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| <b>Committee date</b>            | Wednesday, 5 June 2019  |
| <b>Application reference</b>     | 19/00246/VAR - 765 St Albans Road   |
| <b>Site address</b>              |   |
| <b>Proposal</b>                  | Variation of Condition 3 (Approved drawings) and removal of Condition 1 (UKPN Land Ownership) of planning permission 18/01339/FULM for the demolition of a showroom and offices and the construction of a building comprising 18 x 2 bedroom 4 person flats including provision for 6 affordable housing units. |
| <b>Applicant</b>                 | Winreb Finance Limited  |
| <b>Agent</b>                     | Architects Corporation Limited  |
| <b>Type of Application</b>       | Full Planning Application   |
| <b>Reason for committee Item</b> | Section 73 Major Application  |
| <b>Target decision date</b>      | 03 June 2019 (extended to 07 June 2019 by agreement)  |
| <b>Statutory publicity</b>       | None  |
| <b>Case officer</b>              | Paul Baxter, paul.baxter@watford.gov.uk   |
| <b>Ward</b>                      | Stanborough   |

## 1. Recommendation

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

## 2. Site and surroundings

- 2.1 The site is located at the junction of St Albans Road and Sheepcot Lane and comprises a van sales business (Watford Vans). The site includes single storey ancillary and office buildings and a large canopy which derives from the site's former use as a petrol filling station. A large proportion of the site is given over to the display of vans for sale. Vehicular access is from St Albans Road.
- 2.2 The site adjoins semi-detached bungalows on Sheepcot Lane to the west and a 3 storey block of flats at Rochester Drive to the north. Opposite the site on St Albans Road are 3 storey blocks of flats and 2 storey houses. To the south-west is the open space of Stanborough Park.
- 2.3 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**

Variation of Condition 3 (Approved drawings) and removal of Condition 1 (UKPN Land Ownership) of planning permission 18/01339/FULM for the demolition of a showroom and offices and the construction of a building comprising 18 x 2 bedroom 4 person flats including provision for 6 Affordable Housing Units.

- 3.2 The approved scheme drawings show the bin store serving the development located on the St Albans Road frontage adjacent to the existing electricity sub-station. This land is owned by UK Power Networks (UKPN) and not in the applicant's ownership. Condition 1 required this land to be acquired by the applicant before the approved development could commence. The applicant has been unable to secure ownership of this land and has therefore proposed a new location for the bin store adjacent to the western flank elevation of the building, adjoining the cycle store. As such, the approved drawings have been amended to show this change and a variation of Condition 3 (approved drawings) is sought. As the land in the ownership of UKPN no longer forms part of the development, Condition 1 is no longer required.

#### **3.3 Conclusion**

The new location of the bin store is acceptable. All other aspects of the approved development remain unchanged. Condition 3 can therefore be varied to include the amended drawings and Condition 1 (land ownership) can be deleted. The application is therefore recommended for approval.

### **4. Relevant policies**

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is 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 following planning history is relevant to this application:

04/00108/COU – Conditional planning permission granted in September 2004 for a change of use from a garage/petrol forecourt to vehicle sales.

06/01084/FULM – Application for the demolition of the workshop offices and canopy and erection of 23 flats with 25 underground car parking spaces withdrawn in March 2007.

08/00381/FULM – Planning permission refused in July 2008 for the demolition of the showroom and offices and the erection of 18 flats with car parking. An appeal against this decision was dismissed in May 2009.

08/01136/FULM – Conditional planning permission granted in December 2008 for the demolition of the showroom and offices and erection of 16 flats with car parking.

16/01363/FULM – Application for demolition of showroom and offices and the erection of a part 3 storey, part 4 storey building comprising 23 flats with car parking. Withdrawn in December 2016.

17/00495/FULM – Application for demolition of showroom and offices and the erection of a part 3 storey, part 4 storey building comprising 23 flats with car parking. Application refused for 7 reasons. An appeal against this decision was dismissed by latter dated 29<sup>th</sup> May 2018 with the Inspector upholding 6 of the Council's reasons for refusal.

17/01516/FULM - Demolition of showroom and offices and the erection of a part 3 storey, part 4 storey building comprising 23 flats including provision for 8 affordable housing units with car parking. Application withdrawn.

18/01339/FULM - Demolition of a showroom and offices and the construction of a building comprising 18 x 2 bedroom 4 person flats including provision for 6 affordable housing units. Conditional planning permission granted January 2019.

## **6. Main considerations**

- 6.1 The only issue for consideration is the new location for the bin store to serve the development. All other aspects of the development remain as approved under ref. 18/01339/FULM.
- 6.2 The approved drawings show a cycle store adjoining the western flank elevation of the building. This comprises a brick built store with a flat roof incorporating a single row of vertical cycle racks. The proposal is to incorporate the bin store towards the front of the flank elevation and reconfigure the cycle store towards the rear of the elevation to accommodate a double row of vertical cycle racks. The enlarged store remains as a brick

construction with flat roof. The bin store is of sufficient size to accommodate 6 x 1100 litre wheeled bins for waste and recycling and 3 x 240 litre wheeled bins for green waste. The reconfigured cycle store is sufficient for 18 cycles. Both stores are acceptable.

- 6.3 The Waste and Recycling team have no objections to the new arrangements, with collections taking place from Sheepcot Lane, as for the existing houses. In order to facilitate the collection of bins, a short dropped kerb can be provided in front of the bin store. This has been incorporated into Condition 14 in the recommendation.

## **7. Consultation responses received**

### **7.1 Statutory consultees and other organisations**

None.

### **7.2 Internal Consultees**

| <b>Consultee</b>    | <b>Comment</b>   |
|---------------------|--|
| Waste and Recycling | No objections to the proposed bin storage arrangement. |

### **7.3 Interested parties**

Letters were sent to 157 properties in the surrounding area. A response has been received from 1 property. No objection to the application is made but general comment is made on the high levels of traffic on St Albans Road and the potential difficulty in cars exiting the site being able to make right turn movements.

## **8. Recommendation**

That, pursuant to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligation, planning permission be granted subject to the conditions listed below:

- i) The provision of 6 flats as affordable housing comprising 1 flat for social rent, 4 flats for affordable rent and 1 flat for shared ownership or other intermediate tenure.

Conditions

1. The development to which this permission relates shall be begun before 10<sup>th</sup> January 2022.

Reason: To comply with the commencement date for planning permission ref. 18/01339/FULM granted on 19<sup>th</sup> January 2019.

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

Site location plan  
2667/RPA/1  
2667/PA/8C, 9B, 10B, 11A, 12B,  
2667/PA/4B, 5C, 6A, 7B

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

3. No development (excluding demolition works) shall commence until details and samples of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows and privacy screens to the roof terraces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be approved by the Local Planning Authority before the development is constructed.

4. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) a preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;

- ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii) the results of the site investigation and risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 5. No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written

approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

7. No development (excluding demolition works) shall commence until a final detailed drainage strategy has been submitted and approved in writing by the Local Planning Authority. The scheme shall be based on the approved Surface Water Drainage Assessment, Ref. C85516-R001A, dated October 2018, produced by JPN Group Consulting Engineers. The scheme shall include:
- i) A drainage strategy that aims a discharge rate as close as possible the greenfield run off rate. If not possible to achieve it, therefore a strong technical justification should be provided.
  - ii) Undertake the drainage strategy to include the use of tanked permeable pavement and lined underground tank and clearly show on a plan the attenuation volumes provided by each of the proposed SuDS features.
  - iii) Provision of detailed updated network calculations and modelling for all storage features. Rain gardens and green roofs should not be included in calculations.
  - iv) Updated and detailed drainage layout including the location of all SuDS measures and full detailed engineering drawings of all SuDS elements including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should also show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

Reason: This is a pre-commencement condition to ensure the development is designed to prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

8. No development (excluding demolition works) shall commence until a noise impact assessment has been submitted to and approved by the Local Planning Authority. The assessment shall include a noise mitigation scheme for each of the residential dwellings, to mitigate the noise impacts from road traffic on the adjoining roads. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades and shall demonstrate that good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the development is designed to incorporate appropriate mitigation measures in order to ensure an acceptable living environment is achieved for the future occupiers of the dwellings.

9. No development (excluding demolition works) shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwelling remaining closed. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake; extraction units; mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance must be submitted. In addition, when in operation, the sound pressure level within each flat shall not exceed the internal noise levels contained in BS8233:2014 1 metre from any associated inlet or outlet. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the development is designed to incorporate appropriate ventilation measures in order to ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 and an acceptable living environment is achieved for the future occupiers of the dwellings.

10. 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. Any piling must only 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.

11. No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include new tree and shrub planting. The approved 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.

12. No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site 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.

13. No dwelling shall be occupied until details of the design and materials of the external bin store and cycle stores to serve the dwellings, as shown on the approved drawings, have been submitted to and approved in writing by the Local Planning Authority and have been constructed in accordance with the approved details. These facilities shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

14. No dwelling shall be occupied until the following works have been completed in full:
- i) the existing vehicular crossover on St Albans Road at the northern end of the site frontage has been modified to serve the development;
  - ii) all other existing vehicular crossovers on St Albans Road and Sheepcot Lane have been closed off and the kerb line and pavement reinstated;
  - iii) a short crossover has been provided on Sheepcot Lane in front of the bin store to facilitate bin collections.

Reason: In the interests of highway safety and convenience, in accordance with saved Policy T21 of the Watford District Plan 2000.

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

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

16. 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 (as amended) 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. IN907 Consideration of the proposal in a positive and proactive manner.
- 2. IN910 Building Regulations.
- 3. IN911 Party Wall Act.
- 4. IN912 Hours of construction.
- 5. IN913 CIL Liability.

6. IN909 Street naming and numbering.
7. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligation:
  - i) The provision of 6 flats as affordable housing comprising 1 flat for social rent, 4 flats for affordable rent and 1 flat for shared ownership or other intermediate tenure.