

Committee date	Wednesday, 5 June 2019
Application reference Site address	19/00415/VAR - Caledonian House 39 - 55 St Albans Road
Proposal	Variation of Condition 2 (approved drawings) and Condition 9 (green wall and green roof system) of planning permission 15/01532/FULM for removal of green wall on the rear elevation of the previously approved building (amended description)
Applicant	Jaysam Contractors Ltd
Agent	Method Architects Ltd
Type of application	Variation of Condition (s.73)
Reason for committee item	Major development
Target decision date	10 th July 2019
Statutory publicity	Public advertisement and site notice
Case officer	Chris Osgathorp chris.osgathorp@watford.gov.uk
Ward	Nascot

1. Recommendation

Approve subject to conditions set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application site is located adjacent to the junction of West Street and St Albans Road. The western and southern boundaries of the site adjoin the rear gardens of 2 storey houses in Nascot Street and Malden Road respectively. The Nascot Conservation Area borders the western and southern boundaries, however the application site is not located within it. Planning permission was granted on appeal on 13 April 2017 (ref. 15/01532/FULM) for demolition of the existing building and erection of a new building to provide 93 self-contained flats. The approved plans included a green wall on the rear elevation of the building. Construction works for the approved building are currently being carried out.

3. Summary of the proposal

3.1 Proposal

The application proposes variation of Condition 2 (approved drawings) and Condition 9 (green wall and green roof system) of planning permission 15/01532/FULM for removal of the green wall on the rear elevation of the previously approved building.

3.2 It is proposed that the rear wall of the building where the green wall was to be positioned would be finished in patterned brick bonding to provide some visual interest.

3.3 The application has been submitted because building control surveyors and Warrington Fire (fire consultants) do not support the provision of a green wall due to concerns in relation to the control of the spread of fire on the exterior of the building following the Grenfell tragedy in 2017 (which was after the grant of planning permission for planning application ref. 15/01532/FULM). It has been stipulated that the materials of the green wall must be 'non-combustible'. The applicant has been unable to demonstrate that the materials of the green wall system, including the plant holders and soil, would be non-combustible. Furthermore, there are concerns that any failure of the irrigation system would result in dry soils and therefore increase the risk of fire spread. Warrington Fire has stated that in their view it is not appropriate to rely on the Department for Communities and Local Government guidance 'Fire performance of green roofs and walls' (2013) and that without further approved guidance or research they would not wish to support a green wall system at this time.

3.4 **Conclusion**

The removal of the green wall on the rear elevation is unfortunate because it would have helped soften the appearance of the building when viewed from neighbouring properties in Nascot Street. However, it is clear from paragraph 35 of the appeal decision for planning application 15/01532/FULM that the provision of a green wall was not the sole factor in the appeal Inspector reaching the conclusion that the proposed building would not have an overbearing effect on the outlook of neighbouring occupiers. Bearing in mind the concerns of building control surveyors and fire consultants that the green wall would not be 'non-combustible' following the Grenfell tragedy, it is considered that the removal of the green wall is justified in this case.

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**

The following planning history is of relevance to the current application:

15/01532/FULM - Demolition of existing building (Class B1). Erection of new

stepped building with 93 self-contained residential units (Class C3) with associated basement parking, servicing/delivery bay, communal garden and private balcony amenity space. Allowed on appeal 13 April 2017.

17/01745/DISCON - Details submitted for Condition 16 (Proposed ground levels and the finished ground levels) pursuant to planning permission 15/01532/FULM. Approved. January 2018.

18/00206/DISCON - Details submitted to discharge condition 19 (Contamination Statement) pursuant to planning permission 15/01532/FULM. Approved. April 2018.

18/00207/DISCON - Details submitted for Condition 6 (noise attenuation scheme) and Condition 9 (Green Roof and Wall details) pursuant to application 15/01532/FULM. Approved. July 2018.

18/00225/DISCON - Details submitted for Condition 12 (further site investigation report in relation to the roots of off-site trees) pursuant to planning permission 15/01532/FULM. Approved. April 2018.

18/00306/DISCON - Details submitted for Condition 18 (surface water drainage) pursuant to planning application 15/01532/FULM. Approved. May 2018.

18/00342/DISCON - Details submitted for discharge of Condition 7 (Details for materials to be used for all external finishes of the building) pursuant to planning permission 15/01532/FULM appeal decision APP/Y1945/W/16/3157103. Approved. August 2018.

18/00398/DISCON - Details submitted pursuant to Condition 8 (detailed drawings) of planning permission 15/01532/FULM. Approved. May 2018.

18/00644/VAR - Variation of Condition 2 (approved drawings) of planning permission 15/01532/FULM (Appeal decision - APP/Y1945/W/16/3157103) for the demolition of existing building (Class B1) and erection of new stepped building with 93 self-contained residential units (Class C3) with associated basement parking, servicing/delivery bay, communal garden and private balcony amenity space, incorporating various amendments to the basement, internal layout, building fenestration and new stair to garden area. Conditional planning permission. October 2018.

6. Main considerations

- 6.1 The provision of a green wall on the rear elevation of the proposed building was originally proposed in order to soften its appearance and restrict the impact on the outlook of neighbouring residential properties in Nascot Street. In considering the impact of the development on the outlook of neighbouring properties the Inspector for planning application ref. 15/01532/FULM stated in paragraph 35 of the appeal decision *“With regard to outlook, the part of the building closest to the Nascot Street properties would be four storeys in height, just under 10m from the common boundary and at least 24m from the rear elevations of the dwellings. Inevitably it would have a greater presence from the rear windows and gardens of the adjoining dwellings. However, notwithstanding its proximity, the new building would take up a relatively narrow segment of the overall view from the rear windows and gardens of even those properties directly opposite it. Moreover, it is proposed to supplement the existing planting on this boundary and the facing elevation of the new building would be planted to create a ‘green wall’ which would be an improvement over the appearance of the existing building. The reduction in the height of the basement car parking compared with the existing building would also be a visual benefit in views from the adjoining properties. Consequently, I consider that the proposal would not have an overbearing effect on the outlook of neighbouring occupiers”*.
- 6.2 The application has been submitted because building control surveyors and Warrington Fire (fire consultants) do not support the provision of a green wall due to concerns in relation to the control of the spread of fire on the exterior of the building following the Grenfell tragedy. It has been stipulated that the materials of the green wall must be ‘non-combustible’. The applicant has been unable to demonstrate that the materials of the green wall system, including the plant holders and soil, would be non-combustible. Furthermore, there are concerns that any failure of the irrigation system would result in dry soils and therefore increase the risk of fire spread. Warrington Fire has stated that in their view it is not appropriate to rely on the Department for Communities and Local Government guidance ‘Fire performance of green roofs and walls’ (2013) and that without further approved guidance or research they would not wish to support a green wall system at this time.
- 6.3 The removal of the green wall is unfortunate because it would have helped to soften the appearance of the building when viewed from neighbouring properties in Nascot Street. However, it is clear from paragraph 35 of the appeal decision for planning application 15/01532/FULM that the provision of a green wall was not the sole factor in the appeal Inspector reaching the conclusion that the proposed building would not have an overbearing effect

on the outlook of neighbouring occupiers. Bearing in mind the concerns of building control surveyors and fire consultants that the green wall would not be 'non-combustible' following the Grenfell tragedy, it is considered that the removal of the green wall is justified in this case. The provision of patterned brick bonding on the rear wall would provide some visual interest. It is not considered that the provision of other potential features such as windows would be appropriate due to the impact on privacy of neighbouring properties.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Hertfordshire County Council (Highway Authority)	No objection.	Noted.
Hertfordshire County Council Growth & Infrastructure	No comments.	Noted.
Hertfordshire County Council Lead Local Flood Authority.	No objection.	Noted.

7.2 Statutory consultees and other organisations

Internal Consultees

No internal consultations were required for this application.

7.3 Representations received from interested parties

Letters were sent to 164 properties in the surrounding area. 1 letter of objection was received, which is summarised and considered in the table below.

Representation	Officer comments
The green wall is a really nice feature that would minimise the large visual impact of a development of this size on the boundary line with the Nascot	This is considered in paragraphs 6.2 and 6.3 of the report.

<p>Conservation Area.</p> <p>The proposal to replace the green wall with a brick wall directly impacts and influence the outlook, privacy, light and also potentially generates a heat island of an area safeguarded by local conservation area status.</p>	
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8. Recommendation

That planning permission be granted subject to the completion of a deed of variation to secure the planning obligations contained in the s.106 agreement dated 16th March 2017 and the conditions listed below.

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

101 Rev P10; 110 Rev P10; 120 Rev P10; 121 Rev P10; PL 100; PL 101; PL 102; PL 103; PL 104; PL 105; PL 106; PL 107; PL 108; PL 109; PL 110; PL 111 Rev B; TPP/CHSARWH/010 Rev B; and LP/CHSARWH/020 Rev B.

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

2. No demolition or construction of the development hereby permitted shall take place outside the hours of 0800 to 1800 Mondays to Fridays, or 0800 to 1300 Saturdays or at any time on Sundays and Public Holidays.

Reason: To safeguard the amenities of neighbouring residential properties.

3. No part of the development shall be occupied until details of privacy screens for the balconies at Flats numbered A1-1; A2-1; A3-1; A4-1; and A5-1 have been submitted to and approved in writing by the Local Planning Authority. Dwellings A1-1; A2-1; A3-1; A4-1; and A5-1 shall not be occupied until the balcony privacy screens have been installed in accordance with the approved details. The privacy screens shall be retained at all times thereafter.

Reason: To protect the privacy of neighbouring residential properties.

4. The roof outside Flats numbered A6-1 and A6-7 on level 6 shall not be used as a balcony, terrace or sitting out area in association with any Flat and shall only be accessed in relation to the general maintenance of the building.

Reason: To protect the privacy of neighbouring residential properties.

5. No part of the development shall be occupied until all works forming part of the noise attenuation scheme approved under discharge of condition application ref: 18/00207/DISCON (or any subsequent noise attenuation scheme submitted to and approved in writing by the Local Planning Authority) has been completed.

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

6. The development shall be carried out only in accordance with the external materials approved under discharge of condition application ref: 18/00342/DISCON (or any subsequent external materials submitted to and approved in writing by the Local Planning Authority).

Reason: To ensure that an acceptable standard of appearance is achieved, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

7. The development shall be carried out only in accordance with the detailed elevation drawings approved under discharge of condition application ref: 18/00398/DISCON (or any subsequent detailed elevation drawings submitted to and approved in writing by the Local Planning Authority).

Reason: To ensure that an acceptable standard of appearance is achieved, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

8. The green roof system (shown on approved Plan No. LP/CHSARWH/020 Rev B) shall be installed in accordance with the details approved under discharge of condition application ref: 18/00207/DISCON (or any subsequent details submitted to and approved in writing by the Local Planning Authority).

Reason: To ensure that an acceptable standard of appearance is achieved, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

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

Reason: To ensure that an acceptable standard of appearance is achieved, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the development shall be occupied until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing or enclosures within the site, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

Reason: To ensure that an acceptable standard of appearance is achieved, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

11. The tree protection measures shown in the Arboricultural Method Statement prepared by David Clarke dated October 2015 and drawing No. TPP/CHSARWH/010 Rev B shall be implemented for the duration of the construction work, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development would not harm retained trees, in the interests of the visual appearance of the site.

12. No below ground services and cabling (electricity, gas, telephone, water, cable T.V. etc.) shall be routed through the Root Protection Zones of the retained trees, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development would not harm retained trees, in the interests of the visual appearance of the site

13. No part of the development shall be occupied until bin and cycle storage facilities have been provided in accordance with the details shown on the approved drawings. The storage facilities shall be retained at all times thereafter

Reason: To ensure satisfactory provision for bin and cycle storage facilities within the development.

14. The development shall be carried out only in accordance with the proposed ground levels and finished floor levels approved under discharge of condition application ref: 17/01745/DISCON (or any subsequent details submitted to and approved in writing by the Local Planning Authority).

Reason: To protect the character and appearance of the surrounding area and the amenities of neighbouring residential properties.

15. No part of the development shall be occupied until the drainage scheme shown in 'Drainage Statement 3rd Issue dated March 2018 prepared by gtaCivils' approved under discharge of condition application ref: 18/00306/DISCON (or any subsequent details submitted to and approved in writing by the Local Planning Authority) has been implemented in full.

Reason: To ensure that an appropriate drainage scheme is in place to minimise the risk of flooding.

16. No part of the development shall be occupied until the 75 car parking spaces shown on drawing No. PL 100 have been laid out and constructed in full. These spaces shall be retained for parking cars at all times.

Reason: To ensure satisfactory provision of car parking spaces within the development.

17. No part of the development shall be occupied until the new vehicular crossover, as shown on drawing No. PL 101, has been laid out and constructed in full.

Reason: In the interests of highway safety.

18. No part of the development shall be occupied until a management plan to ensure that the 'Drop Off Point' shown on drawing No. PL 101 is only used for refuse collection, deliveries and loading/unloading has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been provided in full. These measures shall be retained as approved at all times.

Reason: In the interests of highway safety.

19. No part of the development shall be occupied until details of access control and security measures for the basement car park have been submitted to and approved in writing by the Local Planning Authority. The access control and security measures shall be installed in accordance with the approved details prior to the occupation of the development and implemented at all times thereafter.

Reason: To ensure that appropriate security measures for the basement are in place.

Informatives

IN907 Positive and Proactive Statement – Grant

IN909 Street Naming and Numbering.

IN910 Building Regulations

IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN914 Section 106 Agreement

IN915 Highway Works – HCC agreement required