

PART A	
Report of: Head of Development Management	
Date of committee:	25th July 2018
Site address:	Land at 87 Cassio Road Watford WD18 0QN
Reference Number:	18/00579/FULM
Description of Development:	Demolition of temporary building and redevelopment to provide 25 residential apartments
Applicant:	Gada Property Investments
Date Received:	11th May 2018
Statutory Target Date (agreed extension)	13th August 2018
Ward:	Vicarage

1.0 Site and Surroundings

- 1.1 The application site relates to a 0.11ha parcel of land which is located within designated Open Space, as shown on the “saved” Proposals Map of the Watford District Plan 2000 (WDP2000). The land has been subject of a series of temporary planning permissions from 1984 for a single storey modular building, which from 2002 has been to provide day care services for the homeless. The most recent temporary permission was granted in 2014 (ref: 14/00605/FUL) which grants temporary planning permission until 7 July 2024. The modular building is utilised by the NHS. The site largely consists of hard-surfacing, however there are rows of trees along the north-eastern and south-eastern boundaries.
- 1.2 The land is partitioned from West Herts Sports Ground by timber fences. The sports ground includes a clubhouse and car park, cricket pitch and tennis courts. The tennis courts are in very close proximity to the south-western boundary of the application site. There is netted fencing around the edge of the tennis courts to prevent balls escaping.
- 1.3 The site is served by a vehicular crossover onto Cassio Road, which provides access to on-site parking spaces. Cassio Road is classified as a Class A Principal Road (Main Distributor) in Hertfordshire County Council’s ‘Gazetteer of Hertfordshire Roads’.
- 1.4 The application site is in a sustainable location due to its proximity to services and passenger transport facilities in the town centre. It is also within the

Central/West Watford Controlled Parking Zone.

- 1.5 The existing building on site is not listed and the site is not located within a designated conservation area. No trees on site are protected by a tree preservation order.

2.0 Proposed Development

- 2.1 The application proposes the removal of the existing modular building and erection of a part 5 storey, part 4 storey building to provide 25 flats (6no. 1-bed and 19no. 2-bed).
- 2.2 The footprint of the building would be roughly 'L-shaped'. Two ground floor flats would have their own entrance from the street and there would be centrally positioned communal entrances to the front and rear. A communal garden area would be located to the rear, which would include a cycle store. A vehicular access to Cassio Road would be retained, which would provide access to a substation. No on-site parking spaces are proposed. The submitted block plan indicates that bin storage would be provided adjacent to the south-eastern boundary.
- 2.3 The submitted plans show that the external elevations would be finished in brickwork. The fourth floor is predominantly glazed and recessed from the brick external walls. The four storey element on the side towards No. 85 Cassio Road would have a metal mansard roof, which would include the third floor.
- 2.4 The existing trees along the front boundary would be removed. New planting is indicated on the submitted plans.

3.0 Relevant Planning History

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

17/01350/PREAPP – Pre-application proposal for 22 new apartments over 3.5/5 storeys with associated parking/refuse. The following pre-application advice was provided on 23rd October 2017.

- The application site is located within designated Open Space, as shown on the Proposals Map of the Watford District Plan 2000, therefore there is an objection to residential development on the site. There is currently a modular building on site, however this provides a community purpose by providing day care services for the homeless, which only has permission for a temporary period.

14/00605/FUL - Renewal of planning permission 10/00974/FUL for a single storey modular building for day care services for the homeless. Conditional planning permission. July 2014.

13/00637/FUL - Proposed single storey side extension forming two additional consultant rooms to modular buildings for GP Services for patients that are homeless, in local hostels and vulnerable patients and the relocation and installation of air conditioning units. Conditional planning permission. August 2013.

10/00974/FUL - Renewal of planning permission 08/00077/FUL for a single storey modular building for day care services for the homeless. Conditional planning permission. December 2010.

08/00077/FUL - Renewal of temporary planning permission for a single storey modular building for Day Care Services for the homeless. Conditional planning permission. May 2008.

05/00277/FUL - Renewal of temporary planning permission for the erection of a single storey modular building for Day Care Services for the homeless. Conditional planning permission. June 2005.

02/00462/FUL - Erection of a single storey modular building for Day Care Services for the homeless. Conditional planning permission. September 2002.

02/00051/FUL - Erection of single storey modular building. Refused planning permission. May 2002.

Reason:

- 1) The proposed development would involve the loss of an area of private open space/garden which contributes to the character of the area. Such a loss would be detrimental to the area and would be contrary to Policy SE19 and Policy L2 of the Policies U7 and L4 of the Watford District Plan 2000.

9/0338/97 – Change of use of land to car valeting service, Cassio Road entrance to sports cub.

Reasons:

- 1) The proposed development would involve the loss of an area of private open space/garden which contributes to the character of the area. Such as loss would be detrimental to the area and would be contrary to Policy SE19 and Policy L2 of the Watford District Local Plan 1993.
- 2) The proposed structures by nature of their design and location would not be sympathetic to the character of the area and would have an adverse effect on the street scene and contribute to light pollution contrary to Policy SE16 of the Watford District Local Plan 1993.

- 3) The proposal would introduce an element of traffic generation, noise, fumes and general disturbance contrary to Policies SE1, H8 and T3 of the Watford District Local Plan 1993.

9/175/94 – Temporary planning application (2 years) for use of the site for the erection of portable building and coach for soup support centre. Conditional planning permission. April 1994.

9/213/86 – Temporary accommodation for doctors’ practice. Conditional planning permission. April 1986.

9/422/84 – Temporary accommodation for doctors’ practice. Conditional planning permission. July 1984.

4.0 Planning Policies

4.1 Development plan

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

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

4.2 Supplementary Planning Documents

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

- *Residential Design Guide*
- *Watford Character of Area Study*
- *Commuted Sums For The Provision Of Affordable Housing.*

4.3 Other relevant documents

Watford Borough Council’s Corporate Plan to 2020 sets out 5 corporate priorities to achieve the Council’s vision to create a town where all communities thrive and prosper, benefitting from strong economic growth and good quality local services and facilities. The Corporate Plan is a material consideration in the determination of the application.

4.4 National Planning Policy Framework

The National Planning Policy Framework sets out the Government’s planning policies for England. The following provisions are relevant to the determination

of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to properties in Cassio Road, Rosslyn Road, Marlborough Road, Whippendell Road and Upton Road on 14th May 2018

7 letters of objection and 38 letters of support were received.

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

Objections

Representations	Officer's response
<p>Concern about the loss to Watford of enormously important community health services for the homeless at a uniquely suitable site.</p> <p>Homelessness services are vital for the well-being of those who are homeless and for the community as a whole, but they cannot be sited anywhere: in particular it is important they are not close to residential areas where they could cause disruption. Situated as it is on the corner of a sports ground on a</p>	<p>It is noted that the existing community facility is of significant benefit to the local community, as detailed in the representation. There are clearly difficulties in finding appropriate sites due to the circumstances of the patients.</p> <p>Redevelopment of the site to provide upgraded community facilities would have considerably greater social benefits than the proposed housing scheme (which includes no on-site affordable provision). As noted in the</p>

relatively busy road there have never been significant problems as a result of Meadowell being there since 2003.

It is suitably close to the other homeless services in the town such as hostels such as the YMCA, and the emergency night accommodation and support centre operated by New Hope, as well as other important support services such as the Community Mental Health Team and the local drug and alcohol service (CGL).

It is ideal for such services to not be co-located with mainstream services. This site was specifically chosen back in 2002 for these reasons and there is no alternative site for such a service. I believe the service has been a great asset to the town and to the health of a very vulnerable section of its population, and the service has been grateful for long-term support from, and a good relationship with the West Herts Sports Ground as the landlord of the site over these past 15 years.

Patients can find it extremely difficult to engage with mainstream health services and can have behavioural problems which can be quite disruptive. The presence of a specialist primary care service for them for the last 15 years has been life-saving for many, and has also relieved significant pressure on all the other mainstream General Practices in the area.

Clearly the management of the West Herts Sports Club has a responsibility to steward its assets well and in this case realise the value of its land asset on this corner of its land for the future development and well-being of the club

representation, there are other sites in the borough that could accommodate additional housing without the loss of designated Open Space or community facilities.

<p>as a community facility, but as it is such a unique site in Watford in my opinion it would be better developed for specialist homeless services and not private housing.</p> <p>There is considerable interest on the part of relevant services in developing a joint facility for homeless people which would include health and support services as well as emergency and permanent accommodation. The economics of such a facility to provide the sports ground with an adequate return for its land should be fully examined.</p> <p>The housing development presently proposed could be developed in a number of different sites in Watford - it does not need to be on this particular site. By contrast homelessness services are very difficult to develop elsewhere and could ideally be developed on this site.</p>	
<p>This land has never had a permanent construction on it, as I understand the land was left in Trust to West Herts Sports club for the use of being an area for their members to take part in sport and the only buildings that could be constructed on it were for use of the West Herts Sports Club for sport activities. To let this chunk of the sports ground be developed and built on could be the first step in the whole much needed West Herts Sports ground being sold off and developed bit by bit!</p>	<p>The loss of designated Open Space is considered in paragraphs 6.2 – 6.7 of the report.</p>
<p>It would be naive to think that 25 properties wouldn't have a number of cars etc looking for parking every day. As this proposed development has no parking some will use the wider than</p>	<p>Parking is considered in paragraphs 6.24 – 6.26 of the report.</p>

<p>normal footpath outside this address as a car parking area. This already happens to a lesser extent and forces people to walk on the dual-carriageway where cars etc are travelling at speed. The police do not have enough officers to deal with parking issues and local parking officials do not have enough power to keep this area clear already.</p> <p>The refuge Lorries obviously can't back in or out on this property as it is on a dual-carriageway and any space designed for them to turn around on this property will be misused for parking by the residents.</p>	
<p>There is an issue with some noise in the area already where noise is bouncing around and amplified due to the structures already in the area.</p>	<p>It is not considered that the proposal would cause a material increase in noise and disturbance to neighbouring residential properties.</p>
<p>The land should be classed as Greenbelt with a number of established trees over 100 years old. There has already been a number destroyed and to lose more just adds to the deforestation of our town.</p> <p>These trees may be protected, but in the past some developers have just paid the small fines and cut down trees.</p>	<p>It is noted that the proposal would result in the loss of trees along the north-eastern boundary and there would be an increase in built form on the site.</p>

Support comments

Representations	Officer's response
<p>The proposal will provide much needed funds towards the enhancement of facilities at the Sports Club. This will provide great facilities to encourage young local children to further participate in sports.</p> <p>The subject land has not been used by</p>	<p>This is considered in paragraphs 6.2 – 6.7 of the report.</p>

<p>the Sports Club for many years and is surplus to the Clubs future requirements as far as sports facilities are concerned. The development of this redundant piece of land for housing is therefore a good idea and will help sustain the Sports Club for many years.</p>	
<p>The existing buildings on the site do not add to the character of the area and redevelopment would help improve the appearance of this part of the town.</p>	<p>The design of the proposed building is acceptable.</p>

5.3 **Statutory publicity**

A notice was published in the Watford Observer on 18th May 2018.

A notice was posted outside the application site on 25th May 2018.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

NHS Herts Valleys Clinical Commissioning Group

You will be aware that this proposal has an impact on existing NHS services, the Meadowell Clinic which is based in a temporary building on the parcel of land and the subject of this planning application. These are specialised GP services for a particularly vulnerable part of our community, most of whom are homeless and struggle with mental health, alcohol and substance misuse problems. As the health commissioner, HVCCG has the responsibility to ensure that all patients, regardless of their background, have an access to good quality medical services that best suit their needs. The quality, functionality and location of the healthcare estate significantly impacts on the CCG's ability to deliver its strategy and ensure adequate provision of services.

The Meadowell Clinic has been operating from their current site for approximately 15 years and is very conveniently based in close proximity to other supporting services, which this patient cohort attends, often on a daily basis, e.g. day centre, night shelter, hostel, mental health services etc. These patients generally do not have access to transport and it is therefore essential that services such as that of Meadowell's, are located within a walking distance of co-dependent services.

For many years, and intensively over the past nine months HVCCG (with assistance from Watford BC) have been searching for a suitable site to relocate the Meadowell Clinic, however without any success. This demonstrates how

unique and conveniently suited their existing site is. It is our great concern, that by not being able to secure alternative premises, HVCCG may need to make a decision, which it has worked so hard to avoid, to disperse the list into nearby, mainstream General Practice premises, as Meadowell's patients have every right to access NHS services. We are fully aware that this would be a very undesirable outcome and we are concerned that, due to Meadowell's patients (understandable) reluctance to engage with mainstream services, it may potentially be detrimental to some of the people affected by this decision.

In addition to the surrounding GP practices not being as well equipped to serve this patient cohort, we also envisage premises capacity issues long term. The WBC's Local Plan includes significant residential development in the nearby Watford Junction and Health Campus area, which will result in considerable impact on local NHS services, including GP's. The loss of the Meadowell site will cause significant further impact, and it is important that we all work collectively to plan for safe, assessable NHS services.

We understand that the Sports Club wishes to sell the Meadowell site to generate a sale receipt that enables to develop and improve its facilities. HVCCG fully recognises the benefit of sport and well-being, but Watford is well served with sports facilities, which include the pool at the recently completed sports centre. 87 Cassio Road site has not been used for sport for as long as Meadowell has been based there, and indeed for many years prior to that. It had been concluded that it was too small for tennis courts. Given the options for sport versus no alternative option for this much needed NHS service, we ask WBC to consider refusing consent to this application.

We strongly believe that consideration should be given to developing a permanent facility for the vulnerable homeless population, which would incorporate the existing GP specialised service as well as variety of support services on the Meadowell site which could also allow for affordable homes, or assisted living units. The need is demonstrated in this letter and acknowledged by the wider community. We appreciate that this will take time and are aware that WBC are now bound by time to decide upon the application under its statutory mandate. However, if there is any way in which additional time can be granted to consider the holistic benefit, HVCCG and its member General Practice members would very much like to work with WBC and the wider community to develop a health and social care project, which includes affordable residential units. We see the value of this and ask that WBC consider this application and that our proposal is considered favourably.

Sport England

1. I understand the tennis club have permission for, and intend to implement in the near future (when funding is secured), the installation of

floodlights of courts 8, 9 and 10 which are nearest to the proposed site. The LTA and Sport England would want the local authority to be satisfied that the proximity of housing to the 3 floodlit courts would not result in any light pollution issues which might constrain their use for playing tennis (e.g. no restriction on the hours of use for example).

2. The housing is within the 80m buffer zone of the cricket wicket which gives rise to a potential risk of ball strike. The ECB recommends that any development within this buffer should be the subject of a Labosport Ball Strike Risk Assessment to identify the scale of the risk and if necessary recommend mitigation to reduce that risk prior to planning permission being granted. Whilst only a small part of the development falls within this buffer it may be necessary to either pull the housing back a bit so it falls outside this buffer or to erect a fence/ball netting to prevent balls from hitting windows, parked cars or residents in the garden/outdoor space. Not only can this cause damage to property or injury to new residents if this occurs but also if an insurance claim is made the costs to the club to insure the site significantly increase. Also should fencing/ball stop netting be required it should be provided by and maintained by the developer so as not to burden the club with additional costs. Labosport are the only organisation currently approved by the ECB to undertake these assessments.

The following response was subsequently received on 5 July 2018 following the submission of a Labosport Ball Strike Risk Assessment:

I have shared the Labosport report with the ECB, they have reviewed it and advise that they accept the findings of the report that mitigation is not required if development proceeds as currently proposed.

Sport England therefore confirms that the risk of ball strike has been adequately addressed.

Therefore, subject to the Council being satisfied that there would be no conflict between the proposed site and the floodlighting of the tennis courts in terms of light pollution risk then Sport England withdraws its holding objection.

Hertfordshire County Council (Highway Authority)

No objection subject to conditions.

The Highway Authority would like further assurance on what physical measures will be put in place to prevent indiscriminate parking along this access road (be it off the highway) and in front of the cycle stores. It seems that whilst the application submission goes to great length to state that the development will be car free, there is every likelihood that without strong, robust measures to physically prevent resident parking on site, this may take place or at a later date

the applicant or owner of the land applies to have this condition changed to allow for residents parking.

Hertfordshire County Council (Lead Local Flood Authority)

Object to submitted drainage scheme (Surface Water Drainage Strategy prepared by Ambiental Environmental Assessments Ltd., reference 3814 SWDS dated April 2018 version Draft v1.0)

Hertfordshire County Council (Development Services)

No comments.

Hertfordshire County Council (Ecology)

No objection.

Hertfordshire County Council (Minerals and Waste)

No objection.

Hertfordshire Constabulary Crime Prevention Design Service

No response.

Housing

On a site of 25 units, in line with Council policy, we would expect 9 units (35%) affordable housing.

The policy then requires the majority (85%) of those affordable housing units to be rented affordable housing (60% affordable rents and 15% social rents), then just 15% LCHO.

That would be:

6 x Affordable Rent, 2 x Social Rent, and 1 X LCHO

The households on our housing register are seeking assistance from the Council as they are homeless or in housing need i.e. living in inadequate housing. They are seeking housing assistance as they cannot find suitable and affordable housing on the private market. The proposed market housing units will provide no assistance to those in housing need to who the Council has a duty to assist.

We understand that the design of this scheme makes a separate provision of affordable housing units difficult. To that end, and although Housing would

prefer an onsite provision of affordable housing, a commuted sum payment in line with the Council's policy and calculation method would be agreeable.

Environmental Services

No response.

Environmental Health

No response.

Contaminated Land Officer

No objection.

Thames Water

No objection.

Planning Policy

No response.

Arboricultural Officer

The proposals indicate a loss of nine trees. These trees would be adversely affected and cannot be practically retained, of these nine trees eight are adjacent to Cassio Road and are of a category C or lower and therefore I have no objection to their removal.

I would however like to see that the replacement trees are of an adequate size as to have an instant impact in replacing some of the screening and amenity value that will be lost.

6.0 Appraisal

6.1 Main issues

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

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

6.2 (a) Principle of land use

The application site relates to a 0.11ha parcel of land which is located within designated Open Space, as shown on the “saved” Proposals Map of the WDP2000. The land has been the subject of a series of temporary planning permissions from 1984 for a single storey modular building, which from 2002 has been to provide day care services for the homeless. The most recent temporary permission was granted in 2014 (ref: 14/00605/FUL) which grants temporary planning permission until 7 July 2024. The modular building is utilised by the NHS.

6.3 Policy GI1 of the Watford Local Plan Core Strategy (CS) (which has replaced Policies L1 – L6 of the WDP2000, as shown in Appendix D of the CS) states *“The Council will seek a net gain in the quality and quantity of green infrastructure...”* and *“In some instances an improvement in the overall quality of green infrastructure may make it acceptable for minor open space loss...”*.

6.4 Paragraph 73 of the NPPF highlights that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 states *“existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”*.

6.5 In this case, the proposed development would result in the permanent loss of designated Open Space and there would be no improvement to the overall quality of green infrastructure, which is contrary to Policies GI1 and HS1 of the CS and paragraph 74 of the NPPF. Drawing No. 1012 – 104 Rev A identifies potential development projects at West Herts Sport Ground, including: a new 5 a-side all weather football pitch; new cricket nets; new car parking with lighting to provide circa 60 new parking spaces; new barrier entry system; new build offices/meeting & store rooms; new build functions facility; upgrade CCTV; expansion of fitness facilities; new grounds staff sheds; additional floodlights to 3no. all-weather tennis courts; upgrade of sports maintenance equipment; and new boundary fencing. The potential projects have not been included in the planning application and there have been no previous planning permissions, therefore there has been no consultation or assessment as to whether the projects are acceptable. The replacement of green space with a car park (shown

as A3 in Project A), in particular, would be detrimental to green infrastructure. As such, no weight can be given to the 'potential development projects' and therefore there are no improvements to green infrastructure proposed under the current application that could be secured through a Section 106 Agreement to mitigate the loss of designated Open Space, which is contrary to Policies GI1 and HS1 of the CS and paragraph 74 of the NPPF.

- 6.6 The application site is currently used to provide day care services for the homeless and therefore provides a community facility. There have been a series of temporary planning permissions for the existing use and the most recent permission expires in 2024. The representation from the NHS Herts Valleys Clinical Commissioning Group sets out the important function that the existing facility has for homeless people in the community, the suitability of the existing site for the use and the difficulties in finding an appropriate alternative site. It is noted that the loss of the existing community facility would be likely to have a negative impact on homeless users of the service and may have an impact on GP practices who may not be as well equipped to accommodate the needs of the patients. As such, the temporary use of the land within designated Open Space for day care services for the homeless has substantial social benefits and meets Priority 3 of the Watford Corporate Plan to 2020 to provide for vulnerable and disadvantaged communities.
- 6.7 By contrast, the proposed development would result in the permanent loss of designated Open Space which is not mitigated through improvements to the quality of green infrastructure. The proposal provides limited benefits through the supply of a relatively small amount of additional housing, which clearly does not outweigh the environmental and social harm caused by the loss of designated Open Space or the temporary community facility.
- 6.8 (b) Relationship between the sports ground and proposed housing
Sport England has raised two issues for consideration relating to the impact of tennis court floodlights on the proposed residential accommodation and the potential for a cricket ball strike.
- 6.9 Tennis court floodlights:
West Herts Sports Ground previously had planning permission in May 2014 (ref: 14/00385/FUL) for re-surfacing of the 3 tennis courts closest to the application site and installation of floodlights. Condition 4 of the planning permission stated *"The tennis courts and associated floodlights hereby approved shall not be used outside the hours of 7.00am to 10pm Monday to Friday and 8am to 10pm on Saturdays, Sundays and public holidays, unless otherwise agreed in writing by the Local Planning Authority"*, which was in order to protect the amenities of neighbouring residential properties. Details of the proposed floodlights were shown in the submitted report prepared by Chiltern Sports Contractors Limited (Document Ref. 4921 - 18th October 2013). The report showed that the tennis

court would be illuminated by 12no. 6.7m high columns. Section 3.1 of the report shows the light overspill Iso contour, which shows that there would be some light overspill outside the tennis courts. The habitable windows in the rear wing of the proposed building would be in very close proximity to the tennis courts and would be within the light overspill Iso contour lines shown in Section 3.1 of the report submitted with planning application 14/00385/FUL.

6.10 The floodlights approved under planning application 14/00385/FUL have not been installed. Any floodlights installed on the tennis courts would be likely to cause light pollution to the habitable windows in the rear wing of the proposed building, which would harm the residential amenities of future occupants. As such, the proposed residential development would be likely to restrict the future provision of floodlights on the tennis courts and constrain their use for playing tennis, which would be detrimental to the recreational use of the designated Open Space.

6.11 Cricket ball strike:

The applicant has sought to address Sport England's concerns by commissioning a Labosport Boundary Risk Assessment (Report Number LSUK.18-0585 Revision 1.0 dated 25/06/2018). The Assessment identifies that the shortest distance from the edge of the cricket square to the eastern boundary is 71m. The ball trajectory calculations show that amateur cricket players would very rarely be able to hit cricket balls beyond a distance of 71m. The report suggests that only professional First Class International cricketers would be able to hit at distances beyond the boundary due to their ability to hit a cricket ball at higher velocity. However, although unlikely, it is still possible that an amateur player could hit a 'freak' shot and reach the boundary. In this context, it is considered appropriate that mitigation in the form of 1-2m high ball stop netting could be installed in order to reduce the risk of a ball strike. It is not considered that solid fencing would be appropriate due to the close proximity of habitable windows to the boundary and the consequent impact on the outlook from habitable rooms. Details of a mitigation system could be secured by a suitably worded condition.

6.12 (c) Housing

Policy HS1 of the CS provides a list of factors that will go against residential allocation that will also be considered in determining applications on windfall sites, which, among other things, includes existing employment land, open space or other community facilities for which there is still an identified need. As discussed in paragraphs 6.4 – 6.6 of the report, the proposal would result in the permanent loss of designated Open Space, currently used as a temporary community facility, which weighs against the provision of housing on the site.

6.13 The proposed development would make a relatively small contribution towards the housing target in the borough, which should be afforded limited weight in

favour of the proposal. The design of the development does not allow for the provision of on-site affordable housing, which limits the benefits of the scheme.

- 6.14 Policy HS3 of the CS states that a rate of 35% affordable housing will be sought on major applications of 10 residential units and above or sites of more than 0.5ha, which should consist of social rent (20%), affordable rent (65%) and intermediate housing (15%). The Housing department notes that the design of the scheme makes it difficult to provide on-site affordable housing and therefore, whilst Housing would prefer on-site provision, a commuted sum payment in line with the *Commuted Sums for the Provision of Affordable Housing Supplementary Planning Document ("Commuted Sums SPD")* would be acceptable. Using the formula in the Commuted Sums SPD the proposed development would attract an affordable housing contribution of £2,124,655. A Unilateral Undertaking has not been completed to secure a financial contribution towards the provision of affordable housing, therefore the proposal is contrary to Policy HS3 of the CS.
- 6.15 (d) Impact on the character and appearance of the area
Paragraph 17 of the National Planning Policy Framework details a set of core planning principles that should underpin decision-taking. It states, among other things, that planning decisions should always seek to secure high quality design. Paragraph 56 highlights that good design is a key aspect of sustainable development. Policy UD1 of the Watford Local Plan 2006-31 states, among other things, that new development should respect and enhance the local character of the area in which it is located.
- 6.16 Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, however it is proper to seek to promote or reinforce local distinctiveness.
- 6.17 The submitted plans show that the external elevations of the proposed building would be finished in brickwork. The fourth floor is predominantly glazed and recessed from the brick external walls, which limits the bulk of the building. The four storey element on the side towards No. 85 Cassio Road would have a metal mansard roof, which would include the third floor. The massing and appearance of the front elevation is considered to be acceptable and it would make an appropriate transition to the nearby two storey Victorian houses in Cassio Road.
- 6.18 The design and appearance of the south-eastern elevation (facing No. 85 Cassio Road) and the south-western elevation (facing West Herts Sports Ground) is less successful due to the bulk of the walls closest to the boundaries. Some effort has been made to break up the bulk by using different external materials, however it does not create a particularly attractive appearance. Notwithstanding this, it is

not considered that a reason for refusal on these grounds could be substantiated. Conditions requiring the submission of details of the proposed external materials and detailed plans of the external elevations should be attached to any grant of planning permission to ensure that an acceptable appearance is achieved.

6.19 (e) Quality of the new accommodation provided

The floor areas and room sizes of the proposed dwellings accord with the minimum space standards in paragraphs 7.3.6 – 7.3.8 of the RDG. Furthermore, the habitable rooms would have sufficient levels of light.

6.20 The application site is located adjacent to a busy Class A Principal Road and there are a number of single-aspect units that have habitable windows close to the road. A condition should be attached to any grant of planning permission to require the submission of a Noise Impact Assessment for approval to include noise surveys and any required mitigation measures to achieve the internal noise levels contained in BS 8233:2014 and appropriate ventilation.

6.21 A communal garden would be provided to the rear of the building. In addition the two flats on the fourth floor would have their own roof terrace. It is considered that the amount of communal garden space is acceptable.

6.22 (f) Impact on amenity of adjoining residential properties

The proposed building is positioned to the north of the neighbouring houses in Cassio Road and would not cause a significant loss of light or outlook to the main habitable windows and gardens of the neighbouring properties. Furthermore, the habitable windows facing the side boundary with No. 85 Cassio Road would maintain a sizeable distance to the boundary and would not cause a significant level of overlooking into the neighbouring property. As such, the proposal would not cause a significant loss of amenity to neighbouring residential properties.

6.23 (g) Access, servicing and parking

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

6.24 *“Saved Policy T26 of the WDP 2000 states “Car free residential development will be considered in suitable locations which are highly accessible by passenger transport, close to amenities and services, subject to the provision of satisfactory site covenants, on-street parking controls and measures to control displaced parking in adjacent areas”. The supporting text of Policy T26 states “The Council recognises the potential for occupiers of car free development to own cars and create a nuisance by parking in other residential areas. To this end, the Council will seek to ensure that on-site covenant and planning obligations are binding on occupiers of the residential dwellings, as well as developers. Occupiers of such dwellings will not be entitled to residents’ on-street parking permits”.*

- 6.25 The application site is in a sustainable location close to the services and passenger transport facilities in the town centre, therefore a car-free development is acceptable in principle, subject to the provision of satisfactory on-street parking controls. The application site is located in the Central/West Watford Controlled Parking Zone where there is high demand for on-street parking. Therefore, in accordance with “Saved” Policies T24 and T26 of the WDP 2000, it is necessary to complete a Unilateral Undertaking to remove permit entitlement for future occupants of the proposed dwellings. This is to ensure that future occupants of the proposed development would not exacerbate demand for on-street parking in an area that already experiences parking problems. A Unilateral Undertaking has not been completed, therefore the proposal is contrary to Policies T24 and T26 of the WDP2000.
- 6.26 Furthermore, the Highway Authority has noted that without appropriate physical measures being put in place, there is likely to be indiscriminate parking on the access road and hard-surfacing within the application site. This would be likely to cause danger on the adjacent Class A Principal Road due to vehicles manoeuvring into and out of the site (which may be by reversing without adequate manoeuvring space within the site) via the existing vehicular crossover adjacent to a road bend. As such, the application fails to demonstrate that adequate measures could be put in place to prevent indiscriminate parking within the site which would be harmful to highway safety. The proposal is therefore contrary to Policies T21, T24 and T26 of the WDP2000.
- 6.27 The submitted plans indicate that the dwellings would have cycle parking facilities, which accords with the sustainable transport objectives in “Saved” Policy T10 of the Watford District Plan 2000.
- 6.28 A condition could be attached to any grant of planning permission to require details of the siting, size and design of the bin storage facilities to be submitted to and approved in writing by the Local Planning Authority.
- 6.29 (h)Sustainable surface water drainage
In April 2015, the Government enacted legislation requiring all major developments to make provision for the sustainable management of surface water within application sites. The County Council as the Lead Local Flood Authority (LLFA) was also made a statutory consultee on all major applications for surface water drainage. The applicant has provided insufficient detail to demonstrate that there is a feasible drainage scheme for the site that can be implemented, as detailed by the consultation response from the LLFA dated 8 June 2018. The proposed development therefore fails to manage flood risks and is therefore contrary to Policy SD2 of the Watford Local Plan Core Strategy and Section 10 of the National Planning Policy Framework.

7.0 Community Infrastructure Levy and Planning Obligation

7.1 Community Infrastructure Levy (CIL)

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

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

7.2 S.106 planning obligation

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

In this case, the development requires a Unilateral Undertaking to secure the provision of affordable housing, the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. This requirement meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010. A Unilateral Undertaking has not been completed by the applicant.

8.0 Conclusion

8.1 In the short term (up until 2024) the proposal would result in the loss of a community facility which is currently operated and required by the NHS to meet the health needs of vulnerable people. The loss of the facility would be contrary to "saved" Policies CS3 and CS9 of the Watford District Plan 2000, Priority 3 (Provide for our vulnerable and disadvantaged communities) of the Watford Borough Council Corporate Plan to 2020, and the social objectives set out in paragraph 7 and Section 8 of the National Planning Policy Framework. In the longer term the proposal would result in the permanent loss of designated Open Space (as shown on the "saved" Proposals Map of the Watford District Plan 2000). The proposed development includes no measures to improve the overall quality of green infrastructure and the social and environmental harm caused by the loss of Open Space clearly outweighs the benefits of providing additional housing. The proposal is therefore contrary to Policies GI1 and HS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 74 of the National Planning Policy Framework.

- 8.2 Furthermore, the proposed development, by virtue of the very close proximity of the habitable windows in the rear wing of the building to boundary, would be likely to restrict the future provision of floodlights on the tennis courts and constrain their use for playing tennis, which would be detrimental to the recreational use of the designated Open Space. The proposal also fails to demonstrate that adequate measures could be put in place to prevent indiscriminate parking within the application site. Moreover, it has not been demonstrated that there is a feasible drainage scheme for the site that can be implemented.
- 8.3 As such, the proposal is not in accordance with the Development Plan and does not constitute 'sustainable development'. Therefore, it is recommended that the application should be refused permission.
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9.0 Human Rights Implications

- 9.1 The refusal of planning permission will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to accord with the policies of the development plan and in the wider public interest.
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10.0 Recommendation

That planning permission be refused for the reasons listed below:

1. In the short term (up until 2024) the proposal would result in the loss of a community facility which is currently operated and required by the NHS to meet the health needs of vulnerable people. The loss of the facility would be contrary to "saved" Policies CS3 and CS9 of the Watford District Plan 2000, Priority 3 (Provide for our vulnerable and disadvantaged communities) of the Watford Borough Council Corporate Plan to 2020, and the social objectives set out in paragraph 7 and Section 8 of the National Planning Policy Framework. In the longer term the proposal would result in the permanent loss of designated Open Space (as shown on the "saved" Proposals Map of the Watford District Plan 2000). The proposed development includes no measures to improve the overall quality of green infrastructure and the social and environmental harm caused by the loss of Open Space clearly outweighs the benefits of providing additional housing. The proposal is therefore contrary to Policies GI1 and HS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 74 of the National Planning Policy Framework.

2. The proposed development, by virtue of the very close proximity of the habitable windows in the rear wing of the building to boundary, would be likely to restrict the future provision of floodlights on the tennis courts and constrain their use for playing tennis, which would be detrimental to the recreational use of the designated Open Space. The proposal is therefore contrary to Policy GI4 of the Watford Local Plan Core Strategy 2006-31 and Section 8 of the National Planning Policy Framework.
3. In the absence of a Unilateral Undertaking for the provision of affordable housing, the removal of permit entitlement in the Controlled Parking Zone for future occupiers of the development, and the provision of fire hydrants to serve the development, the proposal is contrary to Policies HS3 and INF1 of the Watford Local Plan Core Strategy 2006-31 and "saved" Policies T24 and T26 of the Watford District Plan 2000.
4. The application fails to demonstrate that adequate measures could be put in place to prevent indiscriminate parking within the application site which would be harmful to highway safety and the quality of the residential environment. The proposal is therefore contrary to "saved" Policies T21, T24 and T26 of the Watford District Plan 2000.
5. The application fails to demonstrate that there is a feasible drainage scheme for the site that can be implemented. The proposed development therefore fails to manage flood risks and is therefore contrary to Policy SD2 of the Watford Local Plan Core Strategy and Section 10 of the National Planning Policy Framework.

Informatives

1. In dealing with this application, Watford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application, 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. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

Drawing numbers

1012-001

1012-101 Rev B

1012-102 Rev B

1012-103
1012-104
1012-300 Rev A
1012-501 Rev A
1012-502
1012-503

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