



DEVELOPMENT CONTROL COMMITTEE

Thursday, 15th May, 2014

7.30 pm

Town Hall, Watford

Publication date: 7 May 2014

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Rosy Wassell in Democracy and Governance on 01923 278375 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

ACCESS

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Visitors may park in the staff car park after 4.00 p.m. and before 7.00 a.m. This is a Pay and Display car park; the current charge is £1.50 per visit.

The Committee Rooms are on the first floor of the Town Hall and a lift is available. Induction loops are available in the Committee Rooms and the Council Chamber.

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In the event of a fire alarm sounding, vacate the building immediately following the instructions given by the Democratic Services Officer.

- Do not use the lifts
- Do not stop to collect personal belongings
- Go to the assembly point at the Pond and wait for further instructions
- Do not re-enter the building until authorised to do so.

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MINUTES

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RECORDING OF MEETINGS

An audio recording may be taken at this meeting for administrative purposes only.

SPEAKING AT DEVELOPMENT CONTROL COMMITTEE

Only one person will be permitted to speak on behalf of objectors and one in support of a proposal. Precedence to speak in support of the proposal will be given to the applicant or their representative.

In order to speak, a person must register before 12 noon on the day of the meeting by contacting the Democratic Services Team. The contact details are available on the front of this agenda.

If a speaker wishes the Development Control Committee to consider any documentation at the meeting, then it must be submitted to the Democratic Services Team by 12 noon on the day of the meeting.

COMMITTEE MEMBERSHIP

Councillor R Martins (Chair)

Councillor G Derbyshire (Vice-Chair)

Councillors N Bell, I Brandon, S Johnson, A Joynes, I Sharpe, M Watkin and T Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

2. DISCLOSURE OF INTERESTS (IF ANY)

3. MINUTES

The minutes of the meeting held on 24 April 2014 to be submitted and signed. *(All minutes are available on the Council's website.)*

CONDUCT OF THE MEETING

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
2. Any remaining items that the Committee agree can be determined without further debate.
3. Those applications where Members wish to discuss matters in detail.

4. OUTSTANDING PLANNING APPLICATIONS

A total of 3 application reports are included on this agenda for decision, of which 2 will be within the Government's target dates for determination of applications

On 7th May 2014 there were 0 applications over 8 weeks not yet determined but under consideration by the Development Management Section Head.

5. 96 ESTCOURT ROAD (Pages 1 - 26)

An application for change of use of existing office at first floor level in tower building to residential use to form part of existing residential flat at first floor and to reinstate cover to link bridge with double glazed units

6. GARAGE COMPOUND, TOLPITS LANE (Pages 27 - 54)

Application for the demolition of existing garages and erection of a three storey building with accommodation in the roof comprising 6 no. one bedroom flats and 4 no. two bedroom flats with car parking and amenity space and access from existing access road off Tolpits Lane

7. REMBRANDT HOUSE, WHIPPENDELL ROAD (Pages 55 - 88)

Application for the construction of 40 dwelling houses comprising 13 no. 2 bed houses, 27 no. 3 bed houses and minor amendments to the car parking layout, as an amendment to the house types and car parking layout approved under planning permission ref.11/00952/FULM.

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	15th May 2014
Site address:	96 Estcourt Road, Watford
Reference Number:	13/01327/FUL
Description of Development:	Change of use of existing office at first floor level in tower building to residential use to form part of existing residential flat at first floor. Reinstate cover to link bridge with double glazed units
Applicant:	Newcrown Investments Ltd
Date received:	20th December 2013
8wk date(minor):	23rd May 2014
Ward:	CENTRAL

SUMMARY

The proposed glazed extension would provide a lightweight link between the frontage building and the 'tower' building at 96 Estcourt Road, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. As such, there would be no adverse effect on the character and appearance of the Conservation Area.

In comparison to the existing first floor office in the 'tower' building, the proposed residential accommodation would increase the usage of the space. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the 'tower' building to be fixed shut below 1.7m internal floor level and fitted with obscure

glass below 1.7m internal floor level. These measures would reduce the perception of overlooking into 94 Estcourt Road compared to the existing situation.

The existing buildings at 96 Estcourt Road cause considerable enclosure of neighbouring gardens at Nos. 94 and 98. In comparison to the existing buildings, the proposed link extension would not cause a significant loss of light or outlook to the neighbouring gardens and windows.

The proposal would bring into use a vacant building and the residential use would be appropriate in the predominantly residential area.

Accordingly, the Development Management Section Head recommends that the application be approved as set out in the report.

BACKGROUND

Site and surroundings

The application site consists of an existing first floor 2-bed flat at 96 Estcourt Road. The ground floor of the property currently comprises a vacant office, which was subject of a separate application under reference 14/00227/COU for change of use to a 1-bed flat.

A two storey 'tower' building is located in close proximity to the rear of the frontage building. There is a timber platform between the buildings. It appears that the timber platform was previously used as a platform on top of an external staircase providing access to the first floor of the 'tower' building. The external staircase is no longer in place. The timber platform has never been used as a link between the first floor flat and the 'tower' building because there is no door opening in the rear of the first floor flat. The 'tower' building was previously used as an office and is currently vacant. There are two first floor windows in the

southern elevation of the building that afford views into the gardens of neighbouring properties to the south.

The application site is located in a high density urban area, which predominantly consists of Victorian and Edwardian terraced houses. There are industrial buildings to the rear of the site, which were historically used as part of the Clifford & Gough builders' yard. There is planning permission under reference 12/00042/FUL for demolition of the existing workshop and store buildings and the erection of 5no. 1-bed flats. The planning permission has not been implemented to date.

94 Estcourt Road has a small rear courtyard garden, which feels fairly enclosed due to the proximity of the buildings at 96 Estcourt Road. The two existing first floor windows in the southern elevation of the 'tower' building at No. 96 already give a high perception of overlooking. The garden is also overlooked by rear windows at No. 94.



Aerial view of site

98 Estcourt Road adjoins the application site. The rear garden is enclosed by the existing buildings at No. 96, which are adjacent to the rear and side boundaries. The buildings at No. 96 already cause overshadowing of the neighbouring garden. The outlook from the garden of No. 98 is impeded by the existing buildings. No. 98 has an existing single storey rear extension adjacent to the boundary. The rear window of the extension is secondary in nature as it is not a main window serving a habitable room. The principal ground floor window in the two storey rear wall is in close proximity to the side wall of the rear extension, which restricts the outlook from, and light received by, the window. The first floor rear window serves a bedroom.



Aerial view of site



Rear elevation of No. 98

No. 96 Estcourt Road is a Locally Listed Building. The property is located within the designated Estcourt Conservation Area.

Proposed development

The application proposes the erection of a glazed link between the frontage building and 'tower' building at 96 Estcourt Road and the conversion of the existing first floor office within the 'tower' building to a bedroom that would be used as part of the existing first floor flat. The number of bedrooms for the flat would therefore be increased from two to three.

There would only be minor internal alterations to the flat, involving the reduction in size of the rear bathroom to allow for a corridor to provide access to the glazed link and bedroom beyond.

The glazed link extension would be 1.2m wide and 1.5m long. The base of the extension would be 2.75m above ground level and the ridge of the extension would be 6.25m above ground level. The walls of the extension would be fitted with obscure glass.

Planning history

09/00616/FUL- Demolition of existing workshop and store to rear of site.

Renovation of existing office and construction of 5 (no.) x 1 bed flats. Refused planning permission. Appeal dismissed 22nd December 2010.

The Inspector stated that the development would comply with the relevant land-use policies relating to the use of employment land for housing. It would also enhance the character and appearance of the Conservation Area, preserve the locally listed frontage building and its setting, and would provide acceptable living conditions for neighbouring occupiers and its own future residents. However, the appeal Inspector concluded that, in the absence of any means of preventing additional pressure for on-street parking in the Controlled Parking Zone area, the development would be likely to add to the existing car parking problems in Estcourt Road. That issue could have been overcome by an obligation to meet the costs of amending the relevant Traffic Orders, but no such obligation had been entered into. Therefore, the appeal was dismissed.

09/00618/FUL - Erection of a new 2 bed dwelling house (at 104 Estcourt Road). Refused planning permission. Appeal dismissed 22nd December 2010.

The appeal Inspector concluded that the proposed dwelling would cause unacceptable harm to living conditions at the adjoining property, No. 106 Estcourt Road, due to overshadowing and loss of outlook and, in addition, it would exacerbate local car parking and safety problems.

12/00042/FUL - Demolition of existing workshop and store building at the rear of the site, renovation of dilapidated office building plus construction of 5 new one bed flats. Conditional planning permission 9th March 2012. Unilateral Undertaking completed.

The application was a resubmission following the dismissal of application 09/00616/FUL at appeal. The applicant completed a unilateral undertaking to remove parking permit entitlement for future occupiers, thereby overcoming the Inspector's reason for dismissing the previous appeal. As stated above, the Inspector considered the design of the scheme and the impact on neighbouring properties to be acceptable.

13/01321/FUL - Change of use from office use on ground and basement to residential flat to include minor internal alterations. Refused planning permission. February 2014. A unilateral undertaking to remove parking permit entitlement for future occupants was not completed, therefore the application was refused planning permission because the proposal would exacerbate parking problems in the area.

14/00227/COU - Change of use from office use on ground and basement to residential flat to include minor internal alterations. Conditional planning permission. April 2014.

Relevant policies

National Planning Policy Framework

- 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 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

Hertfordshire Waste Core Strategy 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006 - 31

SS1 Spatial strategy

UD1 Delivering high quality design

UD2 Built Heritage Conservation

SD1 Sustainable Design

SD2 Water and Waste Water

SD3 Climate change

SD4 Waste

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

Watford District Plan 2000

SE22 Noise

U15 Buildings of Local Interest

U17 Setting of Conservation Areas

U18 Design in Conservation Areas

Supplementary Planning Guidance

SPG6 Internal Room Space Standards

Supplementary Planning Documents

Residential Design Guide Volume 1. Building New Homes Adopted November 2008

Residential Design Guide Volume 2. Extending Your Home. Adopted November 2008.

Watford Character of Area Study Adopted December 2011

CONSULTATIONS

Neighbour consultations

A notice was posted outside the site on 18th February 2014.

A notice was posted in the Watford Observer on 7th February 2014.

Letters were sent to a total of 60 properties in the surrounding area. 6 letters of objection have been received, and a consideration of these objections is outlined at the end of the report.

Statutory consultations

Design and Conservation team

The property is a Locally Listed Building and is located in the Estcourt Conservation Area. We have no objection to the proposed change of use. The glazed walkway element is broadly similar to that which was previously approved at appeal. The new element is set back from the building line and is of a basic design. Subject to materials being acceptable, which should be covered by an appropriately worded condition, we do not have an objection to the proposal.

APPRAISAL

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*.

The *Watford Character of Area Study* was approved by the Council’s Cabinet as a Supplementary Planning Document on 5th December 2011 and is a material consideration of significant weight in the determination of planning applications.

The *Residential Design Guide, Volume 1 – Building New Homes* was approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of planning applications and replaces the Council’s existing Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens*, *SPG8 – Extensions* and *SPG14 – Designing for Community Safety*.

The *Residential Design Guide, Volume 2 – Extending Your Home* was approved by the Council’s Cabinet as a Supplementary Planning Document on 17 November 2008. It provides advice on acceptable, and unacceptable, forms of extensions and alterations to residential properties in the Borough. The guide is a material consideration in the determination of planning applications and replaces the Council’s existing Supplementary Planning Guidance *SPG4 – Privacy Guidelines*, *SPG5 – Private Gardens* and *SPG8 – Extensions*.

SPG6 was prepared in accordance with paragraphs 3.15 to 3.18 of PPG12: Development Plans and gives guidance further to the policies of the Watford District Plan 2000. The consultation process was as follows: two 6 week periods of public consultation (19th – 30th June 2000 and 11th May -22nd June 2001); notices in Watford Observer and London Gazette; publicity in Watford Today, Watford Council website and in One Stop Shop at the Town Hall; all statutory consultees, residents' groups and local interest groups informed of consultations. The SPG was adopted by the Planning and Highways Committee on 11th October 2001.

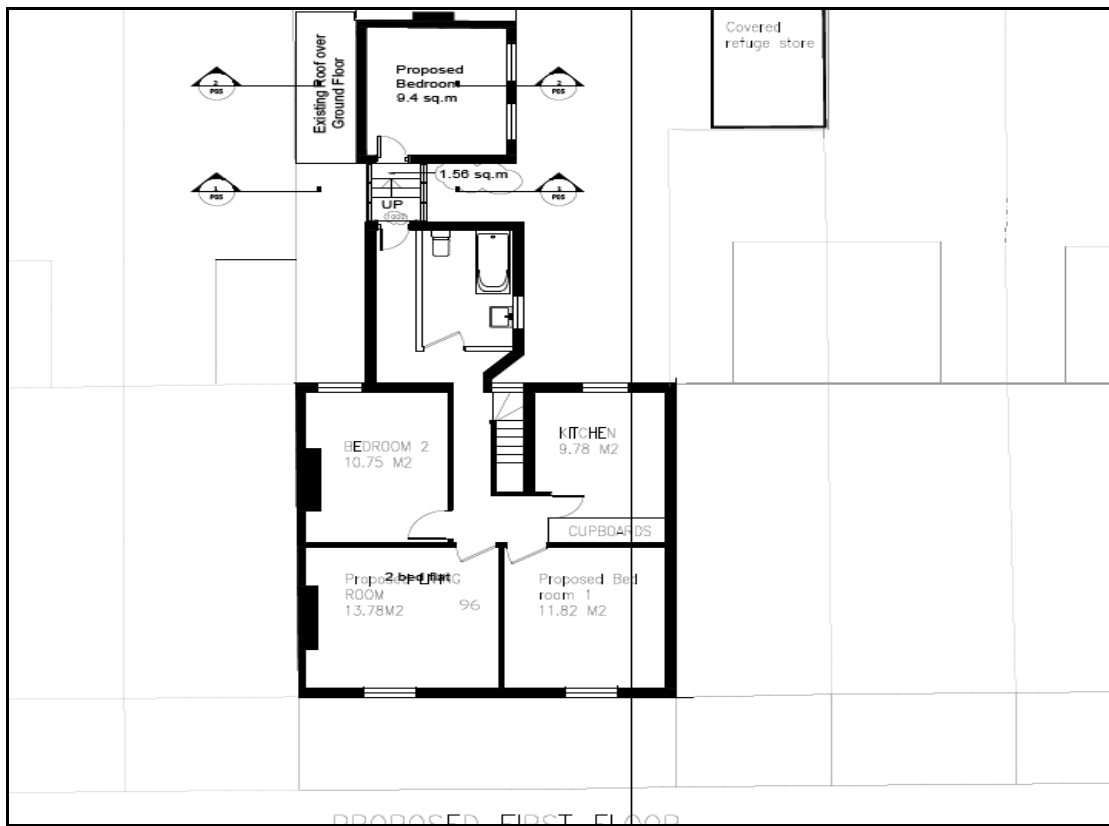
Land use

The loss of the first floor office in the 'tower' building is acceptable given that the site is not located in a designated employment area. There is an extant planning permission under reference 12/00042/FUL to redevelop the workshops and outbuildings at the rear of the site to provide 5 flats; consequently, the existing office would be in isolation from other employment uses.

Moreover, the Inspector in determining the appeal in respect of planning application 09/00616/FUL commented that the prospect of securing a viable future for the site based on acceptable employment-generating commercial uses has been shown to be negligible. The site is located in a primarily residential area where proposals for residential purposes are acceptable in principle.

Design and layout

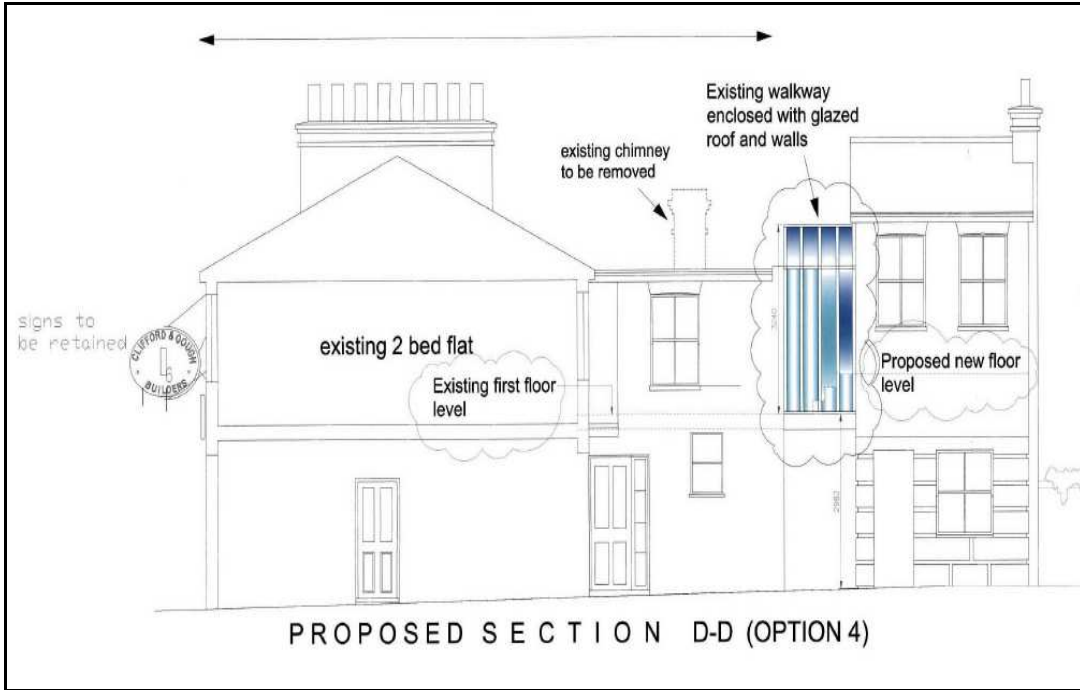
The proposed glazed extension would provide a lightweight link between the frontage building and the 'tower' building, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. In addition, the structure would only be 1.2m wide and would therefore be set in from the northern and southern walls of the 'tower' building, thus aiding readability.



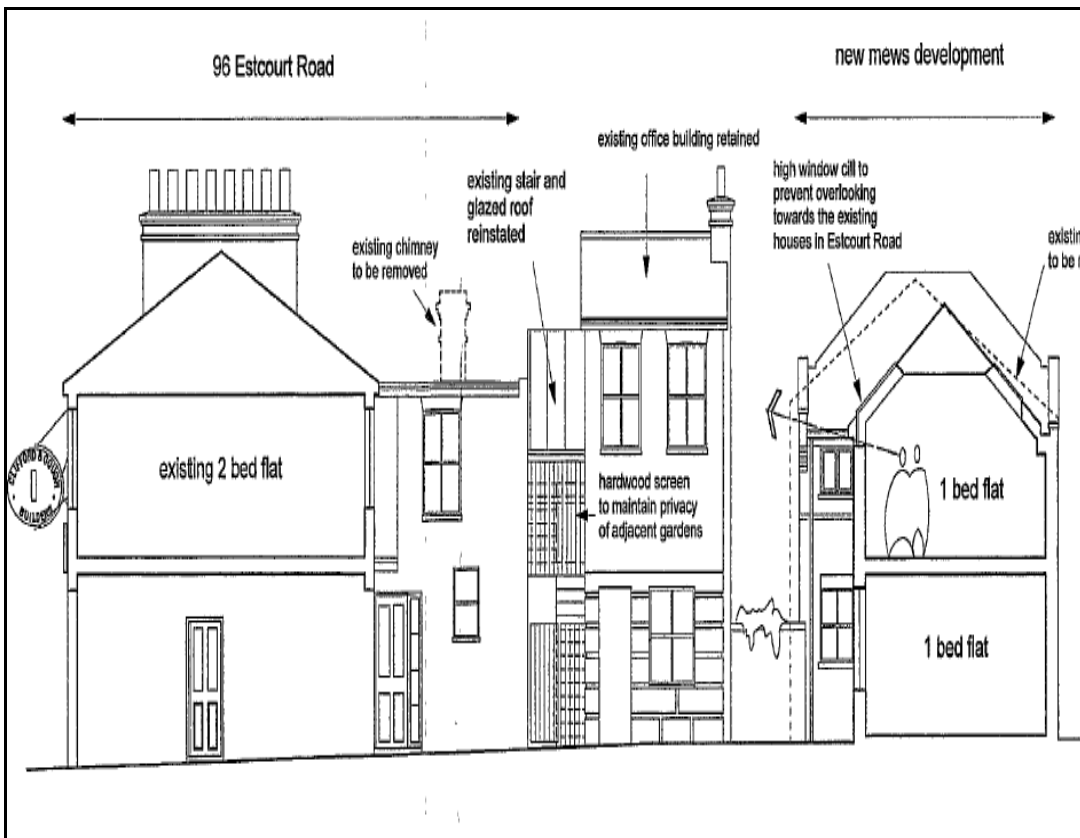
Proposed first floor plan

The proposed extension would not have a greater impact than the external staircase, hardwood screen and glazed roof approved under planning application 12/00042/FUL (see approved drawing below). The Inspector for the appeal in respect of planning application 09/00616/FUL considered that the design details for the scheme were acceptable.

A condition should be attached to any grant of planning permission to require details and samples of the external surfaces of the development to be submitted for approval to ensure that high quality materials are used.



Proposed side elevation



Approved side elevation

There would be only minor internal alterations. The existing living room and bedroom would be swapped to increase the size of the living room from 11.82sqm. to 13.78sqm. and to reduce the size of the front bedroom from 13.78sqm. to 11.82sqm (the partitions would not be moved). The increase in the size of the main living area is sensible given that an additional bedroom would be provided. The reduction in size of the front bedroom would still leave a relatively large room.

There would be no alterations to the existing rear bedroom or kitchen. The bathroom would be reduced in size to create a corridor leading to the new link extension; however, the resulting bathroom would remain large in size. As such, the proposed layout is acceptable.

Impact on neighbouring properties

94 Estcourt Road has a small rear courtyard garden, which feels fairly enclosed due to the proximity of the buildings at 96 Estcourt Road. The two existing first floor windows in the southern elevation of the 'tower' building at No. 96 already give a high perception of overlooking. The garden is also overlooked by rear windows at No. 92.

In comparison to the existing first floor office in the 'tower' building, the proposed residential accommodation would increase the usage of the space. It is likely that the office use would only be occupied during normal working hours, whereas the residential use would lead to occupation at evenings and weekends. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the 'tower' building to be fixed shut below 1.7m internal floor level and fitted with obscure glass below 1.7m internal floor level. These measures would reduce the perception of overlooking compared to the existing situation because obscure glass would be fitted rather than the clear glass that is currently in place.

The proposed plans show that the external walls of the link extension would be fitted with obscure glass. This should be secured by condition to prevent overlooking into Nos. 94 and 98.

The existing buildings at 96 Estcourt Road cause a sense of enclosure to No. 94. The proposed link extension would be set in 1.9m from the existing southern elevation; therefore, in comparison to the existing situation, there would not be a significant loss of outlook or daylight to the garden and windows of No. 94. The link extension would be to the north of No. 94, and therefore it would not cause overshadowing to that property.

The existing buildings at 96 Estcourt Road cause considerable enclosure of No. 98's garden. In comparison to the existing buildings, the proposed link extension would not cause a significant loss of light or outlook. The link extension is lower than the 'tower' building and the length of the extension (at 1.5m) is small. Furthermore, the extension would be a sizable distance from the principal windows in the two storey rear wall of No. 98.

The proposed glazed link extension would not have greater impact than the staircase, timber screen and glazed roof approved under planning application reference 12/00042/FUL. As such, the proposal would have no adverse effect on the living conditions of neighbouring properties.

Consideration of representations

Neighbour's Objection	Officer's Response
Loss of light to 98 Estcourt Road	The existing buildings at 96 Estcourt Road cause considerable enclosure of No. 98's garden. In comparison to the existing buildings, the proposed link extension would not cause a significant

	<p>loss of light. The link extension is lower than the 'tower' building and the length of the extension (at 1.5m) is small. Furthermore, the extension would be a sizable distance from the principal windows in the two storey rear wall of No. 98.</p> <p>The proposed glazed link extension would not have greater impact than the staircase, timber screen and glazed roof approved under planning application reference 12/00042/FUL.</p>
<p>Both cherished old buildings and old boundary walls will have a modern structured walkway added to them, in contravention of the rules of this Conservation Area.</p>	<p>The proposed glazed extension would provide a lightweight link between the frontage building and the 'tower' building, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. In addition, the structure would only be 1.2m wide and would therefore be set in from the northern and southern walls of the 'tower' building, thus aiding readability.</p>
<p>Newcrown Investment's workers have removed the greenery on both garden walls already, and without my consent, and left it hanging in an awful mess over my garden.</p>	<p>This is a civil matter and not a material planning consideration.</p>

Overdevelopment.	The proposal is not an overdevelopment of the site. The glazed link extension is small in size and would not adversely effect the character and appearance of the building or significantly affect the living conditions of neighbouring properties. The proposal makes effective use of a vacant office building which is no longer economically viable.
My home will be devalued.	This is not a material planning consideration.
Loss of privacy to No. 98.	The proposed plans show that the external walls of the link extension would be fitted with obscure glass. This can be secured by condition to prevent overlooking into Nos. 94 and 98.
Loss of security to the back of No. 98.	The proposed link extension would be at first floor level. It would have no impact on the security of No. 98.
Should permission be granted, works should be carried out in accordance with the conditions imposed with the rest of the development (12/00042/FUL) i.e. that building works are only carried out Mon to Fri and not on Saturdays, as this is a densely residential area with limited road access to the site entrance, and the noise and traffic disturbance would be detrimental to the quality of life of residents.	It would be appropriate for the hours of construction condition to be compatible with planning permission 12/00042/FUL, which prevents work on Saturdays.

The proposed extra bedroom being added to the flat in the tower building would look directly into my back garden and back bedroom. This would invade on my privacy.

94 Estcourt Road has a small rear courtyard garden, which feels fairly enclosed due to the proximity of the buildings at 96 Estcourt Road. The two existing first floor windows in the southern elevation of the 'tower' building at No. 96 already give a high perception of overlooking. The garden is also overlooked by rear windows at No. 92.

In comparison to the existing first floor office in the 'tower' building, the proposed residential accommodation would increase the usage of the space. It is likely that the office use would only be occupied during normal working hours, whereas the residential use would lead to occupation at evenings and weekends. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the 'tower' building to be fixed shut below 1.7m internal floor level and fitted with obscure glass below 1.7m internal floor level. These measures would reduce the perception of overlooking compared to the existing situation because obscure glass would be fitted

	rather than the clear glass that is currently in place.
The proposed bridge would block light to No. 94.	The existing buildings at 96 Estcourt Road cause a sense of enclosure to No. 94. The proposed link extension would be set in 1.9m from the existing southern elevation; therefore, in comparison to the existing situation, there would not be a significant loss of daylight to the garden and windows of No. 94. The link extension would be to the north of No. 94, and therefore it would not cause overshadowing to the neighbouring property.
<p>The proposed flat shows no furniture, no storage, except for some storage in the incompletely planned kitchen .</p> <p>In this situation where room sizes are small surely Watford needs to avoid producing a potentially cramped 3 bedroom apartment in which up to 2 persons might well be squeezed into each bedroom. Each room needs circulation space, furniture and storage space.</p> <p>In the event that rooms have internal insulating dry-linings added then room sizes might reduce further. There is no proof yet that the bedrooms are</p>	<p>There would be only minor internal alterations. The existing living room and bedroom would be swapped to increase the size of the living room from 11.82sqm. to 13.78sqm. and to reduce the size of the front bedroom from 13.78sqm. to 11.82sqm (the partitions would not be moved). The increase in the size of the main living area is sensible given that an additional bedroom would be provided. The reduction in size of the front bedroom would still leave a relatively large room.</p> <p>There would be no alterations to the existing rear bedroom or kitchen. The bathroom would be reduced in size to</p>

actually viable.	create a corridor leading to the new link extension, however the resulting bathroom would remain large in size. As such, the proposed layout is acceptable.
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Conclusion

The proposed glazed extension would provide a lightweight link between the frontage building and the ‘tower’ building, which, in conservation terms, is an acceptable design approach because the original buildings would still be clearly readable. As such, there would be no adverse effect on the character and appearance of the Conservation Area.

In comparison to the existing first floor office in the ‘tower’ building, the proposed residential accommodation would increase the usage of the space. Because of the increased level of occupation, it would be appropriate to attach a condition that requires the first floor windows in the southern elevation of the ‘tower’ building to be fixed shut below 1.7m internal floor level and fitted with obscure glass below 1.7m internal floor level. These measures would reduce the perception of overlooking into 94 Estcourt Road compared to the existing situation.

The existing buildings at 96 Estcourt Road cause considerable enclosure of neighbouring gardens at Nos. 94 and 98. In comparison to the existing buildings, the proposed link extension would not cause a significant loss of light or outlook to the neighbouring gardens and windows.

The proposal would bring into use a vacant building and the residential use would be appropriate in the predominantly residential area.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

RECOMMENDATION

That planning permission be granted subject to the following 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. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, and not at all on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed.

3. No work shall commence until details and samples of the materials to be used for all the external finishes of the development hereby approved 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 and samples.

Reason: To ensure that the development applies high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the Conservation Area.

4. The glazed walls of the first floor glazed link extension hereby approved shall not contain any openings and shall be fitted with obscured glass at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

5. Before the proposed bedroom is taken into use, any parts of the two first floor side windows in the southern elevation of the building which will serve the proposed bedroom that are below 1.7m above the internal floor level of the room shall be fitted with obscured glass and shall be permanently fixed closed below. The obscured glazing shall be retained and the windows shall remain fixed closed at all times thereafter.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises.

Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations,

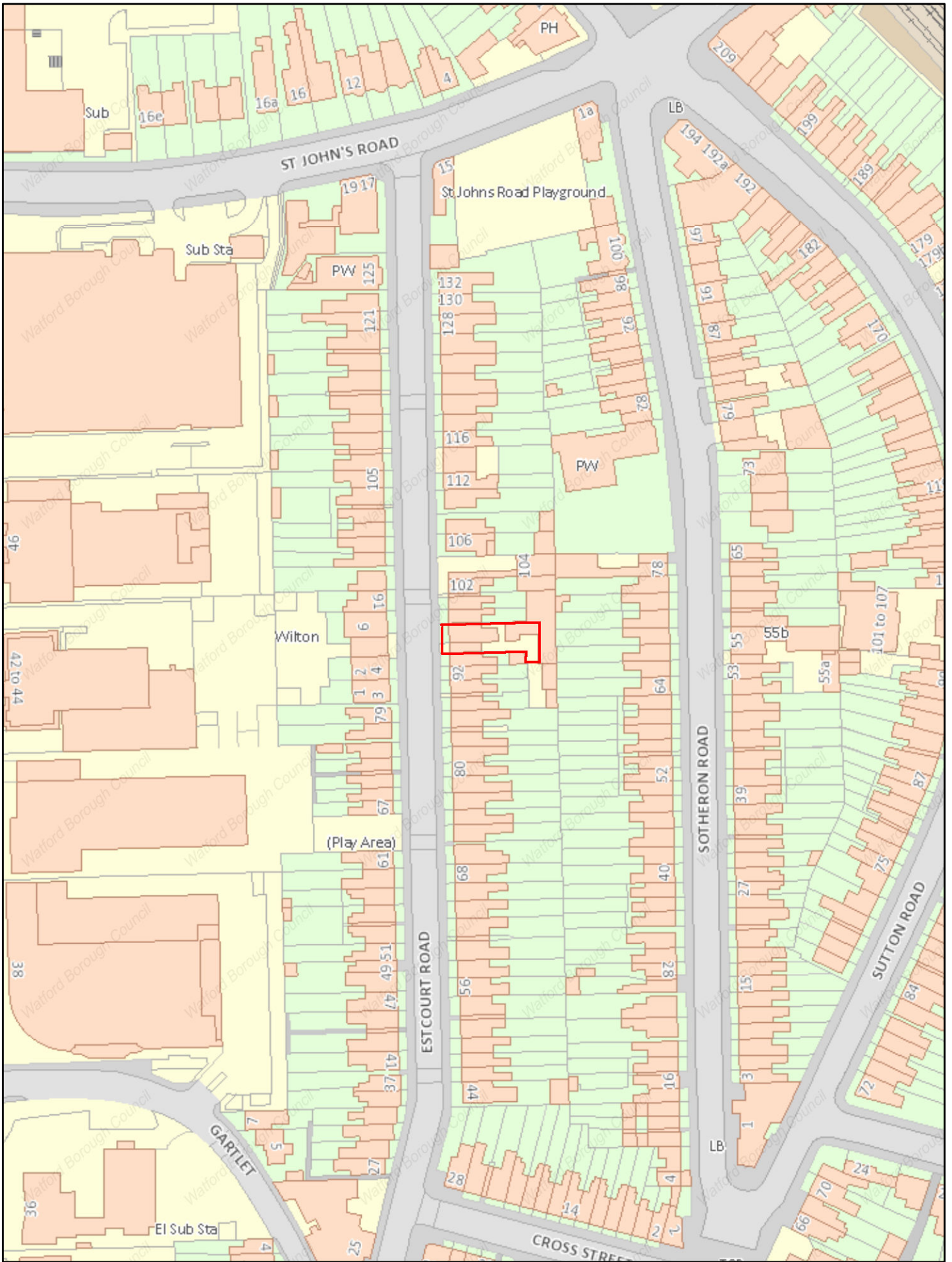
and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended, by undertaking discussions with the applicant's agent during the application process.

Drawing numbers

Location plan; 21308-P01 Rev A; 21308-P04 Rev C; 21308-P05 Rev D; 21308-P06 Rev B; 21308-P07 Rev C; 21308-P08 Rev A

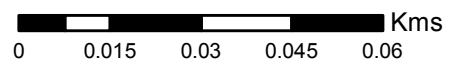
Case Officer: Chris Osgathorp
Email: chris.osgathorp@watford.gov.uk
Tel: 01923 278968

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96 Estcourt Road

Date: 07/05/2014



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Site address:	Garage compound, Tolpits Lane
Reference Number:	14/00176/FULM
Description of Development:	Demolition of existing garages and erection of a three storey building with accommodation in the roof comprising 6 no. one bedroom flats and 4 no. two bedroom flats with car parking and amenity space and access from existing access road off Tolpits Lane
Applicant:	Watford Community Housing Trust
Date received:	3rd February 2014
13 week date (major):	5th May 2014
Ward:	Holywell

SUMMARY

This application is for the demolition of the existing lock-up garages on the site and the erection of a 3 storey building comprising 10 self-contained flats. The application was first considered at the meeting on 24th April 2014 when a decision was deferred by the Committee to allow an alternative layout for the third floor flat in the roofspace to be considered. The proposed scheme has now been amended to address the Committee's concerns, specifically regarding the need in the original scheme for one of the bedrooms to have sealed windows with mechanical ventilation only. In the revised scheme, the layout of the third floor flat now has both bedrooms located on the north side of the building with opening windows.

The provision of new residential flats on this site is acceptable in principle within this residential area. The development will provide a significant, high quality building on this site that will enhance the wider street scene. The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties. All of the proposed flats, including the revised third floor flat, will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. The scheme includes the provision of 11 on-site parking spaces for the 10 flats proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the development plan and is considered to be acceptable.

The applicant has completed a planning obligation to secure financial contributions towards the provision of infrastructure and community facilities and to secure 35% of the units (4) as affordable housing.

The Development Management Section Head therefore recommends the application be approved, subject to appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

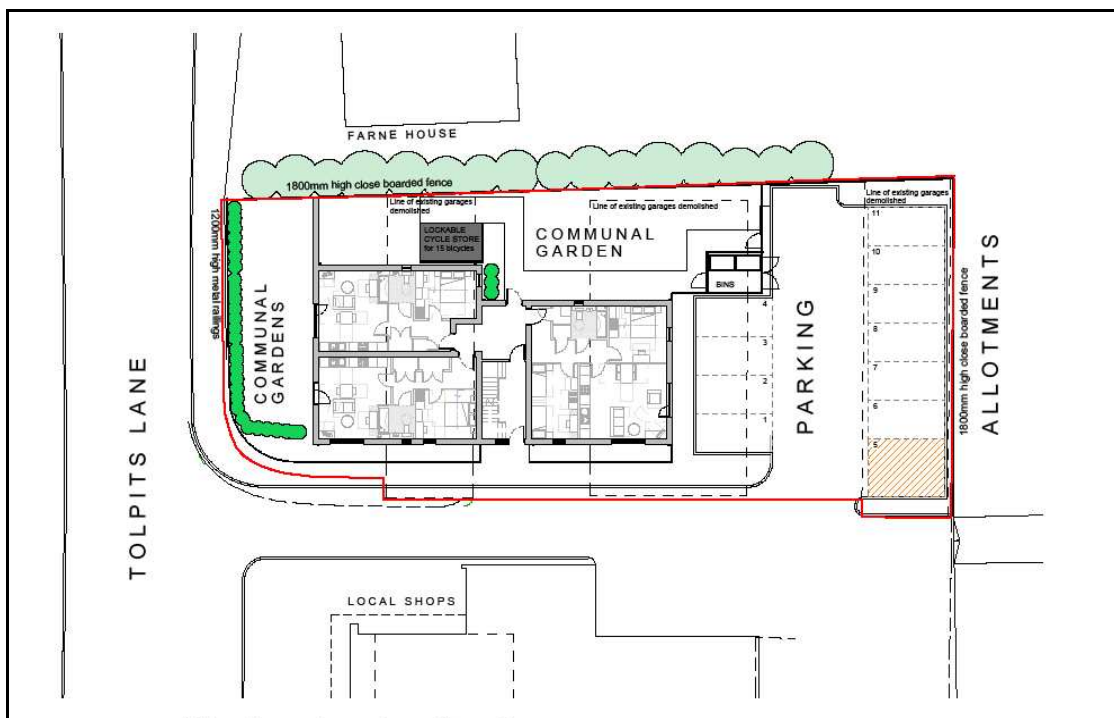
The site is located on the eastern side of Tolpits Lane adjacent to the local shopping parade and opposite the Westfield Academy. The site is rectangular in shape and has an area of 850m². It currently contains four rows of lock-up garages, comprising 29 garages, occupying the majority of the site. The western part of the site fronting Tolpits Lane is occupied by a 10m deep grassed verge which currently accommodates the Council's communal recycling bins. Along the

southern boundary of the site is an existing service road which leads to the rear of the shopping parade and also gives access to allotments to the east. The site is not situated within a conservation area and has no land use designation.

To the north of the site is Farne House, a 3 storey block of flats forming part of the Scammell Way development. The eastern boundary abuts the Holywell allotments site. The local shopping parade to the south comprises ground level retail and commercial units with 2 storeys of flats above. The Westfield Academy is located opposite the site.

Proposed development

Full planning permission is sought to demolish the existing lock-up garages and erect a three storey building with accommodation in the roof sited within the central and western parts of the site.



Site plan

This will provide 10 one and two bedroom flats. The ground, first and second floors will each contain 2 no. one bed and 1 no. two bed flats. The third floor, within the roofspace, will contain a single 2 bed flat.

The eastern part of the site will be used to provide 11 car parking spaces and a bin store. Communal amenity space will be provided to the north and west of the building. Vehicular and pedestrian access will be via the existing access off Tolpits Lane. A cycle store will also be provided on the site.

Relevant Policies

National Planning Policy Framework

- 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

Hertfordshire Waste Core Strategy 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- HS1 Housing Supply
- HS2 Housing Mix
- HS3 Affordable Housing

- T2 Location of New Development
- T3 Improving Accessibility
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

Watford District Plan 2000

- SE7 Waste Storage and Recycling in New Development
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development
- H10 Educational and Community Facilities
- L8 Public Open Space
- L9 Children's Play Space

Supplementary Planning Documents and Supplementary Planning Guidance Notes

Residential design Guide Volume 1: Building New Homes

- SPG6 Internal Space Standards
 - SPG10 Open Space Provision
-

CONSULTATIONS

Neighbour consultations

Letters were sent to 31 properties in Tolpits Lane. No replies have been received.

Advertisements in local paper/site notices

One site notice was put up outside the site on 7th February 2014. A public notice also appeared in the Watford Observer on 28th February 2014.

Consultations

Environmental Health

Original comments (in relation to the hot food takeaway premises in the adjacent shopping parade)

I have reviewed the information provided against the Department for Environment, Food and Rural Affairs guidance on commercial kitchen extracts. From the information provided, the existing flue would be within 12 metres of the proposed building. Unfortunately, the guidance requires a minimum distance of 20 metres, and where this cannot be achieved, there will need to be an increase in the mitigation measures used to deal with odour, smoke and fumes. However, from experience such systems are not especially effective where there is a heavy greasy type premise within close proximity. Therefore, it is highly likely that if this proposal is given permission, the new residents are likely to be affected by smells of grease. In the likely event of complaints being received, the legal remedial measures available to us would be limited as there is a likelihood that the existing premise already has the best, practicable means in situ.

As an alternative, if sealed windows were provided, with mechanical ventilation or the height of the proposed building was the same as the existing neighbouring property then that could be sufficient. Ideally, the china mans hat on the existing flue ought to be removed as its presence hinders dispersal.

Overall, the proposal is not acceptable as there will be issues around odour, smoke and fumes from the existing flue.

Comments on revised scheme

The facade of the building will be within 20 metres of the flue. This distance remains unchanged from the initial application. However, the lay out of the new flat would see the south facade fitted with sealed windows serving the bathroom and diner section of the lounge on the third floor flat. Natural ventilation would be provided via an open able window on the western/ Tolpits Lane facade. This window will be at a distance of 21 metres and therefore, likely to reduce the impact of any potential odour from the flue in question.

Although government guidance does require a distance from the source to be no less than 20 metres, it has to be argued this facade is not likely to be affected as it will be sealed, making it almost impossible for any smells to enter the flat. Therefore, this proposal appears to be suitable. However, as the kitchen and bathroom will require mechanical ventilation, we will require the extract point to be located away from this facade to ensure that odours do not get into the flat through these openings.

The new layout of the flat has created a potential issue around stacking as the bathroom on the third floor flat will be directly above the bedroom on the second floor. However, with the use of a concrete floor that meets building regulations this impact could be effectively mitigated.

Therefore, in summary, the new proposal appears to be acceptable provided that:

- The windows on the southern facade are kept sealed shut.
- The extract point of the kitchen and bathroom is located in such a way that it is unlikely that Odours will enter the premise. The extract must not be permitted to be on the southern facade.
- A concrete floor that meets building regulations must be used.

My comments are linked to the third floor flat.

Response from applicant's agent

I confirm that we are happy to integrate all of the EHO's comments into our design and that WCHT are pleased with the redesigned scheme.

We will ensure that:

- i) Windows on the southern façade on the top floor will be fixed shut;
- ii) Extract and ventilation ducts serving the top floor will not be on the southern façade and will fall outside of the 20m limit and
- iii) Concrete floor planks will be used in the construction – all details will meet building regulations.

APPRAISAL

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.*

Land allocation

The site is located within a primarily residential area on the Proposals Map of the Watford District Plan 2000. There is no objection in principle to the introduction of residential development on this site subject to satisfying the relevant policies.

There is no objection in principle to the loss of the lock-up garages on the site.

Housing policies

The principle of new residential development within a primarily residential area is acceptable. There are a number of constraints on the site which have led to a flatted development being the most appropriate form of development for this

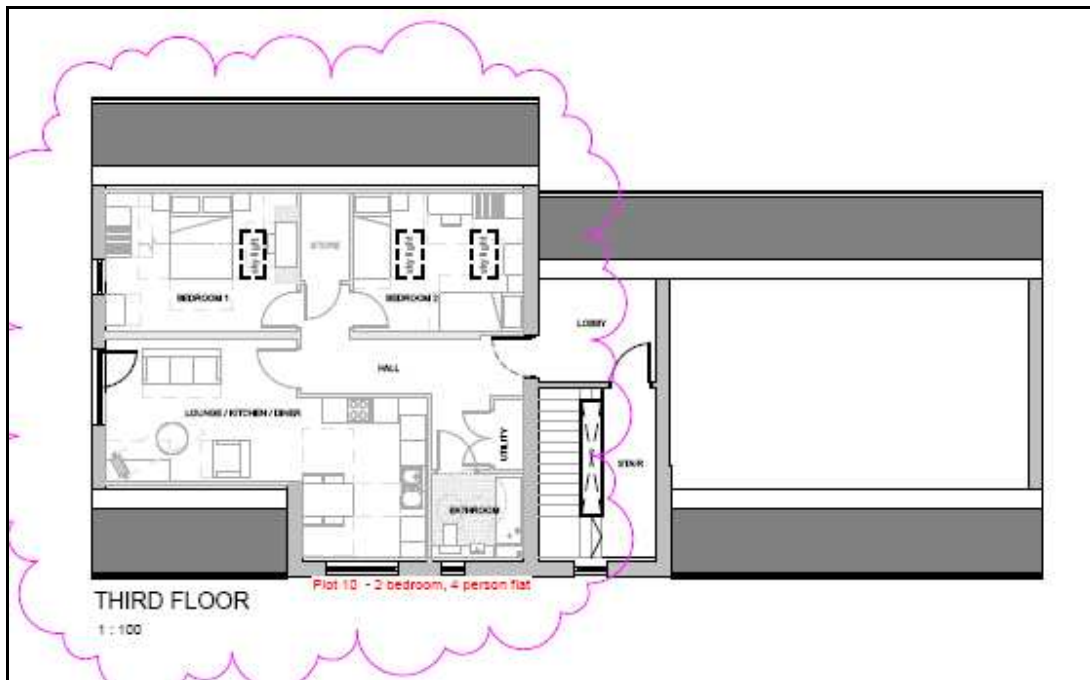
particular site. The site only has a frontage of 17m to Tolpits Lane and it is not acceptable to provide frontage parking due to the proximity of the existing access road along the southern boundary of the site, leading to the rear of the shopping parade and the allotments. This leaves only the existing access road as suitable to access the site, subject to appropriate modification. The depth of the site at 46m combined with its relatively narrow width and the presence of existing residential properties at Farne House to the north further constrain the form of development. The combination of these factors means that it would not be practicable to develop the site with houses. As such, there is no objection to the provision of flats in this case. The proposal will provide a mix of one and two bedroom flats suitable for 2 and 4 persons which is acceptable.

All of the proposed flats exceed the Council's internal space guidelines and have acceptable internal layouts. The table below compares the proposed development with the minimum requirements:-

Number of bedrooms (and persons)	Minimum floor area (exc. bathrooms and circulation) (SPG6)	Total floor area provided in scheme
1 bed (2 persons)	29m ²	46-49m ²
2 bed (4 persons)	44m ²	69-73m ²

The two bedroom flats are all dual aspect and the one bedroom flats are either dual aspect or west facing. As such, all of the flats will provide a good level of residential amenity in terms of outlook, privacy and natural light for future occupiers. A private communal amenity area has been provided to the north of the building with an area of approx. 136m², which is significantly in excess of the minimum requirement set out in the Residential Design Guide. A semi-private area of approx. 75m² is also provided on the frontage of the site.

One factor that has the potential to have an adverse impact on the amenities of future occupiers is the presence of the Viking Fish and Chip Shop in the northern unit of the shopping parade, closest to the site, and its associated fume extraction flues. These are sited to the rear of the unit at the north-western corner of the building and discharge 1m above the eaves level. These flues are only 12m from the nearest windows of the proposed third floor flat within the roofspace, which is at the same level. The national guidance from the Department of Environment, Food and Rural Affairs requires a minimum distance of 20m between commercial kitchen extracts and residential windows to avoid the possibility of nuisance being caused by smells and odours. As this distance cannot be achieved, the third floor windows on the elevation facing the shopping parade will need to be sealed and non-opening and the attendant rooms mechanically ventilated. In the original scheme, one of the bedrooms was located on the south side of the building and, consequently, the window to this bedroom was to be sealed and the room ventilated mechanically. The Committee expressed concern regarding this arrangement and it was for this reason that a decision on the application was deferred.



Revised layout of third floor flat

In the revised scheme, this bedroom has now been relocated to the north-western corner of the flat and has two opening windows, a vertical window on the west facing front elevation and a rooflight within the northern roofslope. The second bedroom, also on the north side of the building, remains as previously proposed with two opening rooflights.

The windows on the south elevation now serve the kitchen area and bathroom, both of which require mechanical ventilation under the Building Regulations. These windows can therefore be sealed shut without any adverse impact on the overall amenities of the future occupiers.

Because the windows will still be sited within 20m of the kitchen extract flue of the fish and chip shop, it is still appropriate to secure details of the mechanical ventilation by condition.

As the proposal is for 10 dwellings, there is a requirement to provide 35% affordable housing. A Section 106 planning obligation has already been completed by the applicant to secure this. In this case, however, it is the applicant's intention that all of the flats would be for affordable rent.

Character of the area

The northern section of Tolpits Lane between Hagden Lane and Croxley View, which includes the application site, has a very varied character. Buildings include Westfield Academy, 3 storey blocks of flats, two church halls, a specialist school, a support centre and the adjacent local shopping parade. The age, design and materials of these buildings is equally varied and there is no predominant or consistent building style in evidence, although brick is the most common material. In this context, the proposed 3 storey building in facing brick with contemporary design will complement the range of buildings within the street.

Overall, it is considered the building will enhance the street scene and be a positive addition to the local area.

Design and appearance

The building has a rectangular form (measuring 22.5m by 11m), which is largely informed by the shape and constraints of the site, with a pitched roof and gabled ends. The 3 storey height of the building reflects the height of the adjoining buildings to the north and south although it has a steeper roof pitch. The gable end facing Tolpits Lane will give the building a strong presence within the street scene.

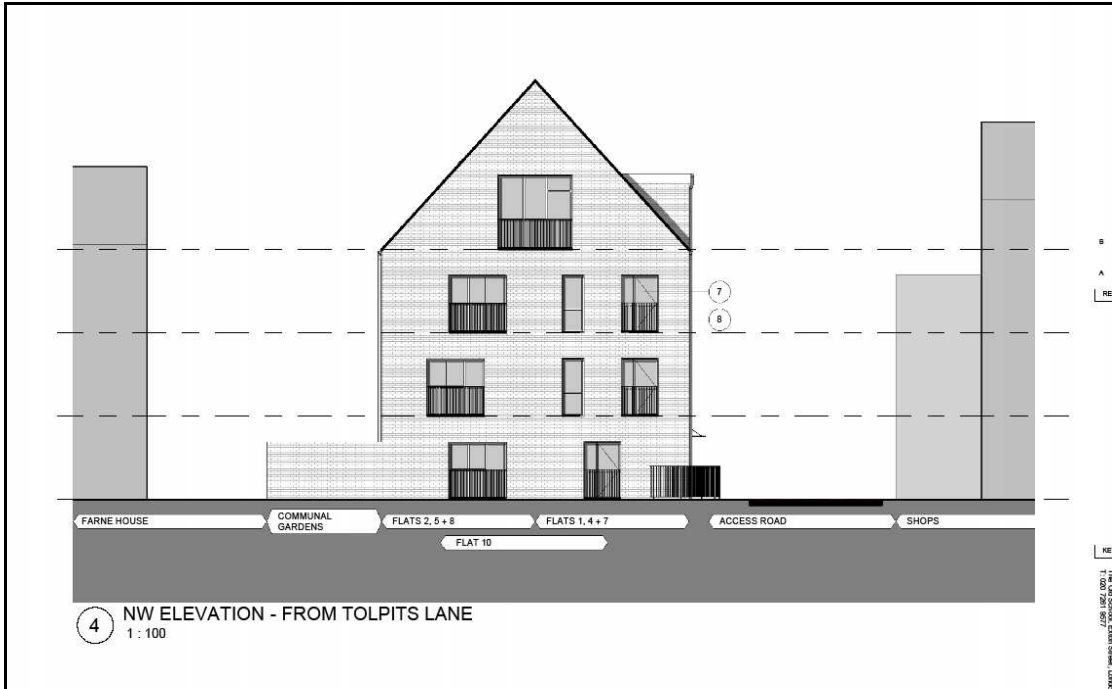
The design of the elevations is restrained but with a strong vertical rhythm in the fenestration on all elevations to give a modern appearance that complements the surrounding buildings. The proposed materials are brown facing brick and grey concrete roof tiles with white windows, which complement the variety of materials found in the locality.



South west elevation – original scheme



South west elevation – revised scheme



Elevation to Tolpits Lane – original scheme



Elevation to Tolpits Lane – revised scheme

Impact on neighbouring properties

The adjoining building to the north, Farne House, is a flatted block. This has its main habitable room windows facing east and west with secondary windows on the southern flank elevation facing the site, at a distance of 4.2m from the boundary. The proposed building has been sited 8.5m from the flank elevation of Farne House to minimise the adverse impacts on these windows. As these are secondary windows, it is not considered that the proposal will have a significant adverse impact on the amenities currently enjoyed by the occupiers of these flats.

A similar situation exists to the south with the local shopping parade. The flats on the upper floors have their main habitable windows facing east and west but there are secondary windows on the north elevation facing the site. The proposed building is sited 10.5m from these windows to minimise any adverse impacts. Again, as these are secondary windows, it is not considered that the proposal will have a significant adverse impact on the amenities currently enjoyed by the occupiers of these flats.

Transportation, access and parking

The existing 29 lock-up garages on the site are to be replaced by 11 parking spaces to serve the proposed 10 flats. Although only 10 of the garages are currently occupied this will not result in any significant increase in vehicle movements. Compared to the potential number of vehicle movements that could occur if all the garages were occupied, the proposal would likely result in a significant reduction.

The existing access road off Tolpits Lane is to be retained and widened to serve the development and a new footpath is to be created along the southern boundary of the site.

The provision of 11 parking spaces for the scheme accords with the Council's maximum standards, which would allow a maximum of 13 spaces to be provided.

The proposal incorporates a secure, communal cycle store for 15 cycles which will further encourage sustainable, non-car travel. The applicant has also agreed to a contribution of £6,750 towards wider sustainable transport measures in Watford.

Sustainable development

The scheme is to be built to code level 4 of the Code for Sustainable Homes, in accordance with the applicant's normal requirements for all new development. This will significantly exceed the current minimum requirements under the Building Regulations. A sustainable drainage scheme for surface water can be secured by condition.

Planning obligation

The development proposed in this application is one where, in accordance with Policy INF1 of the Core Strategy, the Council will normally require the applicant to enter into a planning obligation to provide contributions towards the provision

or improvement of community facilities and infrastructure. Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy and saved Policies L8, L9 and H10 of the Watford District Plan 2000, together with *SPG 10: Open Space Provision*, recognise that cumulative small developments within the urban area of Watford can produce significant additional demands for services and facilities in the same way that a smaller number of larger developments would. However, unlike larger developments which can often accommodate some provision of these services and facilities within the site, smaller developments are clearly unable to do so and it would be unreasonable to expect them to. It is therefore reasonable to expect the applicant in such cases to make a financial contribution towards improved services and facilities within the Borough.

Most new residential developments within Watford comprise fewer than 50 dwellings. The Council seeks financial contributions on a per unit basis from all new residential developments. This is considered to be a reasonable approach as it ensures that all such developments make contributions on an equal basis, with actual payments determined by the number and, in some cases, the size of the units proposed. This approach therefore does not disadvantage applicants proposing larger developments within the Borough, but rather ensures that all applicants make payments in proportion to the additional demand on services and facilities that their development will generate.

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. In each case, the contributions received are pooled together in order to accumulate sufficient funds for the Council and the County Council to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the national Planning Policy Framework.

The contributions in the case of the development proposed in this application are set out below. As these contributions have been calculated in accordance with the County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant saved policies of the Watford District Plan 2000, they are directly related to the proposed development, are fairly and reasonably related in scale and kind to that development and are necessary to make the development acceptable in relation to those policies. Accordingly, the requirement for such contributions meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application.

i)	<u>Community facilities</u>	
	• Secondary education	£2,058
	• Primary education	£3,822
	• Nursery education	£972
	• Childcare	£276
	• Youth	£70
	• Libraries	£978

ii) Open space and children's playspace

As the site is located in an area where there is no deficit in open space a 50% reduction in the normal contribution set out in SPG10 is applicable.

- Open space £12,360
- Children's playspace £3,940

iii) Sustainable transport

- Sustainable transport £6,750

A planning obligation has already been completed by the applicant to secure these financial contributions towards the provision or improvement of facilities within the Borough of Watford. The obligation also secures the provision of any necessary fire hydrants to serve the development.

Conclusion

The provision of new residential flats on this site is acceptable in principle within this residential area. The development will provide a significant, high quality building on this site that will enhance the wider street scene. The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties. All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. The scheme includes the provision of 11 on-site parking spaces for the 10 flats proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the local development plan and is considered to be acceptable.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third

party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

RECOMMENDATION

That, in consequence of a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) having been entered into to secure the Heads of Terms set out below, planning permission be granted subject to the following conditions:

Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
 - a) £12,360 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
 - b) £3,940 (index linked) towards the provision and improvement of children's playspace in the Borough in accordance with Policy L9 of the Watford District Plan 2000;

- ii) To secure financial payments to the County Council of:
 - a) £6,750 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3 and T5 of the Watford Local Plan Core Strategy 2006-31;

- b) £2,058 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £3,822 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £972 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £276 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £70 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £978 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- iii) To secure 4 of the units as affordable housing for affordable rent.
 - iv) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

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

003C and 004C

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

3. No demolition or construction of the development hereby permitted shall take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays or at any time on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to saved Policy SE22 of the Watford District Plan 2000.

4. No demolition or construction works shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of temporary access for construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed.

5. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows, canopy and balcony railings, 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.

6. No construction works shall commence until details of a sustainable surface water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.

Reason: To ensure the surface water drainage is designed to minimise the likelihood of flooding downstream, to reduce the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to reduce the impact of flooding on the proposed development in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

7. No part of the building 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: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

8. No part of the building shall be occupied until full details of a hard landscaping scheme, including details of the railings to the site boundary, 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: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

9. No part of the building shall be occupied until details of the bin store and the cycle store (sufficient to accommodate a minimum of 10 cycles) as shown in principle on drawing nos. 003C and 004C, have been submitted to and approved in writing by the Local Planning Authority and the bin store and cycle store have been constructed in accordance with the approved details.

Reason: To ensure adequate facilities are provided for the future occupiers and in the interests of the visual appearance of the site, in accordance with saved Policies SE7 and T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the development shall be occupied until the 11 car parking spaces shown on drawing no. 003C, have been laid out and constructed in full. These spaces shall be retained for parking cars at all times.

Reason: To ensure adequate parking facilities are provided on the site and to minimise any additional on-street car parking, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000.

11. The windows at third floor level in the south elevation to the kitchen area and the bathroom shall be sealed and non-opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent nuisance being caused by smells and odours from the commercial extract flues from the adjacent fish and chip shop within the local shopping parade.

12. No development shall commence until details of the mechanical ventilation system for the kitchen area and bathroom of the flat at third floor level that are served by the windows referred to in Condition 11 above have been submitted to and approved in writing by the Local Planning Authority. These details shall include the location of the system within the flat, the noise levels of the system and the location of the air intake and extract vents. The flat shall not be occupied until the mechanical ventilation system has been installed as approved. The system shall be retained at all times.

Reason: To ensure the system does not have an adverse impact on the amenities of the occupiers of the flat or the other flats in the building.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, children's playspace, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. The agreement also requires the provision of 4 affordable housing units and the necessary fire hydrants to serve the development.

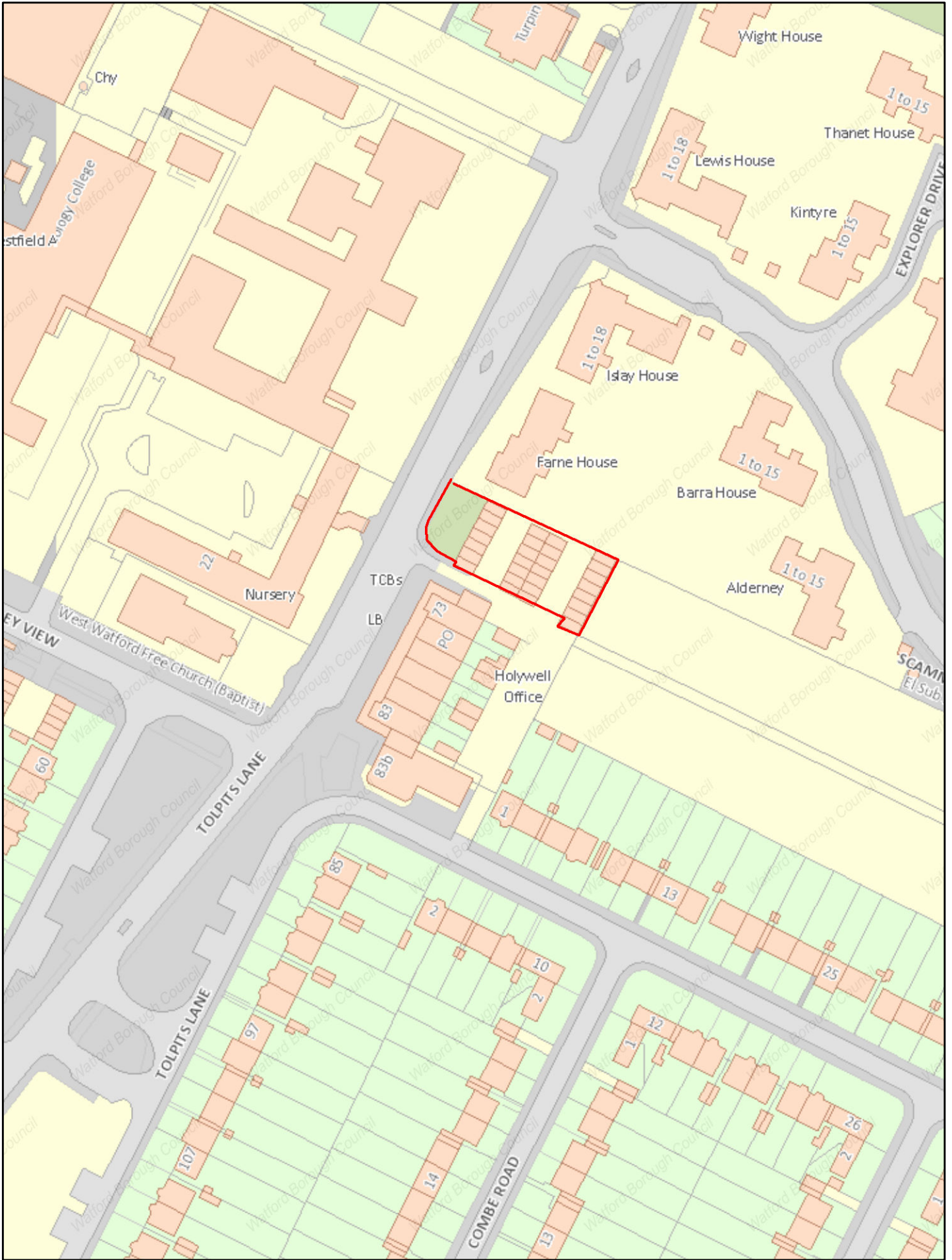
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.

3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Drawing numbers

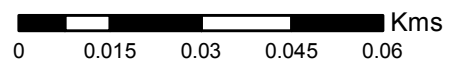
003C and 004C

Case Officer: **Paul Baxter**
Email: **paul.baxter@watford.gov.uk**
Tel: **01923 278284**



Garage site, Tolpits Lane

Date: 14/04/2014



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	15th May 2014
Site address:	Rembrandt House, Whippendell Road
Reference Number :	14/00262/FULM
Description of Development:	Construction of 40 dwelling houses comprising 13 no. 2 bed houses, 27 no. 3 bed houses and minor amendments to the car parking layout, as an amendment to the house types and car parking layout approved under planning permission ref.11/00952/FULM.
Applicant:	Shanly Homes Limited
Date received:	19th February 2014
13 week date(major):	21st May 2014
Ward:	HOLYWELL

SUMMARY AND REASONS FOR DECISION

Planning permission was granted in November 2012 for the redevelopment of the site comprising the retention of the main Rembrandt House building fronting Whippendell Road, the demolition of all other buildings on the site, and the erection of 107 dwellings. These were to be provided in 12 blocks as a mix of 34 houses, 6 maisonettes and 67 flats with the flats to be provided in the southern part of the site immediately behind the retained building and the houses and maisonettes to be provided on the northern part of the site. This application relates primarily to the northern part of the site and seeks to change the house types and designs of the approved 40 houses and maisonettes with new house types and designs, along with various amendments to the site layout and the

car parking layout. At the time of writing this report, the changes to the site layout and car parking arrangements had been agreed but further amendments were being made to the design of the houses to overcome concerns expressed by the Council's design and conservation officers. Your officers are confident these design issues can be resolved and it is intended that satisfactory amended designs will be presented at the meeting.

The Development Management Section Head therefore recommends that, subject to acceptable amended designs for the houses being received, the application be approved, subject also to the completion of a s.106 planning obligation and appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

The site is situated at the junctions of Whippendell Road/Hagden Lane and Whippendell Road/King George's Avenue and has a frontage to all three roads. It backs on to Bramleas to the north. It is rectangular in shape with an area of 1.37 hectares. The only building currently on the site is Rembrandt House itself, a 4 storey Edwardian building that dominates the entire Whippendell Road frontage. This is a building of local interest. To the rear of this all the former extensions to the building and the various detached buildings previously within the site have now been demolished and the site decontaminated, cleared and levelled. The main vehicular entrance to the site remains from Hagden Lane leading to a temporary car park. There are 3 preserved trees on the Hagden Lane frontage (covered by TPO No.13). The 2 preserved trees on the King Georges Avenue frontage (covered by TPO No.242) were severely damaged in storms last winter and both have now been felled and replaced with new trees.

The surrounding area is predominantly residential although is very varied in character. To the east (Hagden Lane, Princes Avenue) is late 19th to early 20th century terraced housing. To the south and west (Whippendell Road, King George's Avenue) the housing is

predominantly terraced and semi-detached inter-war housing, although on King George's Avenue opposite the site are 4 blocks of 3 storey flats built in the 1980s. To the north (Cherrydale, Bramleas) the two storey housing dates from the 1970s-1990s.

Proposed development

This application relates primarily to the northern part of the site. The proposed development involves the replacement of the approved house and maisonette types (Blocks A-H) with new house types, with associated changes to the layout of this part of the site and the car parking layout. Overall, the number of dwellings and car parking spaces remains unchanged. However, the mix of dwelling types will change as follows:

House type	Approved	Proposed
2 bed house	7	13
3 bed maisonette	6	0
3 bed house	16	27
4 bed house	11	0
Total	40	40

The approved internal access road and new junctions with Hagden Lane and King Georges Avenue remain as approved. The four blocks of flats to the rear of Rembrandt House (Blocks J-M) also remain unchanged, with the exception of non-material amendments approved under ref.13/01156/NONMAT.

Planning history

The first development on the site is believed to have occurred in 1904, with the main phase of development occurring between 1921-1939, including Rembrandt House itself. The only significant later development on the site occurred in the 1980s.

11/00952/FULM - Planning permission granted 26 November 2012 for the demolition of all existing buildings and extensions to the rear of Rembrandt House; refurbishment of Rembrandt House for flexible commercial use (Class B1 and D1) including alterations to entrances; erection of 12 blocks (between 2 and 5 storeys in height) comprising 107 residential dwellings (28 x 1 bed, 46 x 2 bed, 22 x 3 bed and 11 x 4 bed); together with landscaping, ancillary structures and 215 car parking spaces.

13/01175/NONMAT – Non-material amendments to the rear elevation of Rembrandt House, the siting of the commercial bin stores and the retained electricity sub-station (provision of secure compound and parking space). Granted 17 December 2013.

13/01156/NONMAT – Non-material amendments to the elevations of Blocks J-M. Granted 17 December 2013.

14/00263/NONMAT – Non-material amendments to the elevations of Rembrandt House. Granted 28 February 2014.

Relevant Policies

National Planning Policy Framework

- 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

Hertfordshire Waste Core Strategy 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

SS1	Spatial Strategy
SD1	Sustainable Design
SD2	Water and Wastewater
SD3	Climate Change
HS1	Housing Supply
HS2	Housing Mix
HS3	Affordable Housing
T2	Location of New Development
T3	Improving Accessibility
T5	Providing New Infrastructure
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design

Watford District Plan 2000

SE7	Waste Storage and Recycling in New Development
SE24	Unstable and Contaminated Land
SE28	Groundwater Quality
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Protection in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H10	Educational and Community Facilities
L8	Public Open Space
L9	Children's Play Space

Supplementary Planning Documents and Supplementary Planning Guidance Notes

Residential design Guide Volume 1: Building New Homes

SPG6 Internal Space Standards

SPG10 Open Space Provision

CONSULTATIONS

Neighbour consultations

Letters were sent to 246 properties in King George's Avenue, Whippendell Road, Princes Avenue, Hagden Lane and Bramleas. Two letters have been received making the following comments:-

- The Transport Assessment has not been updated to reflect new Census data on car ownership or changes to bus services and rail timetables.
- The development will increase traffic on the surrounding roads and add to existing high levels of congestion.
- High levels of parking already occur on surrounding roads. The development will only increase these problems. A permit parking scheme should be introduced on King Georges Avenue to address this issue.
- The development may lead to sewer flooding in the locality as the capacity of sewers is not being increased.

Advertisements in local paper/site notices

Three site notices were displayed outside the site on 28th February 2014 and a public notice also appeared in the Watford Observer on 28th February 2014.

Statutory consultations

Environment Agency

Please ensure the conditions below are attached to any planning permission granted:

Condition 1 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Condition 2 - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Condition 3 - The development permitted by this planning permission shall only be carried out in accordance with the submitted flood risk assessment (FRA).

Thames Water

No comments received.

Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions.

A previous planning application (11/00952/FULM), for the demolition of the existing buildings and the construction of 107 residential dwellings, commercial use and the provision of 215 parking spaces at the rear of Rembrandt House, Whippendell Road, Watford. 11/00952/FULM was granted planning permission by Watford Borough Council on 26th November 2012.

The current proposal relates to changes to the dwelling house types and car parking layout.

The current proposal (drawing number 1248_PLN_203), shows essentially the same highways layout as the drawings submitted for the approved planning application. The Highway Authority has no objection to this proposal and recommends that permission is granted subject to two additional conditions, as noted below:

1. The proposed parking spaces shall measure a minimum 2.4m x 4.8m each and shall be maintained for this use as ancillary to the development.
2. The proposed parking spaces/proposed vehicle crossovers must be at least 10 metres away from the junction of the proposed access with Hagden Lane.

Hertfordshire County Council (Property)

Financial contributions are sought towards primary education, secondary education, nursery education, childcare, youth facilities and libraries. Provision for fire hydrants is also sought.

It should be noted that for the original application (ref.11/00952/FULM) no childcare contribution was sought. As the application only seeks to change the design of the houses and layout of the car parking, it is not considered reasonable to seek childcare contributions for this application.

Hertfordshire Constabulary Crime Prevention Design Advisor

The Watford Residential Design Guide Volume 1 under 3.7 Safety and Security mentions the actual and perceived sense of safety and security experienced by residents and considers it a key consideration when looking at the layout and mix of housing schemes. The Guide also highlights that Secured by Design has been proved to reduce crime when utilised as part of the planning/design process.

There is a safety and security theme running through the Residential Design Guide as we are all looking for safe, secure and sustainable developments.

On a more specific level my comments/recommendations are:

- I am not clear on the proposed boundary treatment and will be looking for at least 1.8 metre timber close boarded fencing with those fences alongside a road or pathway being topped with 300mm trellis.
- The roadway and parking spaces are not overlooked by any “active” windows and I will be looking for flank windows to be installed in building plots F7, G1, G7 and H1 so as to provide some surveillance over these areas.
- I have concerns over the lack of surveillance over the car parking for Plots C1-4 and B1-4 as there do not appear to be any “active” rooms overlooking the parking area.
- Similarly the parking for Plots D1-8 whilst being partly overlooked the parking spaces for Plots D1-3 are rather remote from their homes and I can see residents parking either in their front gardens or on Hagden Lane. In order to prevent illegal parking could the block be moved back slightly and in curtilage parking provided in a similar fashion to Plots A1-5.
- I will be looking for access control for the flats.
- There is a cycle store near to Plot D4 which is next to a footpath and there is no indication of any form of security on the storage facility. Ideally I would be looking for either the storage facility to be moved or the pathway to be gated at the Hagden Lane end.
- There is no indication of a Lux plan and I would not want to see lighting bollards, rather lighting columns to provide a better a safer lighting scheme with at least 40% uniformity of light and 60% colour rendition – this cannot be achieved by lighting bollards.

- I have some concerns over the safety and security of residents using the pathways to Block E as they are somewhat hidden by the substation. I would look for the fencing around the substation to be weld mesh or another similar fence that can be seen through, I would not want timber close boarded fencing!
- I am not clear whether the bin store is behind a fence or essentially next to the pavement, could this be clarified, as it also has an impact on one of my comments above.

Environmental Services

No comments received.

Planning Policy (Design and Conservation)

Comments on submitted scheme

We are disappointed that the revised proposals for this site represent a deterioration in the quality of the design, both in terms of the individual buildings and the wider public realm. As it stands we would recommend that the current proposals are refused on design grounds.

We have the following concerns:

- The previous version of this scheme included a contemporary style of architecture, which we welcomed. The revised building elevations show a style that is confused and incoherent, with blocks of flats that include integrated garages featuring neo-classical cornices. Houses are now proposed in pastiche style, but again feature thick cornices over their entrances, with narrow support columns. The overall effect is of buildings that respond badly to the modern style of the flats in blocks J-L and the older existing properties in the wider area.
- Block F now features integrated garages, which we do not have problem with in principle. However, the impact on the entrances to the houses is problematic as it

results in narrow unsafe spaces between the bin stores and garages. To solve this problem, the recessed entrances should be brought forward to the advanced building line. This problem also needs resolving on blocks G and H.

- Unit F4 has living accommodation instead of a built in garage on land that was previously allocated for a car parking space. To facilitate this, an extra space has been put into an area of soft landscaping. This approach is unacceptable and the soft landscaping should be retained, with the parking space accommodated in an integrated garage. By relocating the space for F4 away from block E, the parking space E2 can be relocated so it sits next to the space for E1. This will allow the E2 space, which is currently next to block A to revert back to landscaping. This space should have a tree planted on it.
- The original parking proposals for block E were on land that is now allocated for the electricity sub-station. However, the new plan also includes two new visitor parking spaces in front of block E. These two new spaces need to be removed. A better arrangement would be to locate the two spaces for E1 and E2 where the two visitor spaces are, with the current E1 space used for landscaping, preferably with a tree planted. The electricity sub-station will need high quality landscaping to ensure that residents of block E have satisfactory views.
- Windows are required in the side elevations of F7, G1, G7 and H1 to ensure there is some overlooking of the access to the parking courts. To enhance the internal space standards of the properties and better facilitate passive surveillance, the upper storey windows should include projecting windows, similar in concept to the attached example.
- In the parking court between blocks B and C, the two spaces for B3 should be shifted slightly to create a landscaped strip between them and the two B4 spaces. A tree should be planted in the space to the north of space C3 (by property G1). Robust landscaping will be required to the side of unit F7.

- A tree should be planted adjacent to the cycle store that is located between blocks C and D.
- The number of car parking spaces to the north of blocks J-M has gone from 24 to 28. This needs to be revised back down to 24, with the additional space used for landscaping. The current arrangement, with as many as five spaces in a row means parking dominates this space. If the developer cannot accommodate the parking levels required, while ensuring a high quality of urban landscape, then they will need to revise down the number of housing units proposed.

Proposed bin stores may not be adequate for current requirements.

As the revisions include changes to the landscaping of the site, it is unfortunate that there is not a detailed landscape plan. I do acknowledge that this is likely to be covered by one of the conditions and we would welcome being consulted at that stage.

The elements included in the revised plans are at the rear of the site and do not have a notable impact on the setting of the Locally Listed Building.

Comments on amended scheme

The revised plans dated 17.04.2014 address a number of the smaller concerns we had with the revised designs for residential development on this site. However, the primary problem with the development remains, which is that the revised design for the residential buildings is not of style that either responds to any local vernacular styles present in the surrounding area or creates a high quality development with a good sense of place; the approved scheme used the same architectural style throughout all the additional development, which created a coherent new identity; the decision to move away from this approach and introduce a further style results in the loss of that coherence and identity.

We are disappointed that the revised proposals for this site represent a deterioration in the quality of the design, both in terms of the individual buildings and the wider public realm. As it stands we would recommend that the current proposals are refused on design grounds.

We have the following concerns:

- The previous version of this scheme included a contemporary style of architecture, which we welcomed. The revised building elevations show a style that is confused and incoherent. The materials are generally fairly traditional, such as brick and stucco, but are combined with massing and detailing that is completely at odds with traditional vernacular styles associated with those materials and which are found in the wider area. The design of blocks compares poorly with the previously approved scheme as it represents an unsuccessful attempt to apply more traditional design motifs and materials with built forms which are more modern; thus integrity is lost. For example, the wide depth of the main blocks include small, neo-traditional windows that are lost in the expanse of brickwork. The junctions of the blocks are badly articulated with part-pitched roofs meeting projecting bays in a notably ungainly manner. The front elevations also appear poor in comparison with the approved scheme, with modern rows of garages absurdly juxtaposed against classical cornices and pilasters. Moreover, while the previously approved scheme stylishly integrated project window bays above ground floor level, the revised scheme includes an uncomfortable and incoherent arrangement of upper floor windows that do not line up with the doors and garages below; thus the vertical articulation of the elevation is lost. As well as representing poor architecture in itself, the revised designs respond badly to the contemporary style of the approved flats in blocks J-L and will result in poor quality and incoherent streetscape.

Houses at the western end of the site are also proposed in pastiche style, with blocks A and E featuring thick cornices over their entrances, with narrow support columns. The overall effect is of buildings that respond badly to the modern style of the flats in blocks J-L and the older existing properties in the wider area.

- The original scheme did not accurately detail the size of the electricity substation next to block E. The current plans more accurately show the size of the structure and its related land/boundary treatment. There are two implications of the larger substation site. Firstly, displaced parking has resulted in the loss of a significant area of the limited green space by the road junction. Secondly, the more accurate plans shows how close the substation boundary is to the proposed new building known as E1. The reduced space means that the property E1 is too close to the substation infrastructure and will have a poor outlook. Similarly, the loss of the already limited landscaping to accommodate displaced parking harms the amenity of the wider development. The poor design that has resulted, both in terms of landscaping and built form, is not acceptable and the only way of resolving this would appear to be that E1 is deleted from the plans, with the land instead allocated for landscaping.

The proposed scheme is not in line with Policy UD1 of the Watford Local Plan Core Strategy or the Watford Residential Design Guide. The scheme also fails to comply with paragraph 58 of the National Planning Policy Framework and the National Planning Practise Guidance.

NOTE

At the time of writing the report, further amendments are being made to the proposed designs to address these comments.

Arboricultural Officer

The proposed amendments will not have a significant effect upon the existing trees (even though the block of dwelling (D1- D6) are closer to the retained trees they still meet the guidelines for root protection area). Whilst the landscaping and new tree planting is only indicative there does appear to be sufficient area to accommodate an acceptable scheme.

APPRAISAL

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*.

Land allocation

The site lies within a primarily residential area on the Proposals Map of the Watford District Plan and, therefore, redevelopment for residential use is acceptable in principle. This has also been established through the granting of planning permission ref. 11/00952/FULM in November 2012.

Heritage issues

The retained Rembrandt House building fronting Whippendell Road is a building of local interest. This is not included within the application site and the proposal will have no impact on this building.

Housing mix and residential amenity

The change in the type and size of dwellings has been proposed to improve the internal layout of some of the dwellings. In particular, the 3 bed maisonettes and 4 bed houses were not considered by the applicant to work particularly well and they have therefore been changed to 2 bed houses and 3 bed houses respectively. Although this has resulted in the loss of the originally approved 4 bed houses from the site, this is considered acceptable.

The requirement for 12 of the houses on this part of the site to be affordable housing remains unchanged. Although, technically, if the application is considered in isolation from

the rest of the site, the requirement is 14 houses (35% of 40 dwellings), this application will be linked to the original planning permission ref. 11/00952/FULM by a Section 106 deed of variation. This will ensure that all the original requirements of the agreement forming part of this planning permission (which included the provision of 25 affordable flats, equating to 37% of the units) will also apply to this application. With the loss of the 4 bed houses from the site, the affordable mix has changed slightly with the original approved 4 bed house for intermediate tenure being replaced with a 3 bed house.

House type and tenure	Approved	Proposed
2 bed social rented	6	6
2 bed intermediate tenure	1	1
3 bed intermediate tenure	4	5
4 bed intermediate tenure	1	0
	12	12

All of the proposed houses will have acceptable levels of amenity in respect of natural light, privacy and outlook.

Layout and design

The layout of the site remains as approved under planning permission ref.

11/00952/FULM, centred around the new access road which runs through the site linking Hagden Lane with King George's Avenue. The siting of the houses is also largely unchanged with the only exception being the previously approved pair of 2 bed houses forming Block E (Plots E1 and E2) adjacent to the junction with King Georges Avenue.

This have now been provided as a detached 2 bed house (Plot E1) and an end of terrace 2 bed house (Plot F1). The layout of the car parking within the site also closely follows that of the approved layout, with the main difference being the parking within the courtyard serving Blocks B and C. Here the original house designs incorporated some undercroft parking which has now been deleted from the new design. With regard to Blocks F, G and H, the undercroft parking spaces have been replaced with integral garages in the new

house designs. A number of the parking spaces have also been reassigned to different plots although this has no impact on the layout.

The main change is in respect of the design of the houses. There are a number of concerns with the submitted designs that have been expressed by the Council's design and conservation officers. These relate principally to the neo-Georgian pastiche style of the design and the loss of a coherent design across the site, due to the differences in the design approach between the approved blocks of flats and the proposed houses. These concerns are set out in detail in the Consultations section above. Following receipt of these comments, the applicant agreed to review the design of the houses and submit further designs for consideration. These were not available at the time this report was written but your officers are confident that significant improvements can be made to the designs. The recommendation of your officers is therefore that the application be approved, but only subject to satisfactory designs being submitted and agreed. If agreement regarding the design cannot be reached with the applicant, the recommendation may be changed to one of refusal on design grounds.

Impact on neighbouring properties

The neighbouring properties that could potentially be impacted by the development are located on Hagden Lane, Bramleas and King George's Avenue. Due to the fact that the proposed houses that adjoin existing properties on these roads (Blocks A, B, C and D) all have the same scale and siting as the approved scheme, they will have no greater impact on these existing properties.

Highways, servicing and car parking

The proposed changes to the car parking layout have no impact on traffic generation, highway safety or servicing arrangements. No car parking spaces are located within 10m of the junctions on Hagden Lane and King Georges Avenue.

Trees and landscaping

The proposal will have no adverse impact on the 3 preserved trees on the Hagden Lane frontage. The 2 preserved trees on the King Georges Avenue frontage were felled recently following severe storm damage over the winter. Two new trees have been planted as replacements.

Sustainability

Planning permission ref. 11/00952/FULM was subject to conditions requiring (i) an energy statement to detail how the development will generate 10% of its energy needs from renewable energy sources, in accordance with Policy ENG1 of the East of England Plan (Condition 16) and (ii) all the dwellings to be built to Level 3 of the Code for Sustainable Homes, in accordance with the submitted Design and Access Statement and Sustainability Statement (Condition 24). As the East of England Plan has now been revoked, the requirement of Condition 16 cannot be imposed on the current application. However, the requirement for Level 3 of the Code for Sustainable Homes to be achieved can still be imposed in accordance with Policy SD1 of the Core Strategy.

Planning Obligation

A deed of variation has been drafted to link this application to the Section 106 agreement that forms part of planning permission ref. 11/00952/FULM, which covers the whole site. This will ensure that all the required financial contributions and the provision of affordable housing across the whole site will be secured, avoiding any duplication, in the event of the flats on the southern part of the site being implemented under the original permission and the houses on the northern part of the site being implemented under a permission granted for this application.

Consideration of objections received

Objections	Officer's response
The Transport Assessment has not been updated to reflect new Census data on car ownership or changes to bus services and rail timetables.	As the planning permission granted in 2012 is still extant and no additional dwellings are proposed, it is not necessary to update the transport assessment.
The development will increase traffic on the surrounding roads and add to existing high levels of congestion.	This issue was addressed in the transport assessment. As the planning permission granted in 2012 is still extant and no additional dwellings are proposed, it is not necessary to update the transport assessment.
High levels of parking already occur on surrounding roads. The development will only increase these problems. A permit parking scheme should be introduced on King Georges Avenue to address this issue.	This issue was addressed in the transport assessment. A controlled parking zone will only be introduced with the agreement of residents within King Georges Avenue. In a survey in 2013 residents rejected the introduction of a CPZ.
The development may lead to sewer flooding in the locality as the capacity of sewers is not being increased.	A flood risk assessment was submitted with the 2011 application and agreed with the Environment Agency. This includes measures to reduce flows to the sewer system.

Conclusion

There is no objection in principle to a change in the design of the proposed houses, subject to the design being of an appropriate style and detail to ensure a coherent design approach is achieved across the site and specifically with the block of flats approved under planning permission ref. 11/00952/FULM. The changes to the layout of the site and the car parking are acceptable.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

RECOMMENDATIONS

- (A) That planning permission be granted subject to the completion of a deed of variation in respect of the planning obligation under s.106 of the Town and Country Planning Act 1990 entered into in respect of planning application 11/00952/FULM to secure the following obligations and subject to the conditions listed below:

Section 106 Deed of Variation

- i) To secure financial payments to the Council towards public open space and children's playspace, in accordance with the Agreement dated 26th November 2012.
- ii) To secure financial payments to the County Council towards sustainable transport measures, education, youth facilities and libraries, in accordance with the Agreement dated 26th November 2012.
- iii) To secure the provision of 12 affordable housing units within the application site comprising 6 x 2 bed houses for social rent, and 1 x 2 bed house and 5 x 3 bed houses for shared ownership or other intermediate tenure.

- iv) To secure the exclusion of the development from the local controlled parking zone to ensure future residents are not entitled to permits to park on-street in the surrounding roads.
- v) To secure the provision of necessary fire hydrants as required to serve the development.

Conditions

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall only be constructed in accordance with the following approved drawings, unless otherwise agreed in writing by the Local Planning Authority:

Drawing nos. to be added.

Reason: For the avoidance of doubt as to what has been permitted.

3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

4. The construction of the development shall be registered with the Considerate Constructors Scheme and shall be carried out in accordance with the requirements of this Scheme at all times.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include the phasing of the development and, for each phase, details of contractors parking, the delivery and storage of materials, any temporary access/egress points to adjoining highways, and wheel washing facilities. The Plan as approved shall be implemented throughout the construction period.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

6. No development shall commence until a final verification report demonstrating completion of the works set out in the Remediation Method Statement (dated September 2012) and the Interim Remediation Verification Report (dated September 2013), both by Rick Management Limited, 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. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: 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 and to prevent pollution of controlled waters (the site is within Source Protection Zone 3) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the Remediation Method Statement referred to in Condition 6, 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 and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved amended FRA (Issue 4, February 2012) and the following mitigation measures detailed within:
 - i) Limiting the surface water run-off generated by the 100 year critical storm with 30% addition for climate change as identified in Section 4.10, so that it will not exceed the run-off from the developed site detailed in Section 4.20 as 17 litres per second for Design Option 1, and 12 litres per second for Design Option 2 as detailed in Section 4.35.

- ii) Utilising the sustainable drainage options (identified in Section 4.20) as the basis of the detailed surface water design.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants, in accordance with Policy SE30 of the Watford District Plan 2000.

- 9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure infiltration of surface water would not create a pathway for contamination at the surface to migrate into the underlying groundwater in order to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

- 10. No piling or any other foundation designs using penetrative methods shall be undertaken without the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure piling or other penetrative foundation techniques would not create a pathway for contamination at the surface to migrate into the underlying groundwater in order to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

11. No development shall commence until details of the routing of all below ground services and cabling (electricity, gas, telephone, foul water, surface water, etc), including any temporary connections for site huts, showing depth, width and routing of all trenches, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure the below ground services do not have any adverse impact on the root protection zones of retained trees or prevent the implementation of an acceptable soft landscaping scheme for the development, in accordance with Policies SE37 and U4 of the Watford District Plan 2000.

12. No development shall commence until fencing of a style, height and in a position to be agreed in writing by the Local Planning Authority shall have been erected to protect all trees and shrubs which are to be retained. No materials, vehicles, fuel or any other items shall be stored or buildings erected or works carried out inside this fencing and no changes in ground level shall be made within the spread of any tree or shrubs (including hedges) without the prior written approval of the Local Planning Authority.

Reason: To safeguard the health and vitality of the existing trees which represent an important visual amenity during the period of construction works in accordance with Policies SE37 and SE39 of the Watford District Plan 2000.

13. No removal of trees, scrub or hedges shall be carried out on the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously searched the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal may proceed.

Reason: In order to avoid harm to nesting birds which are a protected, in accordance with Policy SE31 of the Watford District Plan 2000.

14. No development shall commence until a landscaping scheme (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density, soil volume and drainage and irrigation systems) for all landscaped areas within the site has 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: In the interests of the visual appearance of the site in accordance with Policies U6, U2 and U3 of the Watford District Plan 2000.

15. No development shall commence until full details and samples of the materials to be used for the external surfaces of the buildings (including walls, roofs, windows, doors, balconies and solar panels) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site, pursuant to Policy U3 of the Watford District Plan 2000.

16. No development shall commence until full details and samples of the materials to be used for all hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site, pursuant to Policy U3 of the Watford District Plan 2000.

17. No development 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. These works shall be carried out as approved prior to the first occupation of any part of the development to which the works relate and shall be maintained as such at all times thereafter.

Reason: In the interests of the visual appearance of the site and in the interests of security of the site and adjacent properties in accordance with Policies U2, U3 and U4 of the Watford District Plan 2000.

18. No development shall commence until details of a lighting scheme for the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved prior to the first occupation of each respective part of the development to which it relates.

Reason: To meet the needs for safety and security for users of the site and to ensure no adverse impacts on the adjoining public highways or adjoining properties, in accordance with Policies U2 and U4 of the Watford District Plan 2000.

19. No dwelling shall be occupied until a certificate has been submitted to the Local Planning Authority to confirm that the dwelling has been constructed to achieve Level 3 of the Code for Sustainable Homes.

Reason: To accord with the Design and Access Statement (Sutton Griffin Architects) and the Sustainability Statement (Bluesky Limited) submitted as part of the planning application.

20. No house in Blocks A, B, C, D, E, F, G and H shall be occupied until the refuse and re-cycling store for each dwelling shown on the approved drawings has been constructed. Each store shall be retained as approved at all times.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with the aims of Policies U2, U3, T9 and T10 of the Watford District Plan 2000.

21. No dwelling shall be occupied until the new junctions onto Hagden Lane and King George's Avenue and the new access road through the site, as shown in principle on the approved drawing no. 1248_PLN_303A, have been constructed and all existing access/egress points on Hagden Lane and King George's Avenue have been closed and reinstated.

Reason: In the interest of highway safety, in accordance with Policy T21 of the Watford District Plan 2000.

22. No dwelling shall be occupied until details of the proposed bollards or other physical measures to prevent vehicular access between Hagden Lane and King George's Avenue, as shown in principle on drawing no. 1248_PLN_303A, have been provided, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, these measures shall be permanently retained at all times.

Reason: To prevent the access road being used as a rat-run to avoid the traffic light controlled junction at Whippendell Road/Hagden Lane, in accordance with Policy T4 of the Watford District Plan 2000.

23. No dwelling shall be occupied until the respective vehicle parking accommodation shown on the approved drawing no. 1248_PLN_303A (or any subsequent amendment agreed in writing with the Local Planning Authority) has been provided

and made available for use. This parking accommodation shall be permanently retained and shall not be used for any other purpose than the parking of vehicles of occupants of the development or visitors to the site.

Reason: To ensure that the development makes adequate provision for the parking of vehicles of the future occupiers of the development and their visitors in the interests of highway safety and to accord with Policies H5 and T22 of the Watford District Plan 2000.

24. The windows in the flank elevation of the buildings on Plots B1, B4, C1 and C4 shall be non-opening and shall be fitted only with obscured glazing at all times.

Reason: To prevent overlooking and a loss of privacy to the adjoining properties and their garden areas, in accordance with Policy U2 of the Watford District Plan 2000.

25. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D and E 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 U1, U2 and U3 of the Watford District Plan 2000.

26. The integral garages to the houses on Plots F2, F3, F4, F5, G2, G3, G5, G6, H3 and H4 shall only be used for the parking of cars and shall not be converted to habitable accommodation or any other use, without the written approval of the Local Planning Authority.

Reason: To ensure adequate car parking provision is retained on the site for future occupiers and to prevent on-street parking.

Informatives

1. This planning permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, children's play space, education facilities, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits. The agreement also secures the provision of affordable housing and requires the provision of necessary fire hydrants to serve the development.

Drawing nos.

To be added.

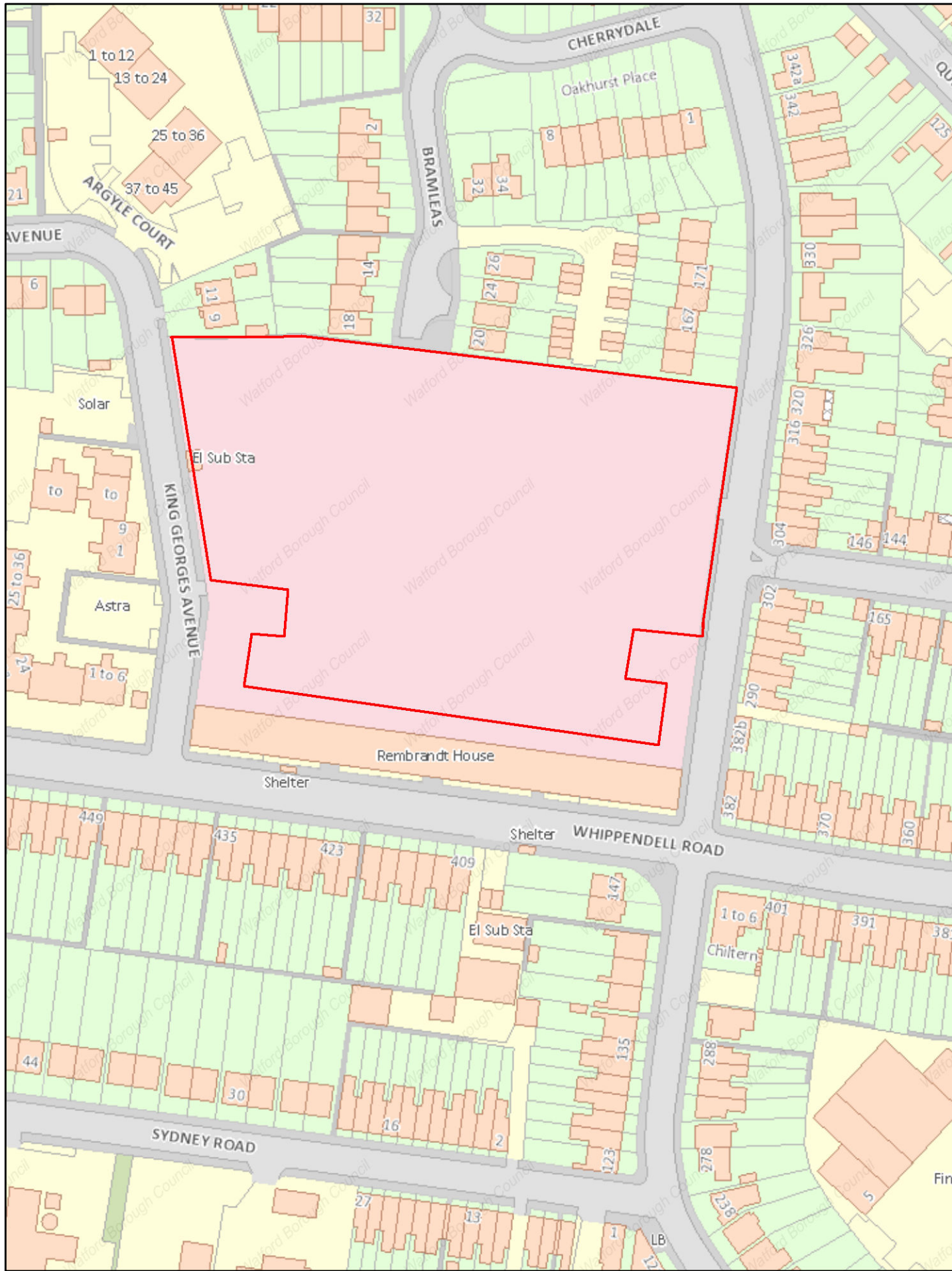
-
- (B)** In the event that an acceptable deed of variation in respect of the planning obligation under s.106 of the Town and Country Planning Act 1990 entered into in respect of planning application 11/00952/FULM has not been completed by 20th May 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for the application for the following reasons:

1. The proposal fails to make adequate provision for public open space or children's playspace, either in the form of on-site works or commuted payments, and as such is contrary to Policies L8 and L9 of the Watford District Plan 2000.
2. The proposal fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposal fails to contribute to the provision or improvement of community facilities (youth facilities and libraries) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
4. The proposal fails to contribute to the provision or improvement of education facilities in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
5. The proposal fails to make provision for affordable housing on-site and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
6. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.
7. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

Case Officer: Paul Baxter

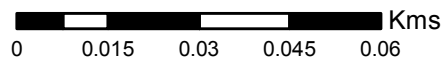
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Rembrandt House

Date: 07/05/2014



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