

PART A	
Report of: Head of Development Management	
Date of committee:	4th July 2018
Site address:	Former Happy Hour Public House, Eastbury Road Watford WD19 4JL
Reference Number:	18/00248/FULM
Description of Development:	Planning application for the demolition of existing building and erection of 37 dwellings, together with a means of access from Eastbury Road, provision of associated parking for 33 cars, amenity space and landscaping. (Amended plans and description)
Applicant:	Eastbury Road Developments Ltd.
Date Received:	23.02.2018
13 week date (major):	25.05.2018 (Extended by agreement to 11.07.2018)
Ward:	Oxhey

1.0 Site and surroundings

- 1.1 The site is positioned fronting Eastbury Road at the junction with Silk Mill Road. It currently contains a detached two storey building formally the Happy Hour Public House with access from Eastbury Road.
- 1.2 The site is elevated slightly from the adjacent Silk Mill Road and there is a bank verge between the site and Silk Mill Road.
- 1.3 Adjacent to the north-east of the site are semi detached houses fronting Eastbury Road with No88 immediately adjacent to the site. Nos 1a, 1b, 1c and 1d Silk Mill Road are a group of terraced houses which front onto Silk Mill Road and the south-west boundary of the site. Nos 77, 77a, 79a, 79, 79b and 81 Eastbury Road are a group of two storey houses which front onto the site. To the immediate rear of the site is a public footpath beyond which are the rears of two storey flats at Longcroft.
- 1.4 The immediate context is predominantly two storey houses although there is a single storey nursery building located nearby along Eastbury Road. Further up Eastbury Road to the north east is a cluster of 3 and 4 storey flats, opposite Oxhey Park and adjacent to Bushey train station.

- 1.5 The site is within a predominantly residential area. The site is not within a conservation area and there are no listed or locally listed buildings within or adjoining the site. No trees on the site are subject to a Tree Preservation Order.

2.0 Proposed development

- 2.1 Demolition of the existing building and erection of a residential building as follows:

- i) 37 residential units; (20 no 1B2P, 12 no. 2B4P and 5 no. 3B5P)
- ii) Part 3 storey and part 4 storey building
- iii) Car parking for 33 cars.
- iv) Communal and private amenity areas

- 2.2 The application is accompanied by the following supporting documents:

- Planning Statement
- Design and Access Statement
- Transport Statement February 2018 Ref 1519/2018 Final 1. Prepared by EAS
- SUDS Strategy February 2018. Prepared by EAS job number 1519
- Arboricultural Report (Arboricultural Impact Assessment and Arboricultural Method Statement) February 2018 prepared by David Clarke
- Preliminary Ecological Appraisal February 2018. Prepared by CSA Environmental Ref CSA/3556/01
- Bat Survey Report May 2018 Prepared by CSA

- 2.3 The scheme was amended during the course of the application (plans dated 25th May 2018). Amendment including:

- Part reduction of the building from 4 storeys to 3 storeys
- Reduction and layout amendments to reduce unit numbers from 43 to 37
- Increased parking provision from 30 to 33 spaces

3.0 Relevant background matters

- 3.1 Relevant Planning History

17/01468/PREAPP Pre-application enquiry for redevelopment to 53 apartments.

- 3.2 Other relevant history

A nomination for the public house to be listed as an Asset of Community Value was submitted under the Localism Act 2011 on 1st December 2017 to the property services team of WBC. This was reviewed by the property services team in accordance with the legislation and it was determined that the public house did not merit listing as an Asset of Community Value.

The retention of the public house was also supported by the submission of a petition with 329 signatures submitted to the property services department of WBC.

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 97 properties in the surrounding area in respect of the original application scheme (27.02.2018). All neighbours and contributors were also notified of the amendments to the scheme (29.05.2018).

186 representations were received with 185 in objection and 1 in support.

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

Representations	Officer's response
Objection to the loss of the pub which is a community asset.	The retention of the pub is not required in policy terms. An application for the protection of the pub as a community asset was made however this was refused as not appropriate.
The development is out of keeping with the area by virtue of the provision of flats, the design of the building and its architecture.	The immediate area is predominantly houses however the provision of flats is not harmful to this character. The design approach is contemporary and different to the immediate context however, as discussed in the report, the scaling and detailing of the building have been designed to integrate the building comfortably in the streetscene.
Four storey height is out of keeping and out of scale with the 2 storey buildings of the area	Following amendments, the main section of the building is 3 storeys. With a flat roof, this height would sit roughly level with the ridge of the 2 storey pitched roofs of the houses at 86-88 Eastbury Road. The tallest part of the building would be the 4 storey element on the corner. The main 3 storey building would step up to this tallest element and it would not appear as overly dominant or harmful comfortably in the street scene.
Insufficient parking provision that fails to meet parking standards of 1.5 spaces per dwelling and would be insufficient as most households have 2 cars.	The car parking standards referred to are maximum standards, not minimum. The car parking spaces of the development are within the maximum limits. The parking provision is considered to be sufficient on

	<p>the basis of the site accessibility and evidence as demonstrated in the application. Census 2011 shows that car ownership in this area has an average of 0.55 cars per flat household. The provision would exceed the likely need for occupiers as shown in this evidence.</p>
<p>Existing problems of inconsiderate on road parking making it difficult for people to access their drives. Particularly bad on match days.</p>	<p>This is an existing situation and outside planning control. As set out in the report it is considered that the development would achieve the right balance of providing sufficient on site parking whilst not providing excessive parking that would worsen traffic and congestion in the area.</p>
<p>Development will lead to increased congestion, traffic and danger on the roads, particularly on match days.</p>	<p>The Highways Authority has confirmed that the development would not create harmful increased traffic or congestion.</p>
<p>Loss of privacy to neighbours</p>	<p>The relationships and minimum distances to all neighbours are fully compliant with the RDG guidance. Minimum distances of 11m to the boundary and 27.5m back to back are exceeded. The privacy arc to the adjacent No88 would not be infringed. There would therefore be no harmful loss of privacy to any neighbouring property.</p>
<p>Loss of light and outlook to neighbours</p>	<p>The relationship of the development with all neighbours is fully complaint with the RDG guidance. The development would not infringe the 45 degree lines taken on plan or elevation from No88 Eastbury Road. The building would not exceed the 25 degree line taken up on plane from the nearest windows of Longcroft and Silk Mill Road. The development would therefore not cause any notable or unreasonable harm to light and outlook of neighbours.</p>
<p>Harmful to the retirement community at Longcroft</p>	<p>The development exceeds the minimum back to back relationship of 27.5m to Longcroft. It would sit below the 25 degree line taken up from the nearest ground floor window of Longcroft. These relationships</p>

	are fully compliant with the RDG and there would be no unreasonable harm to the amenities of the residents at Longcroft
Car park extension was refused in 1989	An application for additional parking for the pub was refused under 89/00139/FUL due to potential adverse impact to neighbour at No88. Significant policy change has occurred in that time however there are notable differences. Specifically, the parking proposed would serve residential properties, not a pub meaning that the use of the area is appropriate in a residential context. It is also noted that the scheme includes landscaping between the new parking areas and the boundary with No 88 which will protect amenity.
Too many trees to be lost	There are no trees subject to TPOs. Key trees on the site and on the adjacent verges are however to be retained and protected during the construction process. The majority of the trees lost are of a low quality and replacement planting will be secured by condition.
The development should include a coffee shop/café/restaurant for local residents	This preference is noted, but the Local Planning authority must consider the application before it.
Insufficient affordable housing provision	The development is offered with two potential affordable housing options. These have been negotiated to be equivalent of the policy requirements but with larger units at the most needed tenure types, the options better meet the most acute housing needs.
More appropriate developments in Eastbury road include replacement of bungalows with houses/two storey flats	Other developments are noted however the development proposed has to be considered on its own merits in respect of the adopted planning policies and guidance.
Greedy overdevelopment of the site	The development is within policy requirements and represents an efficient use of the site for housing is supported in accordance with local and national policy and objectives,

Bats are known to be in the area and no bat survey has been submitted to check presence of bats in the building	Ecological study and Bat survey have been submitted. As confirmed by Herts Ecology, there are no ecological or habitat objections.
Watford is overpopulated. Insufficient amenities- NHS/Schools/Trains.	National Government sets a presumption in favour of sustainable development and in particular emphasizes support for residential development. This objection cannot be considered as a material consideration against the application.
Noise and disturbance from the construction	This is not a material planning consideration.
De-value house prices in the area	This is not a material planning consideration.
Insufficient time provided for consultation responses.	The letters sent to 92 neighbours provided the statutory 21 days for comments. All representations received during the application process have been registered and considered.
A petition has been signed by 329 people	This is noted as being in relation to the retention of the public house prior to this planning application. It was not submitted to the Council in relation to the specific application proposals.

5.2 **Other representations**

The Council is in possession of a petition signed by residents seeking the retention of the pub prior to its closure. It is noted that this was collected prior to the submission of this application and it is not directly in response to this planning application.

5.3 **Statutory publicity**

The application was publicised by a site notice and by advertisement in the Watford Observer.

5.4 **Technical consultations**

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

Consultee	Summary of response	Officer consideration
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Planning Policy, WBC	Principle of development is supported. The design approach, scale and massing are supported. Massing of the building is broken up well by the elevational treatment. Some detail improvements suggested.	Design support noted. Amendments have been undertaken and various improvements have been made to the amenity space.
Head of Housing, WBC	Initial proposed affordable housing was insufficient and not supported. In discussion with the developer, the housing teams preference was requested as being all 5 of the 3bed units to be provided as social rents to meet the most acute need (Option A). An alternative option for a policy compliant tenure mix (Option B) is also acceptable and presented to committee but option A would be preferred.	Agreed that initial affordable housing was insufficient in provision and tenure. Vacant Building Credit was claimed however this is not applicable. Two Options are presented to committee for AH provision.
Arboricultural Officer, WBC	No objection subject to tree replacement and tree protection measures.	Conditions included.

Waste & Recycling Team, WBC	Bin allocation should be 6 x 1100 bins for refuse, 6 x 1100 bins for recycling and 6 x 240 bins for green waste. If we are expected to collect the waste from the rear of the property, we need to see dimensions of the access road and turning area to ensure our vehicles will be able to manoeuvre in the area as we would not be happy to reverse in or out of this site onto the main road. Alternatively the bin store should be at the front of the property.	Bin storage is provided. Swept path analysis shows that refuse vehicles can turn within the site and so can enter and leave in forward gear.
HCC Property services	CIL relevant	Noted.
HCC Fire and rescue service	Fire Hydrants to be secured by s106	Noted and included in s106.
HCC Lead Local Flood Authority	Surface Water Drainage scheme supported. No objection. Conditions recommended	Noted and conditions added.
HCC Local Highway Authority	No objections subject to conditions and S106 to secure Travel Plan and Contributions. Suggestion also to create a new CPZ for the area and exempt development from this.	Noted. Travel Plan set by condition and s106. Other conditions recommended are however deemed to be in duplication of details already submitted and acceptable or requesting details that are not relevant to planning and covered by Highways
Herts Ecology	No significant ecological constraints on the site. No objections.	Noted

Herts Constabulary Crime Prevention Design Service	Support of crime prevention and secure by design recognition in the scheme. Concern raised over the provision of 30 car parking spaces for 43 flats and potential for increased parking conflict and illegal parking.	Scheme amended to increase parking provision to 33 for 37 dwellings (89% provision increased from 69%)
Thames Water	No objections. Comments made for developers.	Noted

6.0 Appraisal

6.1 Main issues

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

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

6.2 (a) Principle of the development

- 6.2.1 The site contains a vacant public house and the development would result in the loss of this premises. Saved policy CS3 of the Watford District Plan 2000 seeks to prevent the loss of community facilities. The policy does not include a public house as a community facility and refers to community, health, and education centres and churches. Nonetheless, the social benefits of a public house are acknowledged to provide community benefit.
- 6.2.2 The closure of the public house has however demonstrated that there may not have been sufficient demand to warrant its retention in the market. It is further noted that Watford does contain a variety of public houses. As such, it is considered that the loss of the public house would not warrant harm and is in accordance with policy CS7 of the Watford District Plan 2000.
- 6.2.3 It is also noted that a nomination was made under section 88 of the Localism Act 2011 to seek the retention of the Pub as an Asset of Community Value. This was

however not accepted as it did not meet the relevant criteria for designation due to its closure and lack of evidence to demonstrate its future success and viability as a pub. This unsuccessful application further supports that there is insufficient justification for the retention of the pub for community benefit.

6.2.4 The site is within a predominantly residential location and offers an 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.

6.2.5 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 not at risk of flooding and has good access to public transport and a wide range of local 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 and 3 bed homes, compliant with policy HS2 of the Core Strategy.

6.2.6 For these reasons, the loss of the pub and the residential development are acceptable in policy terms and are supported in principle.

6.3 (b) Scale and design

6.3.1 The immediate context of the development is predominantly two storey semi detached houses with pitched roof form. The provision of flatted development in this location would add to the mix of housing types in the area however the predominant character of houses remains and the provision of flats would not undermine or harm the residential form of the area. It is further noted that to the North-East of Eastbury Road, there is a cluster of 3 and 4 storey flat buildings meaning that within both the immediate and wider context, a flatted development on this site is acceptable.

6.3.2 The contemporary design approach is supported to make efficient use of the site and does not create demonstrable harm to the area. The three storey height of the main building has a flat roof meaning that this sits approximately level with the adjacent two storey buildings. This steps up to an element of 4 storeys which, being at the corner of the site with Silk Mill Road, creates a corner feature. The front building line of the development also respects that of Eastbury Road and the height and position of the building will be comfortable in the streetscene.

6.3.3 It is noted that the site is particularly prominent in the streetscene as seen when

traveling north-east on from Hampermill Lane from the south west. Coming into Watford from this approach, the context changes from an open field on the left into the urban area and this site is in an elevated position on the corner with Silk Mill Lane. The building is however sited back within the site and is set substantially behind the building line onto Eastbury Road set by the side of No1A Silk Mill Road. As such the prominence of the building would be minimised in this approach.

6.3.4 The design of the development as a four storey building has been assessed in detail by the Council's Urban Design Officer from the policy team of the council. They recognise the suitability of development in scale and massing for the site, stating "Undoubtedly a multi-unit apartment development is a change when compared to the character of the surrounding area; however the massing of the building has been broken up well by the approach to the elevation treatment."

6.3.5 This support was noted however at the request of the case officer, the massing has been reduced from full 4 storeys to part 3 and part 4 storeys to ensure a comfortably relationship between the building and the adjacent buildings on Eastbury Road.

6.3.6 The proposed development successfully responds to the constraints and opportunities of the site. The scale of the building, up to 4 storeys, will represent a significant intensification in scale at the site however an acceptable scale and design has been achieved and the approach is supported to make efficient use of the brownfield site.

6.4 (c) Quality of residential accommodation

6.4.1 The proposal will provide 37 residential units. All will comply with the minimum floorspace of the nationally described space standard. All comply with RDG guidance and would have good levels of outlook, natural light and privacy.

6.4.2 Communal amenity area for the development would be required at 605sqm in accordance with the RDG. The development includes communal areas of 76sqm of ground level amenity area and 222sqm of roof top amenity area. Every dwelling would also benefit from an area of private amenity space with ground floor garden areas for each ground floor unit and private balconies for all first, second and third floor units. The total of the private and communal amenity areas for the development would provide 760sqm of amenity area, in excess of the RDG guidance and is supported.

6.4.3 It is noted that Oxhey Park is a short walk away from the development and this will provide further amenity. However the provision of good quality private and communal amenity areas on site is supported particularly for use by the family sized

units.

- 6.4.4 The development would provide high quality residential accommodation and an appropriate mix of unit sizes, pursuant to policies HS1 and HS2 of the Local Plan Core Strategy.

6.5 (d) Impacts on surrounding properties

6.5.1 *Silk Mill Road*

Nos. 1a, 1b, 1c and 1d Silk Mill Road face north-east and front onto the south-west side of the application site. The application site is also slightly elevated in relation to these properties. There is a minimum distance of 27.5m between the nearest ground floor window of this group (at No1c) and the flank of the development. The 25 degree line taken up from this window would not be infringed and this relationship is compliant with the RDG guidance. By virtue of the distance and relationship of the development with the Silk Mill Road properties, it is not foreseen that there would be any unreasonable loss of light or outlook to the fronts of these properties. Due to the distance between the buildings and the northerly position of the development, it is not considered that it would create a dominant or overshadowing impact to the front of the Silk Mill Road properties.

- 6.5.2 The upper floors of the south west elevation of the development contain bedroom and habitable room windows. These would have a front to front relationship with the Silk Mill Road properties which is reasonable and indeed to be expected in a residential area and would not create harmful overlooking. Notwithstanding this, a minimum distance of 27.5m is maintained between the south west upper floor windows and the front windows of Nos1a, 1b, 1c and 1d Silk Mill Road and this is compliant with minimum privacy distances.

6.5.3 *No88 Eastbury Road*

The development would be adjacent to No 88 Eastbury Road. The three storey element of the building adjacent to this side would be set 12m from the boundary with No88. The building would be deeper than the building at No88 however it would not infringe the 45 degree lines taken on plan or elevation from the rear windows of No88. The relationship is fully compliant with the Residential Design Guide and would not create unacceptable loss of light, outlook or amenity for No88.

- 6.5.4 The north-east side elevation of the development contains side facing windows. At first floor and second floor 4 windows are secondary windows or not serving habitable rooms meaning they can be obscurely glazed/fixed closed if appropriate. At second floor, there are 2 windows which are the sole windows to bedrooms and

these will need to be clear glazed to allow for an outlook. All these side windows are however set in a minimum of 12m from the common boundary with the side garden boundary of No88 , exceeding the 11m minimum garden depth requirement of the RDG. These windows would also not fall within the privacy arc taken from the rear windows of No88 and as such, these side windows of the development are acceptable in accordance with the RDG and would not facilitate harmful overlooking or loss of privacy.

6.5.5 *Long croft*

The rear windows and balconies of the development would be sited 14m from the rear boundary of the site and 29m minimum from the rear of the Longcroft properties. These depths exceed the minimum depths of the 11m and 27.5m stated in the RDG. There is also a public footpath and row of mature trees between the two sites creating further separation and privacy. The development would sit substantially below the 25 degree line taken up from the nearest windows of the Longcroft properties (No11), compliant with the RDG. There is therefore no foreseen adverse loss of light, outlook or amenity to the Longcroft properties.

6.5.6 *Nos 77, 77a, 79a, 79, 79b and 81 Eastbury Road*

This group of houses on Eastbury Road are opposite the application site and will front onto the development. There is a minimum distance of 33m between the nearest ground floor window of this group (at No79b) and the front of the development. The 25 degree line taken up from this window would not be infringed and this relationship is compliant with the RDG guidance. By virtue of the distance and relationship of the development with the Eastbury Road properties, it is not foreseen that there would be any notable loss of light or outlook to the fronts of these properties.

6.5.7 The development includes upper floor windows and balconies on the front elevations. These would have a front to front relationship with the Eastbury Road properties which is reasonable and indeed to be expected in a residential area and would not create harmful overlooking. Notwithstanding this, a minimum distance of 27.5m is exceeded with a distance of 33m between the frontages of the development and the Eastbury Road group. There would therefore be no unreasonable overlooking to this group.

6.5.8 *Conclusion*

All relationships between the development and surrounding properties are fully compliant with the guidance of the RDG. Although the development will represent a notable change for neighbouring residents, compliance with all RDG guidance means that this change would not constitute harm to their amenity or reasonable enjoyment of their properties.

6.6 (e) Affordable housing provision

6.6.1 The development is presented with two supported options for affordable housing provision. The two options do not provide the policy requirement for 35% affordable housing based on unit numbers however this has been actively encouraged by planning and housing officers to seek the most needed and genuinely affordable provision from the development. The two options offer provision equivalent in cost to the development to the requirements of policy HS3 of the Core Strategy and no viability assessment or consideration is required.

6.6.2 *Option A*

The housing officers have identified a unique opportunity for this development to provide all 5 of the 3 bed units as social rented units and have expressly requested this as the affordable housing provision. This would include all 4 ground floor, 3 bed duplex units each with independent access. Family sized social rented units are the most needed provision of affordable housing to meet growing housing demand and there is an acute shortage of this provision for families currently in temporary accommodation.

6.6.3 It is recognised that although option A provides a proportion of affordable housing of 21% based on habitable rooms, the provision of larger social rented units is however the most expensive type of affordable housing for the developer. Option A would therefore come at a cost to the developer comparable to a policy compliant provision and tenure mix and so would not represent any deficiency in provision. However, as set out by the housing officers, option A would provide a unique benefit in the provision of 5 new, well located and genuinely affordable homes for Watford families.

6.6.4 *Option B*

Option B has also been offered by the developer in accordance with the tenure split of policy HS3. This option provides a 35% affordable provision based on habitable rooms and floor space and is an acceptable approach to provide larger units within the 35% policy for provision. A policy compliant tenure mix would provide as follows:

	Units	Habitable room provision	Unit number
Social Rent	1 x 3 bed 1 x 2 bed	7	2
Affordable Rent	4 x 3 bed 1 x 2 bed 1 x 1 bed	21	6

Shared Ownership	1 x 1 bed	5	2
	1 x 2 bed		
		33	10

6.6.5 Option B would mean a higher number of units provided in the scheme, however only 2 of these would be the most affordable social rent. Option A is therefore presented as the housing team request for this development and is supported by planning officers pursuant to policy HS3.

6.7 (f) Transport, access and servicing

6.7.1 The site is located in an accessible location. The location is suited for new development in accordance with policy T2 of the Location of New Development. As supported by the Transport Assessment and response for the Highways Authority, there are no concerns or objections to the development in highway terms.

6.7.2 The development would see the replacement of two site entrances with the provision of one access/egress point. Swept Path analysis demonstrates that cars from all parking spaces, as well as a refuse lorry, will be able to turn within the site allowing for vehicles to always enter and leave in forward gear.

6.7.3 Hertfordshire County Council as the Highway Authority has raised no objection to the development subject to recommended conditions and s106 agreement for a travel plan statement. Some of the conditions recommended have not been included as the content of these is in duplication of details already submitted and agreed, duplicate other controls (for example under the highways act), or do not meet the relevant tests for conditions

6.8 (g) Car and cycle parking

6.8.1 The development would have 33 car spaces to serve the 37 units (0.89 per flat). This has been increased from the initial proposal of 30 spaces for 43 units (0.69 spaces per flat).

6.8.2 The site is identified with zone 4 of the Car and Cycle Parking Standards Map of the Watford District Plan 2000. Appendix 2 of the Watford District Plan sets maximum standards for car parking provision based on the identified zone. In accordance with these standards, the development of 37 units should not have more than 54.25 car spaces. The proposed 33 spaces is within that maximum standard and is compliant with 'saved' policy T22 of the Watford District Plan 2000.

6.8.3 'Saved' policy T22 sets parking standards as a maximum to restrict over provision, over capacity and to encourage the use of alternative transport modes to assist in reduction of traffic and congestion. This is however applied along side 'saved' policy

T24 which states that “significantly lower levels of parking provision may be acceptable where demand for parking is likely to be less and any tendency for overspill onstreet is or can be controlled.”

- 6.8.4 The application site is not within a controlled parking zone (CPZ) and so residents of the development cannot be excluded from on road parking, however the site does meet the criteria of ‘saved’ policy T24 to support lower parking provision. Specifically, the site is 2km from the town centre, it is 1km from Bushey Train Station and has bus stops 110m and 120m away on the main bus route on Eastbury Road.
- 6.8.5 Other support for non-car use for the development is provided by the provision of secure cycle parking for the development pursuant to ‘saved’ policy T10. The conditions and s106 agreement of the application also secure a Travel Plan Statement and required contributions to facilitate non-car travel options for future residents.
- 6.8.6 This provision of parking lower than the maximum standards is further supported by the Transport Assessment submitted with the application (Dated Feb 2018, prepared by EAS, Ref 1519/2018 Final 1). Sections 4.10 to 4.20 of the report consider the local evidence for parking needs appropriate to the development. This identifies that in this character area, the 2011 Census revealed car ownership as 0.55 per flat household. The original scheme proposing 0.69 spaces per flat, was therefore in excess of the expected need and was supported by the Transport Assessment.
- 6.8.7 Notwithstanding this evidence, local concern was recognised and it was noted that the development included 2 and 3 bedroom flats. As such the increased parking ratio of the amended scheme of 37 flats with 33 car parking spaces (0.89 spaces per flat) is welcomed and would be far in excess of the expected demand of 20 spaces for the 37 units based on the Census car ownership data.
- 6.8.8 For these reasons, it is considered that the development would achieve the right balance of providing sufficient on site parking whilst not providing excessive parking that would worsen traffic and congestion in the area. It is therefore considered that the car parking provision of the development is fully compliant with the standards and objectives of ‘saved’ policies T22 and T24.

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

The comments of the Arboricultural officer (as below) are agreed.

Whilst the proposals indicate the loss of a number of trees, these are generally poor quality or do not add much to the character of the area as most boundary trees are retained. The main exceptions to this are the small group of trees adjacent to the boundary with no. 88 Eastbury Road and the Eucalyptus (t5 on survey): replacement planting for these is shown on the submitted landscape plan. The loss of the former will expose the neighbouring garden.

Should permission be granted conditions requiring the recommendations in the submitted Arboricultural Method Statement (AMS) incorporating the tree protection, 'no-dig' construction and ground protection should be applied.

The landscaping scheme (Drawing Ref LP/THHERWH/020 A) is generally acceptable; however I would wish to see the planting size of the two trees that are replacing Group G8 increased from 10-12 cm girth to 14-16 cm girth to provide more instant screening.

In accordance with these comments, conditions are recommended for a final landscaping scheme to be submitted and approved and the securing the AMS.

6.9.3 iii) Surface water drainage

The Lead Flood Authority (HCC) has raised no objections subject to condition to secure surface water drainage strategy.

6.9.4 iv) Bats

Ecological and full bat surveys have been carried out by a suitably qualified Environmental Consultant. These have been reviewed by Herts Ecology who has confirmed there is no evidence of bats on site and no ecological objection to the 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:

- i) the provision of affordable housing,
- ii) to secure a monitoring fee for the proposed Travel Plan and
- iii) 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 pub is not of a sufficient community asset that requires its retention. 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 is of a scale and design that would make efficient use of the site for residential development. Following the reduction of the main building to 3 storeys with flat roof, it is considered that this will sit comfortably adjacent to the height of the 2 storey pitched roof context. The 4 storey element will provide a

corner feature.

- 8.3 The development will represent a change to surrounding properties however, as assessed in detail, the relationships of the development with neighbours are fully compliant with the RDG and would not constitute unreasonable harm to light, outlook or privacy of neighbours.
- 8.4 The scheme has been amended to increase parking provision and this provision is supported by the full transport assessment including evidence of car ownership for flats in the area. It is considered that the development would achieve the right balance of providing sufficient on site parking whilst not providing excessive parking that would worsen traffic and congestion in the area, compliant with the 'saved' policies T22 and T24.
- 8.5 The development will provide a high quality affordable housing provision under either option for s106 Heads of Terms presented. Option A would be equivalent to a policy compliant provision however would have significant benefit in providing family sized social housing units.
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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

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

Section 106 Heads of Terms – Option A

- i) To secure 5 units of the development to be Affordable Housing units comprising 5 no. social rented units (5 no. 3B5P) and one car parking space allocated for each of the 5 units.

- ii) To secure a financial payment to Hertfordshire County Council of £2,000 for the long term monitoring of the proposed Travel Plan for the site;
 - iii) To secure the provision of fire hydrants to serve the site as required by Hertfordshire County Council.
-

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

Section 106 Heads of Terms – Option B

- i) To secure 10 units of the development to be Affordable Housing units comprising 2 no. social rented units (1 no. 3B5P, and 1 no. 2B4P), 6 no. Affordable Rented units (4 no. 3B5P, 1 no. 2B4P and 1 no. 1B2P) and 2 no. Shared Ownership units (1 no. 2B4P and 1 no. 1B2P) and 9 car parking spaces allocated for use by the 10 units.
 - ii) To secure a financial payment to Hertfordshire County Council of £2,000 for the long term monitoring of the proposed Travel Plan for the site;
 - iii) 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-001	-	Site Location Plan
PL-002	-	Demolition Plan

SK-180219-i	-	Existing Building Areas
TS17-358M\1	-	Topographical Survey
TS17-358M\2	-	Floor Plans 1 of 4
TS17-358M\3	-	Floor Plans 2 of 4
TS17-358M\4	-	Floor Plans 3 of 4
TS17-358M\5	-	Floor Plans 4 of 4
TS17-358M\6	-	Existing elevations
PL-16	F	Proposed site plan
PL-15	B	Proposed Basement Plan
PL-10	H	Proposed Ground Floor
PL-11	H	Proposed First Floor
PL-12	H	Proposed 2 nd floor
PL-20	E	Front elevation
PL-21	D	Rear elevation
PL-22	D	East elevation
PL-23	B	West elevation
LP/THHERWH/020 A	-	Landscaping Scheme
SK05	E-	Refuse Vehicle Swept Path Analysis
SK06	E	Swept Path Analysis

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. 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.

5. Travel Plan

No dwelling shall be occupied until a detailed Travel Plan Statement for the has been submitted to and approved by the Local Planning The Travel Plan Statement for the residential development shall consist of a written agreement with the County Council setting out a scheme to encourage, regulate and promote green travel measures for residents, in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development'. The approved Travel Plan Statement shall be implemented at all times.

Reason: To ensure the development encourages a wide range of sustainable travel choices to reduce the impact of travel and transport on the environment, in accordance with Policy T3 of the Watford Local Plan Core Strategy 2006-31.

6. 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, hard standing, site boundary treatments, 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.

7. Soft Landscaping

No part of the development shall be occupied until a detailed soft landscaping scheme for the site, including details of all trees to be lost and retained, all new replacement trees, 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.

8. 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.

9. Surface water drainage scheme

The development permitted by this planning permission shall be carried out in accordance with the approved SUDS Strategy carried out by EAS job number 1519 dated February 2018 the following mitigation measures:

1. Limiting the surface water run-off to a maximum of 5 l/s with discharge into the Thame Water sewer.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Undertake a drainage strategy to include the use oversized pipes permeable paving and geo-cellular attenuation system.

Reason:

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

10. Tree Protection

The measures of the Arboricultural Method Statement of the Arboricultural Report February 2018 prepared by David Clarke, including *tree protection*, *'no-dig' construction* and *ground protection shall be applied*. No materials,

vehicles, fuel or any other ancillary items shall be stored or buildings erected inside the protection fencing; no changes in ground level may be made within the spread of any tree or shrubs (including hedges) without the previous written consent of the Local Planning Authority.

Reason: To safeguard the existing trees and shrubs (including hedges) which represent an important visual amenity during the period of construction works in accordance with Policy SE37 of the Watford District Plan 2000.

11. Access

No part of the development shall be occupied until the modified proposed access and egress arrangements from Eastbury 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.

12. Bin and bicycle storage

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.

13. 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.

14. 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.

Reasons: To ensure a suitable allocation of car parking spaces to the units.

15. 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 .

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).

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 towards the monitoring of a Travel Plan and the provision of necessary fire hydrants to serve the development.
4. All new developments granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk 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.

Case Officer: Alice Reade

Email: alice.reade@watford.gov.uk

Tel: 01923 278279