

<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>29 - 43 Sydney Road And The Plot Between 7 And 9 Sydney Road, Watford</b>
Reference Number:	<b>17/01591/FULM</b>
Description of Development:	<b>Erection of two apartment buildings, of up to 7 and 10 storeys, to provide 135 apartments (of which 38 are affordable) with associated access, parking, integral bin and cycle store and amenity space following demolition of existing commercial buildings; and erection of a 2 bedroom dwelling and associated works. (Amended plans)</b>
Applicant:	<b>Sydney Road Developments Limited</b>
Date Received:	<b>16<sup>th</sup> November 2017</b>
13 week date (major):	<b>15<sup>th</sup> February 2018.( Extended by agreement to 7<sup>th</sup> March 2018)</b>
Ward:	<b>Holywell</b>

## **1.0 Site and surroundings**

- 1.1 The site accessed from Sydney Road forms an 'L' shape fronting Sydney Road to the north and continuing behind the group of terraced properties.
- 1.2 The site currently contains single storey industrial buildings of commercial use. Adjacent to the west of the site are the industrial premises of Watford Laundry. There are other commercial buildings and warehouses to the south and south east of the site. The remainder of Sydney Road is predominantly residential with two storey terraces bordered by the site and two storey semi-detached houses on the opposite side of Sydney Road. The west end of Sydney Road includes 3 and 4 storey residential flats.
- 1.3 To the south of site, behind the adjacent warehousing, a railway line runs East-West behind the Sydney Road and Whippendell Road properties.
- 1.4 The site is within a predominantly residential area and is not within an allocated employment area. There are parking restrictions, including Residential Controlled

Parking Zone along the roads within the vicinity of the site. The site is not within a conservation area and there are no listed or locally listed buildings within or adjoining the site.

## **2.0 Proposed development**

2.1 Demolition of the existing buildings on site and erection of 2 residential buildings as follows:

- i) Block A at the Sydney Road frontage, of between 3 and 10 storeys to contain 97 no. flats;
- ii) Block B behind the existing terraces, of between 3 and 7 storeys to contain 38 no. flats for affordable allocation;
- iii) 1 no. two bedroom house (infill between Nos7 and 9);
- iv) Associated landscaping works at ground level and at various rooftop levels;
- v) Total 136 residential units;
- vi) Car parking for 71 cars.

2.2 The scheme was amended during the course of the application with:

- Internal layout changes to Block B (to create 38 units)
- Alterations to the entrance of Block B resulting in loss of one car space
- Relocation of bin and bike store for Block B
- Slight width reduction of Block A to allow for landscaping adjacent to path
- Landscaping enhancements

## **3.0 Relevant planning history**

3.1 17/00812/PREAPP Pre-application enquiry for a 132 residential development with sufficient parking to support the residential proposals.

## **4.0 Planning policies**

### **Development plan**

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

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

## **4.2 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.

*Watford Character of Area Study 2011*

*Skyline – Watford's Approach to Tall Buildings 2016*

*Residential Design Guide 2016*

#### **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 2 Ensuring the vitality of town centres

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  
decision taking

#### **5.0 Consultations**

##### **5.1 Neighbour consultations**

Letters were sent to 260 properties in the surrounding area.

21 objections and 1 representation were received.

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

<b>Representations</b>	<b>Officer's response</b>
Detrimental to the light, outlook and privacy of the Sydney Road properties who back onto the site.	This has been assessed in detail as set out in section 6.6 of the report. It is noted that the development will present as a notable change from the existing single storey buildings on site however the measurable

	<p>factors of sunlight and daylight and assessment in accordance with BRE guidance determine that the development would not create unreasonable harm to neighbours. Although one element of minimum distance is not met between block B and Nos11-19, the overall privacy of these properties would be reasonable.</p>
<p>Increased noise and disturbance to neighbours from the occupants of the flats and their cars.</p>	<p>The proposed residential uses are wholly appropriate and suitable adjacent to existing residential uses in a residential area. This is principally acceptable and would not create unreasonable noise or disturbance to neighbours. Indeed, the residential use of the site is likely to create less noise and disturbance to neighbours as could be created from the existing industrial use the site.</p>
<p>Height is out of keeping with the area.</p>	<p>The 3 storey flat roof elements of the buildings, adjacent to Sydney Road properties respect the heights of these properties. The taller elements of the buildings would not be visually dominant in the Sydney Road streetscene and would follow the pattern of development along this area to increase heights up the railway. This is discussed in full in section 6.3 of the report.</p>
<p>Development is too dense for the area.</p>	<p>The development does significantly increase the density of the site from the existing buildings however this is of an acceptable design and provides efficient use of the brownfield site for new homes in accordance with Council policy and Core objectives. The density of the development would not create unreasonable harm in any respect and is supported as sustainable development.</p>
<p>Insufficient parking for the development</p>	<p>The development provides one car parking space for only some of the flats (52%). The location provides good access to town centre amenities and public transport and is</p>

	highly suited for occupants without cars. The occupiers of the development will be exempt from entitlement to park in the surrounding roads subject to the Controlled Parking Zone. Car-light development is welcomed in this sustainable location to reduce car journeys in the area and prevent increased congestion in the area.
Sydney Road is narrow and cannot support additional traffic.	The existing industrial use of the site creates movement of cars and commercial vehicles to and from the site on the restricted Sydney Road. This is the existing situation and could be made significantly worse at any time with an intensification of use at the site. The transport assessment submitted shows that, with the car light nature of the development, it will result in fewer vehicle movements to the site than existing. Furthermore, the residential use of the site will avoid the regular use of Sydney Road by larger commercial vehicles such as HGVs. It is therefore considered that the development would have no detrimental impact to Sydney Road and would represent an improvement to the current use.
Increased road congestion in West Watford.	As discussed above, the development would see fewer vehicle movements to the site than the existing situation and so would not increase congestion in the area.
Insufficient infrastructure (schools/healthcare etc.) to support this and other developments in Watford.	Watford Borough Council is responsible for granting planning permission for appropriate and sustainable development for new homes. WBC is not responsible for the provision of schools or healthcare which are Herts CC and NHS matters. Through the planning process, contributions towards infrastructure are collected from developers under the Community Infrastructure Levy.
Unsafe access	The access proposed has suitable siting and visibility and is supported by Hertfordshire Highways. The site includes a vehicle turning area to allow all vehicles to enter and leave

	in forward gear. The access road includes a pathway into to site on both sides providing safe and convenient access into and from the site for all users.
Insufficient affordable housing provision	The development provides an excellent and highly supported provision of affordable housing. As discussed in full in section 6.5 of the report, the provision includes larger units (3 and 4 beds) of a much needed social rent tenure to meet the most acute needs of the Borough. The percentage of provision, based on units is below the policy requirement of 35% however this is welcomed due to the larger nature of the units. The provision based on habitable rooms represents 35% of the development demonstrating that there is no shortfall in the affordable housing of the scheme.

## 5.2 Statutory publicity

The application was publicised by 2 site notices posted on 3<sup>rd</sup> January 2018 expiring 24<sup>th</sup> January and by advertisement in the Watford Observer published on 1<sup>st</sup> December 2017 expiring 22<sup>nd</sup> December 2017.

## 5.3 Technical consultations

The responses from consultees have been summarised and considered in the following table.

Consultee	Summary of response	Officer consideration
Lead Local Flood Authority	Initial objection. Further information provided and re-consultation made. Further objection made however in agreement for use of pre-commencement condition to secure final details. Conditions recommended.	Conditions added

Local Highway Authority	No objection subject to conditions and informatives. S106 for £6000 for travel plan monitoring.	Condition relating to visibility splays is recommended. The 3 other conditions are duplication of information already provided and also duplication of other powers so are not reasonable, appropriate or enforceable as planning conditions.
Arboricultural Officer	No objection	Detailed landscaping condition included.
Contaminated Land Officer	No objection subject to conditions.	Conditions included.
Environmental Health	Further information requested and provided. Reconsultation confirmed no objection subject to condition to secure windows on South side (MLX impact).	Condition added for all windows to meet noise requirements as set out in the submitted noise assessment.
Waste & Recycling Team	No objection provided level access. Improvements recommended	Various amendments have been undertaken and waste reconsulted with no objection.

Head of Housing	The scheme is fully supported to allow for the provision of larger units. Provision of family units of social tenure are the most needed and active engagement has achieved this.	Noted and agreed.
Herts Ecology	Potential for Bats and a Preliminary Roost Assessment (PRA) must be carried out. Information regarding landscaping must be provided.	Preliminary Roost Assessment (PRA) submitted and no bat activity found. Landscaping details to be secured by condition.
Thames Water	No objection subject to conditions and informatives.	Conditions included.
Planning Policy	Employment use is not protected and not compatible with residential context. Residential development is therefore supported in principle. Some design concerns with the scheme and improvements recommended.	Support in principle noted. Amendments have been undertaken and various improvements have been made. Not all recommendations have been included however an acceptable design has been achieved.
Herts Constabulary Crime Prevention Design Service	Defensible space required to ground floor units. Insufficient parking may increase parking on surrounding roads. Recommendations for specifications made.	Landscaping matters to be secured by condition. CPZ exemption will prevent parking on surrounding roads. Specification recommendations passed on to applicant.



HCC Waste & Minerals	No response.	Waste matters considered as part of the application.
Transport for London	Close to proposed MLX line but not adjoining boundary and no objection or comments.	Noted.
Network Rail	No response.	Not immediately adjacent to railway so NR comments not specifically required.
Jacqueline Nixon HCC s106	Subject to CIL.	Noted.
Affinity Water	Reference to groundwater source protection zone.	Noted. No conditions or informatives requested.
HCC Fire and rescue service	Fire hydrants to be secured by s106.	Noted and included in s106.

## 6.0 Appraisal

### 6.1 Main issues

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

- (a) Principle of the change of use of the site.
- (b) Scale and design.
- (c) Quality of residential accommodation.
- (d) Affordable housing provision.
- (e) Impacts on surrounding properties.
- (f) Transport, access and servicing.
- (g) Car and cycle parking.
- (h) Environmental considerations
- (i) Potential future development

### 6.2 (a) Principle of the change of use of the site.

- 6.2.1 The site is not designated for employment uses and the loss of the aging, poor quality commercial space would not be harmful to the commercial needs of the town. It is further noted that commercial redevelopment of the site, with potential for increased industrial activity and HGVs, is likely to be problematic in the residential context and served by the surrounding roads. Retention of the site for commercial uses is therefore not considered to be appropriate.

- 6.2.2 The site is within a predominantly residential location and offers and opportunity for brownfield residential development pursuant to housing delivery required by the NPPF and also meeting housing needs pursuant to Priority 1 of the Corporate Plan for Watford Borough Council and the Core Strategy.
- 6.2.3 Policy HS1 of the Core Strategy lists the criteria that will be taken into account in assessing the suitability of sites for residential use. In this case, the site is brownfield land, is close to the town centre, is not at risk of flooding and has good access to public transport and a wide range of services. Furthermore, the site has no heritage significance or biodiversity or landscape value. The residential provision would be in keeping with the residential use of the context. The development provides a suitable mix of 1, 2, 3 and 4 bed units, compliant with policy HS2 of the Core Strategy. The principle of residential provision is therefore supported.
- 6.3 (b) Scale and design
- 6.3.1 The proposed development successfully responds to the constraints and opportunities of the site. The scale of the buildings, up to 10 storeys, will represent a significant intensification in scale at the site however the siting and design is of high quality and is supported.
- 6.3.2 Block A creates a strong and active frontage onto Sydney Road. The 3 storey flat roof height on Sydney Road responds to the height of the two storey houses adjacent and opposite. As read in the streetscene of Sydney Road, this height would not be dominant or incongruous and indeed would be lower than the 3 and 4 storey development at the West end of Sydney Road.
- 6.3.3 The height of Block A steps up to the south of the site whilst not exceeding a 25 degree line taken from the ground floor windows of the opposite properties. This scaling allows the development to maximise the opportunity of the more open southern end of the site whilst being largely hidden from the main Sydney Road frontage. This scaling up within the site would therefore not appear as excessive in scale or dominant in the Sydney Road streetscene.
- 6.3.4 The height of Block A, up to 10 storeys, is also suitable for the wider area and follows the height pattern of other development in the streetblock backing onto the rail way line running East-West behind Sydney Road and Whippendell Road. The Sun Printers site to the west of Sydney Road (now The Gateway) is a shallower site however includes buildings up to 7 storeys. To the west of this, the Ascot Road site has approval for buildings of 7 and 23 storeys again adjacent to the railway line. The height of the buildings stepping up to the railway line is therefore in keeping with the height pattern of development in this area whilst also respecting the more

modest height front Sydney Road itself.

- 6.3.5 The width and contemporary design of Block A will be in contrast to the terraced houses of Sydney Road however the frontage will continue the residential pattern of Sydney Road and will be a significant enhancement to the streetscene from the existing site. The frontage of Block A would be set behind that of the adjacent terraces avoiding any potential visual dominance. The low front boundary treatment, landscaping and creation of small front gardens to the two duplexes replicates the character of frontages in the streetscene and creates activity and active frontages on the Sydney Road frontage. The main entrance to Block A has been further articulated to mark this as varied from the duplex entrances and further aid easy legibility of the building.
- 6.3.6 Block A also includes generous spaces to each side with the entrance road, two paths and landscaping to its east side and a 4.5m gap to the west side boundary. The building will therefore not appear as cramped within the site width. Furthermore, the creation of gaps at this site can be continued in any future development at adjacent sites to create a rhythm between buildings.
- 6.3.7 Block B follows a similar height pattern with 3 storey buildings adjacent to its north boundary, stepping up to 7 storeys whilst maintaining a 25 degree line to the two storey Sydney Road south side properties. The design of Block B has been amended through pre-application stage to create a less bulky building. By creating a corner in the building this successfully addresses the internal area of the site and reduces the bulk as seen from the Sydney Road south side properties
- 6.3.8 Block B would be somewhat hidden from the main entrance to the site however, following amendments, the presenting features of Block B will include a well-articulated, glazed entrance area that will well mark the entrance to the building.
- 6.3.9 The two buildings relate well to each other in creating a central area. Both buildings will be of the same design approach and materiality meaning that they are tenure blind and there is no evident distinction of affordable units. The central area of the site is unfortunately mostly designated to car parking however this is a largely unavoidable matter. Good quality pathways and landscaping will run adjacent to the car parking and entrance road ensuring that this area is visually inviting. This central area will also see good functionality and activity with accesses to Block B and to the rear section of Block A as well good natural surveillance from windows and balconies within the development.
- 6.3.10 The overall design approach of the building is contemporary but wholly appropriate for the site and context. The robust design and materiality are reminiscent of an

industrial vernacular and an appropriate response to the industrial history of the site. The use of one brick creates a simple and unified appearance whilst the rusticated use of the same brick along the ground floor creates variation and interest. The grey uPVC windows and metal balcony's continue the contemporary scheme. Contrary to the elevation plans, a more solid balcony screen has been proposed to response to officer concerns regarding the exposed nature of the balconies. The more solid screens will allow light flow but also create balconies of a more private and usable nature.

6.3.11 The infill development of the house between Nos7 and 9 is wholly appropriate. The building replicates the width, height and position of its Victorian neighbours however avoids a pastiche infill with the use of contemporary detailing and fenestration to the front and rear. This variation will create an interesting and honest contrast to the Victorian terraces whilst respecting the form, height and proportions of the neighbours.

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

6.4.1 The proposal will provide 136 residential units, with 135 flats and one house. All will comply with the minimum floorspace of the nationally described space standard. All will have good levels of outlook, natural light and privacy.

6.4.2 Within Block A, of the 97 flats all but 4 would have at least 1 elevation facing west, south or east. Two duplex units and 2 flats facing Sydney Road would be single aspect to the north. This is not preferred, however to ensure the development addresses Sydney Road, this is difficult to avoid and on balance considered to be reasonable for the development overall.

6.4.3 Within Block B, the majority of the units would be dual aspect and none would be single north facing aspect. The units have been positioned and laid out to prevent harmful impact from the retained industrial buildings at the site to the south. All these flats would therefore have good levels of outlook, daylight and sunlight.

6.4.4 The residential units of development all achieve a minimum 22m distance between other flats within the development and the existing neighbours, compliant with section 7.3.16 of the RDG, meaning that all new flats would have good levels of privacy.

6.4.5 High quality communal amenity areas have been incorporated into the development including around the buildings, at first floor podium level between the two blocks and at various roof levels on each of Blocks A and B. These are laid out as useable, functional spaces with areas that will allow for good landscaping and good natural surveillance. Almost all of the flats would also have private terraces or

balconies.

6.5 (d) Affordable housing provision

- 6.5.1 The development includes an excellent and welcomed provision of affordable housing. Block B of the development is proposed as being all affordable housing. Following detailed pre-application and application engagement between the applicant and officers, this building provides units of a size and tenure that meet the Borough's most urgent housing needs and is highly commendable on this basis.
- 6.5.2 It is noted that the 38 units of the rear block represent 28% of the development in unit number however this shortfall welcomed and actively supported by housing and planning officers to allow for the larger sized units of the most needed tenure types. It is further noted that the affordable housing provision represents 35% of the development based on the habitable rooms provided demonstrating that there is no overall shortfall in affordable housing provision.
- 6.5.3 Indeed, as an illustration, the internal space of Block B could have provided 48 units constituting 35% affordable housing based on unit number. These units would however been almost all 1 bed units which are not required by the housing team and would not serve to meet the acute housing demands for family groups on the Council's waiting lists. The assessment of the provision by unit number is therefore not pragmatic in this instance to express the excellent affordable housing offer of this scheme.
- 6.5.4 Similarly, the tenure mix of the affordable units does not meet the proportion requirements of policy HS3 however again looking pragmatically, this is actually of positive benefit to the Council. The fewer affordable rented units and more shared ownership units within the scheme allow for a larger proportion of social rented units which are the most needed units. Moreover, all of the larger units (6 x 4bed7person units and 4x 3bed 5 person) are to be the social rented proportion which means that these will be genuinely affordable to the waiting families who need these homes.
- 6.5.5 It is further noted that the affordable housing is to be contained within one specific block of the development. This will allow for housing providers to appropriately manage the affordable housing provision as independent from the private flats. The affordable housing provision, with family sized units, will also have a high quality, usable and accessible communal amenity area to serve future occupiers.
- 6.5.6 The scheme offers an excellent and welcomed offer of affordable family units to meet the most acutely needs of the Borough and the positive and proactive approach of the applicant to engage with officers to achieve this is commended.

6.6 (e) Impacts on surrounding properties

6.6.1 The nearest residential properties include the existing terraces on this south side of Sydney Road (Nos. 9-27 odds) and the houses on the north side of Sydney Road which front onto the site (Nos. 20-36 evens).

6.6.2 Both Block A and Block B have been sited and designed to maintain a 25 degree line taken from the centre of the ground floor windows of their nearest neighbours. This is compliant with the 25 degree guidance of section 7.3.13 of the RDG. This compliance indicates that there would not be adverse impact to light and outlook of the neighbouring properties however a full assessment has been carried out in the Sunlight and daylight report dated 29<sup>th</sup> September 2017 prepared by Robinsons Surveyors Limited in accordance with the BRE guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011). This report considers the impact caused, by the proposed development upon the daylight and sunlight currently received by the closest neighbouring properties. The assessment has been undertaken using measurable factors of the Vertical Sky Component (VSC), No-Sky Line Contour (NSC), Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH) tests set out within the aforementioned guidance.

6.6.3 *Impact to Nos 7-27 Sydney Road (odds)*

The 25degree relationship of the ground floor windows to Block B is compliant with the RDG. The element of Block B nearest these properties, being 3 storeys and 8.6m from the garden boundaries, would not be considered to present as an overbearing impact to the homes or gardens of Nos.7-27.

6.6.4 The Daylight and Sunlight report does recognise that there will be some impact to the rear windows of Nos 7-27. For each property the report recognises that there is a degree of change to one measurable factor beyond BRE guidance however as other measurable factors are not unreasonably changed, the overall impact is not harmful.

6.6.5 The daylight and sunlight report also concludes that due to the development being below the 25 degree line, the degree of impact to the rear windows of Nos7-27 is caused by the poor design of the terraced houses. It is agreed that the recessed windows of each terraced house do experience reduced light and outlook by virtue of the tunnelling effect of their own and their neighbouring outriggers. This is an established feature of this type of house and it is not considered that the degree of change to the existing situation is unreasonable or harmful.

6.6.6 Block B would be immediately to the south of Nos.7-27. The Daylight and Sunlight report models the shadowing to these properties. With the unusual single storey

nature of the site as existing, the development will create an increased shadow to the homes and gardens of Nos.7-27 from the existing situation. However as detailed in the report, the minimum hours of sun per day to each property would comply with the BRE tests and guidance and it is considered that these homes would remain in enjoying a good level of sunlight.

6.6.7 The minimum distance between the first and second floors of the north elevation of the Block B and the rear of properties Nos 11-19 Sydney Road, is the only area of the development which is partially non-compliant with RDG guidance. Section 7.3.16 of the RDG guides for back to back distances of 27.5m between first floors of new and existing homes. This guidance distance reduces to 22m between new homes within a development. The windows on the north elevation of Block B would have a minimum distance of 23.7m to the outrigger windows (usually bed 3) of Nos 11-19 which increases to 27.7m to the rear window on the main building (usually bed 2). The 23.7m distance to the outriggers is below the 27.5m guidance indicating that the change to privacy of these outrigger window would be more than typically sought. However as the distance remains above 22m, it cannot be asserted that this is a harmful or unreasonable privacy distance. It is further noted that due to the stepped nature of the terraces, the increased impact is only to one window and one room of each house and therefore, overall the impact would not be unreasonably harmful to the overall amenity of each house.

6.6.8 The upper floors of Block B are stepped further away from the northern boundary allowing for minimum distances fully compliant with the RDG and avoiding any potential for unreasonable overlooking. Specifically, the nearest point of the 3<sup>rd</sup> floor terrace would exceed the minimum back to back distance of 27.5m to the existing properties and at 12m to the boundary of the Sydney Road gardens, would exceed the minimum 11m guidance of section 7.3.16 of the RDG.

6.6.9 The proposed house to infill the gap between Nos7 and 9 would have a relationship with the side neighbours fully compliant with the RDG. By creating a loft room with dormer, this building would not replicate the outriggers of the terraced neighbours and would not create loss of light or outlook to the rears of the neighbouring properties.

6.6.10 *Impact to Nos. 20-36 Sydney Road (evens)*

The 25degree relationship of the ground floor windows of these properties to Block A is compliant with the RDG. Being 3 storeys high onto Sydney Road, this building would not be considered to present as an overbearing impact to the homes of Nos.20-36.

6.6.11 The Daylight and Sunlight report does recognise that there will be some impact to

the front windows of these properties. For all but two properties, the degree of change to all measurable factors is within BRE guidance and fully acceptable. The single bedrooms of Nos28 and 30 would experience a degree of change marginally beyond the BRE guidance limit however as this affects only one window and one room of the house, it is considered that this is not unreasonable or harmful to the overall living environment of these houses.

6.6.12 As with Block B, Block A would be immediately to the south of Nos20-36. The Daylight and Sunlight report shadowing models show that the minimum hours of sun per day to each property would comply with the BRE tests and guidance and it is considered that these homes would remain in enjoying a good level of sunlight.

6.6.13 The front to front relationship of Block A to Nos20-36 is wholly acceptable and reasonable in a residential area and would not create harmful or unreasonable overlooking.

6.6.14 *General*

It is noted that the development will present as a notable change from the existing single storey buildings on site however the measurable factors of sunlight and daylight and assessment in accordance with BRE guidance determine that the development would not create unreasonable harm to neighbours.

6.6.15 Although one element of guidance is not met between block B and Nos11-19, the overall privacy of these properties would be reasonable.

6.6.16 In general terms, it is considered that the development will create significant visual and environmental improvements for surrounding properties. The change of use of the site from industrial to residential will remove potential noise and disturbance from commercial activities which are not appropriate adjacent to homes. The loss of the existing commercial buildings will significantly improve the visual appearance of the site as seen from surrounding properties. The creation of improved boundary treatments and landscaping will further benefit existing properties.

6.7 (f) Transport, access and servicing

6.7.1 The site is located in an accessible and sustainable location. The location is highly suited for new development in accordance with policy T2 of the Location of New Development.

6.7.2 The vehicular access to the site is supported. As set out in the Transport Assessment, the proposed development will result in a reduced number of daily vehicle movements to the site and would have no negative impact on the highway.



6.7.3 All occupants would have convenient, legible and safe access into and within the site.

6.7.4 Both Blocks A and B would include bin and bike storage rooms integrated in their ground floor layout. These would be accessible and appropriate for use. The bins storage is accessible for level collection and the site includes turning area for collection vehicles.

6.8 (g) Car and cycle parking

6.8.1 The development proposes 71 car spaces to serve the 136 units (52%).

6.8.2 Given the accessible and sustainable location of the site the car-light residential units are supported. A s106 agreement will secure measures to restrict future occupiers from entitlement to park in surrounding Controlled Parking Zone. The development would not therefore result in increased parking on the surrounding roads.

6.8.3 The proposal also includes provision cycle pursuant to policy T10 and it is noted that the Ebury Way cycle route is easily accessible from the site.

6.8.4 The application is accompanied by a Travel Plan which is supported by HCC. A monitoring fee of £6,000 is also sought to monitor the implementation of the approved Travel Plan.

6.9 (h) Environmental considerations

6.9.1 i) Environmental Impact Assessment

The development does not constitute a Schedule 2 or Schedule 3 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an EIA was not required for the proposed development.

6.9.2 ii) Trees and landscaping

There are no trees on site which are considered to be worthy of long term retention and the loss of the trees on site is acceptable subject to replacement planting. Indeed the re-landscaping of the area will provide visual benefits with the improved frontage onto Sydney Road and new tree planting adjacent to neighbours. Full details of hard and soft landscaping are secured by condition. Particular care will be required in the choice of species and maturity of the trees for the site to ensure short and long term amenity.

6.9.3 iii) Surface water drainage

The Lead Flood Authority (HCC) has raised concerns regarding the provision proposed in the SUDs Strategy. It is envisaged that a suitable scheme is achievable

in the development and HCC have however agreed to addressing of this issue by use of a pre-commencement condition.

#### 6.9.4 iv) Bats

Following the consultation response from Herts Ecology, a survey was carried out by a suitably qualified Environmental Consultant which recorded no evidence of bats on the site.

#### 6.10 (i) Potential future development

The Laundry site to the west of the site and warehouse site to the south have the potential for future development. The development proposed has fairly and responsibly taken into account this potential. For instance, key distances such as 11m gap to the west boundary will allow for the appropriate 22m gap to development at this site. The transport assessment has assumed possible development and assessed cumulative impact. The development would therefore be acceptable in relation to neighbouring sites as well as in its own right and would not prejudice future development.

### 7.0 Community Infrastructure Levy and 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:

##### Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm

The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

#### 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 planning obligations to secure the provision of affordable housing, to ensure the exclusion of the development from the local controlled parking zone, to secure a monitoring fee for the proposed Travel Plan and to secure any necessary fire hydrants to serve the development. These requirements meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application.

## **8.0 Conclusion**

- 8.1 The employment uses on site are not suitable for retention due to the residential location of the site. The site is brownfield land, is close to the town centre, is not at risk of flooding and has good access to public transport and a wide range of services. The residential development of the site in the residential location, is welcomed.
- 8.2 The development offers high quality design that will enhance the current poor appearance of the site and its frontage onto Sydney Road. The development will represent a change to surrounding properties however, as assessed in detail, this would not constitute unreasonable harm to light, outlook or privacy of neighbours. The scheme will create high quality, sustainable homes and an excellent offer of affordable housing provision.

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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 all 38 units in Block B of the development to be Affordable Housing units comprising 10 no. social rented units (6 no. 4B7P, and 4 no. 3B5P), 9 no. Affordable Rented units (9 no. 3B5P) and 19 no. Shared Ownership units (4 no. 1B2P, 9 no. 2B3P, 5 no. 2B4P, 1 no. 3B5P).
- 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 a financial payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan for the site;
- iv) To secure the provision of fire hydrants to serve the site as required by Hertfordshire County Council.

#### Conditions

1. Time Limit

The development to which this permission relates shall be begun within a period of 3 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. Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved drawings:-

Drawing number	Rev	Title
PL_100	A	Existing Site Plan
PL_101	D	Proposed Site Plan- Level 0
PL_102	A	Proposed Site Plan- Level 1
PL_110	C	Block A - Level 0 Floor Plan

PL_111	A	Block A - Level 1 Floor Plan
PL_112	A	Block A - Level 2 Floor Plan
PL_113	A	Block A - Level 3 Floor Plan
PL_114	A	Block A - Level 4 Floor Plan
PL_115	A	Block A - Level 5 Floor Plan
PL_116	A	Block A - Level 6 Floor Plan
PL_117	A	Block A - Level 7 Floor Plan
PL_118	A	Block A - Level 8 Floor Plan
PL_119	A	Block A - Level 9 Floor Plan
PL_120	A	Block A - Level 10 Roof Plan
PL_130	B	Block A - North Elevation 01
PL_131	B	Block A - East Elevation 02
PL_132	A	Block A - West Elevation
PL_133	A	Block A - South Elevation
PL_134	A	Block A - Streetscene
PL_134		Block A Main Elevation Sydney Road Elevation
PL_140	A	Block A - Section With Context
PL_190	A	Terrace Infill House
PL_210	E	Block B - Level 0 Floor Plan
PL_211	C	Block B - Level 1 Floor Plan
PL_212	C	Block B - Level 2 Floor Plan
PL_213	C	Block B - Level 3 Floor Plan
PL_214	C	Block B - Level 4 Floor Plan
PL_215	C	Block B - Level 5 Floor Plan
PL_216	C	Block B - Level 6 Floor Plan
PL_217	B	Block B - Level 7 Roof Plan
PL_SK230	C	Block B - Elevations 1
PL_SK231	C	Block B - Elevations 2
PL_240	A	Block B - Section With Context
PL_190	A	Terrace Infill House
PL_401		Balcony Balustrade Details
PL_105		Bin Store Layouts
-		Tree Protection Plan

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

3. Drainage Strategy

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the

public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

4. Contamination-Approval of Verification Report

Following completion of measures identified in the approved remediation scheme (November 2017, prepared by SLR, Ref. 402.07391.00002) and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Contamination-Not Previously Identified

In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Surface water drainage scheme

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

1. Detailed, post development calculations in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.
2. A detailed drainage plan including the location of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan.
3. Exceedance flow paths for surface water for events greater than the 1 in 100 year plus climate change. This should be identified on a map for rainfall events that exceeds the 1 in 100 year plus climate change event.
4. Detailed engineered drawings of the proposed SuDS features including their cross section drawings, size, volume, depth and any inlet and outlet features including any connecting pipe runs.
5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason**

1. To prevent the increased risk of flooding, both on and off site.

7. Surface Water Drainage Assessment

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by SLR Consulting Limited, reference 402.07391.00002, version no. Issue 2, dated December 2017 and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 1 l/s during the 1 in 100 year event plus 40% of climate change event for Block A & B and 1 l/s during the 1 in 100 year event plus 40% of climate change event for the terrace house.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 462.0 m<sup>3</sup> (or such storage volume agreed with

the LLFA) for Block A & B and a minimum of 1.6 m<sup>3</sup> (or such storage volume agreed with the LLFA) for the terrace house of total storage volume in permeable paving with underground attenuation crate system storage.

3. Discharge of surface water from the private drain into the Thames Water surface water sewer network.

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

**Reason**

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.

2. To reduce the risk of flooding to the proposed development and future occupants.

8. Facing Materials

No external facing materials shall be installed on any building of the development until full details and samples of all the materials to be used for the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.

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

9. Hard Landscaping

No part of the development shall be occupied until a detailed hard landscaping scheme for the site, including details of the roof gardens, site boundary treatments, children's play area and external lighting 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.

10. Soft Landscaping

No part of the development shall be occupied until a detailed soft landscaping scheme for the site, including details of the roof gardens and appropriate irrigation systems, and a landscape management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon the



Landscape Proposals of the approved drawings. The approved soft 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.

11. Piling

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

12. Access

No part of the development shall be occupied until the modified access and egress arrangements from Sydney Road, as shown in principle on the approved drawings has been completed in full.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

13. Vehicular visibility splays

Prior to the first occupation of the development hereby permitted, vehicular visibility splays measuring 25m x 2.4 metres minimum shall be provided to each side of the new access where it meets the highway and such splays shall

thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

14. Residential facilities

No dwelling within the development shall be occupied until the bin and bicycle storage has been provided for the use of residents, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.

Reason: To ensure that adequate facilities exist for the future occupiers of the dwellings, in accordance with saved Policies T10 and SE7 of the Watford District Plan 2000, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

15. Aerials/Satellite Dishes

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

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

16. Car Parking allocation

No dwelling shall be occupied until the details of car parking allocation have been submitted to and approved in writing by the Local Planning Authority. A minimum of 28% of the on-site car parking spaces shall be allocated to the affordable housing units.

Reasons: To ensure a suitable allocation of car parking spaces for the affordable housing provision.

17. Internal noise mitigation

All residential units shall achieve the recommended maximum internal noise levels under BS 8233 through the provision of a good quality window units with a Rw of at least 26 dB in accordance with the noise assessment dated November 2017 prepared by SLR (Ref 402.07391.00002).

Reason: To ensure residential occupiers do not experience noise and disturbance.

18. Communications Development

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 the building.

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

Informatives

1. 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 the provision of affordable housing in the Borough, a financial payment to exclude the development from the local controlled parking zone, a financial payment towards the monitoring of a Travel Plan, the provision of necessary fire hydrants to serve the development and a financial contribution towards the environmental improvement of Clarendon Road.
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 completed a Planning Performance Agreement for 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.

7. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

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