County Council's 'Roads in Hertfordshire: Highway Design Guide 3<sup>rd</sup> Edition'.</p> <p>Refuse vehicles would need to service the dwellings from Haydon Road, which is the situation that exists for the existing properties in Haydon Road and is therefore acceptable.</p> <p>In comparison to the existing car park, the proposed car park layout would not reduce vehicle manoeuvring space within the site. Furthermore, deliveries to the shops could be made from Chalk Hill or Haydon Road because there are no kerb markings or signs that restrict deliveries. Loading and unloading on double yellow lines is permitted providing there are no kerb markings or signs.</p>

Increased noise levels.	The proposed residential use would not cause a material increase in noise and disturbance.
Disruption during construction work.	This is not a material planning consideration. There are controls outside the planning system including the Environmental Protection Act and the Highways Act.
Loss of light to neighbouring properties.	This is considered in the report.
Increase in overlooking.	
There should be enough space for the bins of the shop at No. 83 Chalk Hill.	The car park layout would not affect bin storage provision for the shop.
Access to the back of the shop needs to remain available.	The car park layout would not restrict access to the shop.
The flat above the shop needs access through the back.	The car park layout would not restrict access to the first floor flat.
The shop needs 2 parking spaces.	This is a civil matter. The Title Register and Title Plan for 85 Chalk Hill shows that Nos. 81 and 83 have a right of way across the car park but no parking rights in the application site.
The development will block views of our store. We cannot afford for our store being hidden making it more difficult for our customers to see thus decreasing sales.	The proposed building would be level with the shop at No. 83 and would not obscure its visibility.
There is a basement below the shop, therefore the architect/builders need to take that into account before they begin working on the foundations.	This is a matter for building regulations and is not a material planning consideration.
The layout of the proposed development would fail to provide an acceptable standard of amenity for future occupiers of the flats.	This is considered in the report.

Loss of light and outlook to the upper floor flat at No. 83 Chalk Hill.	This is considered in the report.
Impact on local infrastructure.	The impact on infrastructure is mitigated through the Community Infrastructure Levy.
The development appears to be building on the right of access pathway to which Nos. 4-14 Haydon Road enjoy benefit. The side passageway has been overgrown ever since we moved into the property (July 2014) but workman we have employed have needed and gained access to our garden by the rear passageway via the car park. We do not want to lose our right of way to access the passageway at the rear of our property.	<p>The application site includes an alleyway that serves the rear gardens of Nos. 4 – 16 Haydon Road. A number of trees have become established in the alleyway which has made it impassable. It was evident at the site visit that the bins of Nos. 6 – 16 are being stored in the small front gardens, therefore the proposed development would have no impact on existing waste storage arrangements.</p> <p>The proposed development would not affect access to the rear alleyway through the car park.</p>

One letter of support was received, which stated:

*“We need more homes for the young people of the local area”.*

### 5.3 Statutory publicity

A notice was published in the Watford Observer on 21 July 2017.

A notice was posted outside the application site on 22 August 2017.

### 5.4 Technical consultations

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

No objection subject to conditions.

Hertfordshire County Council (Lead Local Flood Authority)

No objection subject to conditions.



Hertfordshire County Council (Development Services)

No comments.

Hertfordshire Constabulary Crime Prevention Design Service

No objection. Content that security has been considered in the Design and Access Statement 3.7, and welcome the applicant's decision to include the principles of Secured By Design.

Environmental Services

Bin allocation is correct at 1 x 1100 bin for refuse, 1 x 1100 bin for recycling and 2 x 240 bins for greenwaste. It is unclear from the plans if the bin store is enclosed and if so how we would access the bins. If we are required to pull the bins out, the floor surface to the proposed roadway needs to be smooth and not gravelled.

Environmental Heath

No objection subject to conditions.

Environment Agency

No response.

Thames Water

No response.

Design & Conservation

The original consultation response stated that a contemporary design approach is acceptable. Some minor changes to the design and layout were suggested, which have been incorporated to the revised plans.

Design & Conservation's comments on the revised scheme are shown below:

This is a further revision of a scheme which was commented on in August 2017. The main change is that an additional unit has been added to the second floor. Other changes have been made in response to the comments made in August and some additional information provided regarding materials and one detail.

Previous comments:

The applicant has followed the suggestions made in respect of the layout of the scheme and added direct access from the street to all ground floor units; this is welcomed. The routes to the doors could be treated in a different material to differentiate the access from the rest of the small amenity area. I think the entrance to the core for units 6-11 should be emphasised with some kind of sign or a slightly larger door as for the other flat entrance for unit and the rear amenity area.

The rear elevation has improved: better alignment of the fenestration and deeper reveals are shown; the addition of the Juliet balconies helps as well. I think subject to agreeing the material samples and the details this is now acceptable.

Whilst the applicant has provided some information relating to materials it is still quite limited and I am not clear what will be used for the roof section. The copper panels referred to on the drawing look to be of suitable quality but will still need to be signed off and there is the issue of colour. It will not be acceptable for this material to be downgraded to a cheaper copper colour panel! I have concerns regarding the cost of this material and the extent to which it is used on this scheme.

Details will be needed as well including the window reveals, door reveals, eaves details, balcony details, the terrace and roof garden areas; the dormer window; the projecting elements with the copper panelling and the roof section. A landscape scheme will be needed as well.

Additional unit:

The additional unit for the roof section will result in a reduced set back for this section from the main building when viewed from the front and rear elevations. I am satisfied that this would not cause harm and would not result in an overly dominant top floor. The rear elevation for this section works better with this arrangement than the previous design commented on.

The detail provided for the point where the new build will connect to the adjoining building needs further work – I think there may be issues with this going forwards (maybe discuss with building control?).

In conclusion, there are still a few issues which need resolving but these could be done by condition at this stage.

## Arboricultural Officer

No response. Comments received for the previous application are as follows:

*“The proposals indicate the loss of eight trees plus one elderberry. All but one of these, an ash located on the east boundary, are of poor quality being self-set unmanaged specimens growing very close to the neighbouring building. Their retention would not be desirable in the long term due to the proximity to the building and potential for further growth and their removal should not be a reason for removal. The ash tree on the east boundary could and should be retained”.*

## Hertsmere Borough Council (nearby Borough boundary)

No response.

## **6.0 Appraisal**

### **6.1 Main issues**

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

- (a) Principle of land use
- (b) Housing
- (c) Impact on the character and appearance of the area
- (d) Quality of the new accommodation provided
- (e) Impact on amenity of adjoining residential properties
- (f) Access, servicing and parking
- (g) Sustainable surface water drainage

### **6.2 (a) Principle of land use**

Loss of bank (Use Class A2):

The bank is currently vacant. The application site is not located in a designated shopping frontage and the bank is not protected by any Development Plan policies, therefore the loss of the bank is acceptable.

### **6.3 Residential use:**

The application site is located in a Primarily Residential Area, as shown on the Proposals Map of the Watford District Plan 2000. It is previously developed land, therefore redevelopment to provide residential accommodation is acceptable in principle.

### **6.4 (b) Housing**

Policy HS2 states that medium density developments such as flats and houses may be appropriate close to neighbourhood centres where they are well served by

transport links. The application site is located in a sustainable location close to a Local Shopping Frontage in Chalk Hill and public transport facilities including bus stops and Bushey train station. As such, the proposed development consisting of flats and a house is considered to be acceptable in this location.

- 6.5 The proposed development is on previously developed land; close to a neighbourhood centre; and close to public transport facilities, therefore the proposal is consistent with Policies HS1 and HS2 of the CS and the core planning principles in paragraph 17 of the NPPF. The proposal would contribute towards meeting the Borough's housing target, which should be afforded weight in consideration of the application.
- 6.6 The proposed housing mix consisting of 2no. 1-bed units, 7no. 2-bed units and 2no. 3-bed units is considered to be acceptable.
- 6.7 The applicant has offered 3no. 3-bed affordable rented houses, which would be provided as part of the development at 17-19 St Johns Road (ref: 17/01619/FUL). Affordable units are not suitable as part of the development proposed at 85 Chalk Hill due to the management requirements of registered social landlords. The delivery of affordable units at a separate site in the Borough under the ownership of the applicant is considered preferable to a financial contribution towards affordable housing. As a percentage of habitable rooms, the proposed affordable housing would be 40% of the proposed development which is acceptable. The affordable housing units to be provided at 17-19 St Johns Road shall be secured through a Section 106 Agreement.
- 6.8 (c) Impact on the character and appearance of the area  
Paragraph 17 of the National Planning Policy Framework details a set of core planning principles that should underpin decision-taking. It states, among other things, that planning decisions should always seek to secure high quality design. Paragraph 56 highlights that good design is a key aspect of sustainable development. Policy UD1 of the Watford Local Plan 2006-31 states, among other things, that new development should respect and enhance the local character of the area in which it is located.
- 6.9 Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, however it is proper to seek to promote or reinforce local distinctiveness.
- 6.10 A contemporary design approach has been adopted for the block of flats. The

elevations are well articulated and the building has appropriate massing. It would be taller than the adjacent properties, which is acceptable given the corner location of the site. The proposed two storey house would provide an appropriate transition to the 2 storey houses in Haydon Road. The recessed third floor and the use of contrasting materials would reduce the bulk and dominance of the building. The building would provide more visual interest than the rather bland elevations proposed in the previous application and the design is considered to enhance the character and appearance of the area. The use of appropriate materials is key to ensuring a high quality appearance and a condition should be attached to any grant of planning permission to require details and samples of materials to be submitted to the Local Planning Authority for approval. The provision of window reveals is particularly important to provide definition and articulation to the elevations.

6.11 (d) Quality of the new accommodation provided

The floor areas and room sizes of the proposed dwellings accord with the minimum space standards in paragraphs 7.3.6 – 7.3.8 of the RDG. Furthermore, all of the dwellings would be dual-aspect and the main living areas would benefit from sufficient natural lighting and outlook.

6.12 The neighbouring shop at No. 83 has nearby air conditioning plant, however the submitted Noise Impact Assessment shows that attenuation measures could be put in place to ensure that an acceptable internal noise level would be provided.

6.13 A communal garden would be provided to the rear of the building. In addition to this, Units 2, 3, and 4 would have their own outdoor amenity areas at ground floor and Units 5 and 10 would have roof gardens on the second and third floors respectively. The site is also less than 200m from designated Open Space to the south of Haydon Road.

6.14 The proposed dwellings would be accessed directly from the street frontage and external storage facilities are appropriately located. Taking the above into account, it is considered that the layout would provide an acceptable standard of amenity for future occupiers.

6.15 (e) Impact on amenity of adjoining residential properties

The upper floor flat at No. 83 Chalk Hill has a number of habitable windows in the side elevation of the building which face the application site. These include a circular first floor bedroom window, a dormer window serving a bedroom to the rear and a roof-light serving a bedroom to the front. The previous application (ref: 16/01633/FUL) was refused, among other reasons, because it would cause a loss of light and outlook to the neighbouring habitable rooms. In the case of the current application, the building has been designed so it steps down in height adjacent to

the windows of the neighbouring property and therefore would not cause a significant loss of light or outlook.

6.16 The proposed development would not cause a significant loss of light, outlook or privacy to other neighbouring properties due to the distances that would be maintained to windows and main outdoor amenity areas. The proposal would cause some overlooking of neighbouring gardens in King Edward Road and Haydon Road, however this is a high density urban area where some overlooking of gardens is to be expected. The proposed development would not infringe the 27.5m 'privacy arc' from the habitable rear windows in King Edward Road and therefore would not cause a loss of privacy to neighbouring habitable rooms.

6.17 (f) Access, servicing and parking

The Highway Authority has raised no objection in respect of the impact on the local highway network or highway safety.

6.18 The proposed parking bays accord with the 2.4m x 4.8m minimum size standard and a gap of 6m would be retained between the rows of parking bays which would allow sufficient space for manoeuvring. Larger vehicles would need to service the dwellings from Haydon Road, which is the situation that exists for the existing properties in Haydon Road and is therefore acceptable.

6.19 The application site is in a sustainable location close to a Local Shopping Frontage in Chalk Hill and public transport facilities including bus stops and Bushey train station. As such, it is considered that 8no. on-site parking spaces is sufficient in this location. The concerns relating to the previous application have been addressed through the removal of the nursery from the scheme.

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

6.21 The bin storage facilities are appropriately located for collection adjacent to the vehicular access. Details of the size and design of the storage facilities should be secured by condition.

6.22 Sustainable surface water drainage

In April 2015, the Government enacted legislation requiring all major developments to make provision for the sustainable management of surface water within application sites. The County Council as the Lead Local Flood Authority (LLFA) was also made a statutory consultee on all major applications for surface water drainage. The applicant has provided sufficient detail to demonstrate that there is a

feasible drainage scheme for the site and the most appropriate sustainable drainage methods have been explored. The proposed scheme includes the introduction of 65sqm of permeable paving, sub-surface water storage and two raingarden planters, which would have a 2 litres per second discharge to culverted watercourse during the 1 in 100 year event plus 40% for climate change. This has been approved by the County Council as the Lead Local Flood Authority. A condition requiring the submission of a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles should be attached to any grant of planning permission.

## **7.0 Community Infrastructure Levy and Planning Obligation**

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

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

The CIL charge applicable to the proposed development is £120 per sqm.

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

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

In this case, the development requires a planning obligation to secure the provision of affordable housing. This requirement meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as material planning considerations in the determination of the application.

## **8.0 Conclusion**

- 8.1 The proposal would contribute towards meeting the housing need in the Borough and would make effective use of previously developed land. The layout of the proposed development would provide an acceptable standard of amenity for future occupiers and there would not be a significant loss of amenity to neighbouring

properties. The height and scale of the proposed buildings would not appear unduly prominent in the surrounding area and the contemporary design would provide an acceptable standard of appearance. The proposal would provide sufficient on-site parking and there would not be a significant impact on traffic or pedestrian safety.

- 8.2 As such, the proposal accords with the Development Plan and the National Planning Policy Framework and therefore constitutes 'sustainable development'. There are considered to be no material planning considerations that outweigh the benefits of the proposal, therefore it is recommended that the application should be approved.
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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, conditional planning permission be granted subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To require the 3no. 3-bed houses proposed in the planning application at land adjacent to 17 – 19 St Johns Road (ref: 17/01619/FUL) to be provided as affordable rented units.

### 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:-

MRPP2; 5407/A100 Rev P; 5407/A101 Rev L; 5407/A108 Rev F; TS16-148R\1; TS16-148R\2; TS16-148R\3; TS16-148R\4; TS16-148R\5.

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

3. No construction works above damp proof course level shall commence until details of the materials to be used for all the external finishes of the buildings, including walls, roofs, doors, windows, fascias and balustrades, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

4. No construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, brick detailing and capping to the external walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

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

5. No part of the development shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

6. No part of the development shall be occupied until full details of a hard landscaping scheme, including: details of the surfacing of the vehicular access, car park, pathways and amenity areas; details of all site boundary treatments, and all fencing or enclosures within the site, have been submitted to and approved in writing by the Local Planning Authority and the works have been carried out in accordance with the approved details, unless otherwise agreed in writing 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.

7. No part of the development shall be occupied until details of the siting, size and design of refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority and the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site and to ensure satisfactory provision for on-site storage facilities.

8. No part of the development shall be occupied until an updated Noise Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall include specification details of the building envelope and the mechanical ventilation system(s) for each of the dwellings to achieve the internal noise levels contained in BS 8233:2014, along with specification details of the building services plant. Together, the ventilation systems and building services plant shall not exceed 39dB(A) during the day-time and 27dB(A) during the night-time, one metre from the nearest residential façades when assessed in accordance with BS 4142:201. The building services plant shall be mounted on appropriate anti-vibration mountings. The development shall be implemented in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure that an acceptable internal noise level is provided for future occupants of the development.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, D, E and F of the Order shall be carried out to

the dwellinghouse adjacent to the boundary with No. 4 Haydon Road without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers.

10. No above ground construction may commence until a detailed surface water drainage scheme for the site, based on the Flood Risk Assessment and SUDS Strategy prepared by XCO2, dated January 2018, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

1. Final, detailed drainage plan including the location and size of all SUDS features, pipe runs and discharge points with all invert and outlet levels.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including and connecting pipe runs.
3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of the development.

#### 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. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on [streetnamenumbers@watford.gov.uk](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.

3. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

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

[www.watfordbuildingcontrol.com](http://www.watfordbuildingcontrol.com)

4. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/393927/Party\\_Wall\\_etc\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf)
5. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.
6. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
7. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain

unobstructed by vehicles, machinery, materials and other aspects of construction works.

8. Where works are required within the public highway to facilitate access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to vehicle crossovers the applicant is advised to see the attached website. Vehicle crossover guidance <http://www.hertsdirect.org/docs/pdf/d/vxo.pdf> and to apply for vehicle crossover <http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>
9. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and 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%933\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%933_construction_noise)

Drawing numbers

MRPP2; 5407/A100 Rev P; 5407/A101 Rev L; 5407/A108 Rev F; TS16-148R\1; TS16-148R\2; TS16-148R\3; TS16-148R\4; TS16-148R\5.

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**Case Officer: Chris Osgathorp**

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