

Committee date	<b>5<sup>th</sup> December 2018</b>
Application reference	<b>17/01619/FUL</b>
Site address	<b>Land Adjacent To 17 - 19 St Johns Road</b>
Proposal	<b>Erection of 3no, three bedroom townhouses, 1no, one bedroom apartment and 1no, two bedroom apartment (amended description)</b>
Applicant	<b>Westfields Homes Limited</b>
Agent	<b>MRPP</b>
Type of application	<b>Full planning permission</b>
Reason for committee item	<b>Variation of s106 Heads of Terms</b>
Extended Statutory Target Date	<b>7<sup>th</sup> December 2018</b>
Statutory publicity	<b>n/a</b>
Case officer	<b>Habib Neshat</b> <a href="mailto:habib.neshat@watford.gov.uk">habib.neshat@watford.gov.uk</a>
Ward	<b>Central</b>

## 1. Recommendation

**Amend** the S106 Heads of Terms as set out in section 8 of the report.

## 2. Site and surroundings

- 2.1 The proposed development at 17-19 St. Johns Road was considered at Development Management Committee on 28<sup>th</sup> February 2018 where it was resolved that pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the 3no. 3-bed houses proposed in the planning application as affordable housing units and to secure a financial payment to the Council of £2000 towards the variation of the Controlled Parking Zones Order to remove permit entitlement for future occupants of the development, conditional planning permission be granted subject to 12 conditions.
- 2.2 Further information, including the site plan and drawings, is available in the appendices to the report and on the council's [website](#).

## 3. Summary of the proposal

### 3.1 Proposal

To vary the s106 Heads of Terms associated with the application to:

- a. Remove the requirement for 3no. affordable housing units to be provided.

### **3.2 Conclusion**

As part of the affordable housing negotiations prior to the Development Management Committee of 28<sup>th</sup> February 2018, the applicant put forward a proposal to use 17 – 19 St Johns Road as an affordable housing donor site in terms of ‘decanting’ the requirement from the proposed development at 85 Chalk Hill (ref: 17/00862/FULM). As discussed in the committee report for 85 Chalk Hill, the applicant has demonstrated that it would not be viable to provide on-site affordable housing units at 17 – 19 St Johns Road. The scheme at 17 – 19 St Johns Road (ref: 17/01619/FUL) is below the relevant policy threshold and therefore does not generate an affordable housing requirement of its own. It is therefore recommended that the requirement to provide 3no. affordable housing units at 17 – 19 St Johns Road should be removed from the s106 Heads of Terms.

### **4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application was determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

### **5. Relevant site history/background information**

- 5.1 The proposed development at 17-19 St. Johns Road was considered at Development Management Committee on 28<sup>th</sup> February 2018 where it was resolved that pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the 3no. 3-bed houses proposed in the planning application as affordable rented units and to secure a financial payment to the Council of £2,000 towards the variation of the Controlled Parking Zones Order to remove permit entitlement for future occupants of the development, conditional planning permission be granted subject to 12 conditions.

### **6. Main considerations**

- 6.1 As part of the affordable housing negotiations prior to the Development Management Committee of 28<sup>th</sup> February 2018, the applicant put forward a proposal to use 17 – 19 St Johns Road as an affordable housing donor site in terms of ‘decanting’ the requirement from the proposed development at 85 Chalk Hill (ref: 17/00862/FULM). As discussed in the committee report for 85 Chalk Hill, the applicant has demonstrated that it would not be viable to provide on-site affordable housing units at 17 – 19 St Johns Road.
- 6.2 The scheme at 17 – 19 St Johns Road (ref: 17/01619/FUL) is below the relevant policy threshold and therefore does not generate an affordable housing

requirement of its own. It is therefore recommended that the requirement to provide 3no. affordable housing units at 17 – 19 St Johns Road should be removed from the s106 Heads of Terms.

## **7. Consultation responses received**

### **7.1 Statutory consultees and other organisation**

None required

### **7.2 Internal Consultees**

None required.

## **8.0 Recommendation**

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

Unilateral Undertaking Planning Obligation

- i) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area)(Controlled Parking Zones)(Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being issued to this site.

### **Conditions**

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No construction works above damp proof course level shall commence until full details and samples of the materials to be used for the external surfaces of the building, including doors, and windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

3. The windows and the doors to be inserted in the external walls of the building shall be recessed a minimum of 6cm from the external walls, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

4. No construction works above damp proof course level shall commence until full details of the provision for bicycle storage facilities, refuse and re-cycling storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any part of the development and shall be retained thereafter.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

5. No construction works above damp proof course level shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. The fencing or other means of enclosure shall be provided as approved prior to the first occupation of the dwelling hereby approved and shall be maintained as such at all times thereafter.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

7. No construction works above damp proof course level shall commence until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) has been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained at all times. The soft landscaping shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006 – 2013.

8. No construction works above damp proof course level shall commence until details of the stopping up of the existing accesses on St. Johns Road and Estcourt Road, by raising the existing dropped kerbs and reinstating the footways, and highway boundary to the same line, level and detail as the adjoining footway, and highway boundary have been submitted to and approved in writing by the Local Planning Authority in conjunction with the

Highway Authority. The development shall not be brought into use until the access has been stopped up in accordance with the approved details.

Reason: To remove the access points along the site boundary for the safety and convenience of highway users.

9. Notwithstanding the drawings hereby approved, no construction works above damp proof course shall commence until details of the front gable features and the rear dormer windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

10. All materials and equipment to be used during the construction of the development shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

Reason: In the interest of highway safety and the free and safe flow of traffic.

11. Notwithstanding the information already submitted, no development shall commence until detailed plans showing the existing and new or altered ground levels within the site and the floor levels of each of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.

Reason: To ensure that the proposed buildings and any other changes in level on the site maintain a satisfactory relationship between the development and existing properties to safeguard the character and appearance of the area and the privacy and amenities of neighbouring properties in accordance with the objectives of Policies UD1, UD2 and SS1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition to ensure that the buildings are constructed using appropriate levels.

12. The scheme hereby approved shall be carried out strictly in accordance with drawing numbers 1962/P2/1, 1962/P2/2, 1962/P2/3 and 1962/P2/4, unless otherwise agreed in writing by the Local Planning Authority.

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

**Informatives**

IN907 Consideration of the proposal in a positive and proactive manner

IN909 Street Naming and Numbering

IN910 Building Regulations

IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN914 Unilateral Undertaking

IN915 Highway Works – HCC agreement required