



DEVELOPMENT CONTROL COMMITTEE

Tuesday, 16th December, 2014

7.30 pm

Town Hall, Watford

Publication date: 8 December 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

Access to the Town Hall after 5.15 pm is via the entrance to the Customer Service Centre from the visitors' car park.

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 Council Chamber is on the mezzanine floor of the Town Hall and a lift is available. An induction loop is available in the Council Chamber.

FIRE/EMERGENCY INSTRUCTIONS

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.

MOBILE PHONES

Please ensure that mobile phones are switched off or on silent before the start of the meeting.

FILMING / PHOTOGRAPHY / RECORDING / REPORTING

Please note: this meeting might be filmed / photographed / recorded / reported by a party other than Watford Borough Council for subsequent broadcast or publication.

If you do not wish to have your image / voice captured you should let the Chair or Democratic Services Officer know before the start of the meeting.

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 S Bashir, N Bell, J Connal, S Johnson, 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 27 November 2014 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(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. 7, 9 AND 15 BRIDLE PATH (Pages 1 - 36)

Outline application for a mixed-use development of up to 30 residential units (Class C3) and up to 1,728m² of office floorspace (Class B1a) in a building up to 8 storeys high

5. LAND AT DODD ROAD (Pages 37 - 64)

Application for the development for 10 residential units (Class C3), including the erection of a new apartment block together with the conversion of the vacant ground floor of the existing neighbourhood centre, with associated access, parking, amenity space and landscaping.

6. REAR OF 31 NASCOT WOOD ROAD (Pages 65 - 104)

Application for the construction of 2 No. detached houses with associated parking and landscaping.

7. 1 RICHMOND DRIVE (Pages 105 - 144)

Part retrospective application for demolition of existing dwelling and erection of two detached five bedroom dwellings (amendments to planning permission 12/00815/FUL)

8. LAND OFF CARDIFF ROAD AND BETWEEN WIGGENHALL ROAD AND WILLOW LANE AND DALTON WAY/OXHEY PARK (Pages 145 - 146)

Hybrid planning application for the development of a mixed-use health campus accessed from the approved Access Road comprising:

1. Outline element for the construction of new hospital/healthcare accommodation, together with business, retail, office, food and drink, hotel, and leisure uses, and up to 681 new dwellings, safeguarding of land for the expansion of Laurence Haines primary school, new public spaces, play space and landscaping, associated car parking, access roads, footways and cycleways.

2. Detailed element (business area south) for the construction of three industrial business units together with associated vehicle and cycle parking, site landscaping and the creation of a new wildlife area

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **16th December 2014**

Site address: **7, 9, 15 Bridle Path**

Reference number: **14/00555/OUTM**

Description of development: **Outline application for a mixed-use development of up to 30 residential units (Class C3) and up to 1,728m² of office floorspace (Class B1a) in a building up to 8 storeys high**

Applicant: **Keay Homes Limited**

Date received: **4th June 2014**

13 week date (major): **3rd September 2014**

Ward: **Central**

SUMMARY

Outline planning permission is sought, with all matters reserved except for access to the site, for a mixed-use development of the site with up to 30 dwellings and 1,728m² of office floorspace (Class B1a) in a building up to 8 storeys high. The application site has an area of 0.085 hectare and is currently occupied by a series of single and two storey workshops.

The application was previously considered by the Committee at its meeting on 28th August 2014 when a decision was deferred in order to allow the applicant to submit additional information regarding the building's massing and impact on the surrounding area and nearby heritage assets. No further information has, however, been received.

The submitted illustrative drawings show an 8 storey building at the western end of the site and a 5 storey building at the eastern end, linked by a 2 storey element. Illustrative floorplans show how the proposed number of flats and amount of office floorspace could be accommodated on the site, within a car-free scheme. These drawings allow an assessment of the proposal to be made against the policies of the Core Strategy and the saved policies of the Watford District Plan 2000.

The site is located in the Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. These designations identify the Clarendon Road/Station Road employment area as the prime office area within the Borough and, as such, development proposals should be for Class B1 office use. Policy E1 of the District Plan states that only in exceptional circumstances will land within designated employment areas be released for the purposes of regeneration, either in the form of housing or mixed use development, where it can be demonstrated the site is no longer required to meet future employment needs. The proposed mixed-use scheme will result in an increase in the quantity and quality of office floorspace on the site and will contribute towards providing new employment within the Borough, in accordance with the overall objectives of the Core Strategy. However, the residential element is not in accordance with the land allocation unless it can be demonstrated that exceptional circumstances exist in accordance with Policy E1.

At the committee meeting on 28th August 2014, the application was recommended for approval on the basis that a more flexible approach to development within employment areas was being taken, specifically with regard to mixed-use office and residential schemes, to encourage the provision of new, modern office floorspace to replace an ageing and increasingly outdated stock. This approach was reflected in the emerging development management policy on employment, which was subject to public consultation in November-December 2013. In view of the fact that the most recent employment study was undertaken in 2010 to inform the Core Strategy, an updated employment study was commissioned in June 2014 to provide an up-to-date evidence base for the development management policies and site allocation plan. This study was

published in November and concludes that the predicted level of employment land needed for the remainder of the Core Strategy period (to 2031) is significantly higher than that predicted in the 2010 study. As such, the proposed employment policy has now been amended to reflect this greater need for employment land and residential uses are no longer considered appropriate within employment areas. The previous approach of allowing mixed-use developments within employment areas is, therefore, no longer considered acceptable other than in exceptional circumstances. Whilst the amended policy is still to be subject to a further public consultation (to be undertaken in December-January) and an examination in public as part of the Local Plan Part 2, the employment study provides an up-to-date evidence base that is a material consideration. Furthermore, the new policy is very similar to Policy E1 of the District Plan, which remains a saved policy and relevant to the application.

The applicant had previously agreed to enter into a Section 106 planning obligation to secure financial contributions towards the provision or improvement of a range of community facilities and services and 35% affordable housing provision, in accordance with the policies of the Core Strategy. Despite a draft unilateral undertaking being sent to the applicant in August 2014, no completed undertaking has been received.

The Committee previously requested additional information regarding the building's massing and impact on the surrounding area and nearby heritage assets but, despite the time that has elapsed, no further information has been received. Whilst your officers understand the concerns expressed at the meeting on 28th August, they remain of the view that the scale of the building is acceptable in this location and, consequently, would not have a significant adverse impact on nearby heritage assets or the surrounding area.

However, in light of the new employment evidence base that is a material consideration and the failure of the applicant to complete a s.106 undertaking to provide the necessary financial contributions and affordable housing provision, the Development Management Section Head recommends that outline planning permission be refused for the reasons set out in the report.

BACKGROUND

Site and surroundings

The application site has an area of 0.085 hectare and is rectangular in shape, measuring 55m long by 15m wide. It has an east-west orientation with a frontage to Bridle Path at both ends due to the U-shaped layout of Bridle Path. The site is currently occupied by a series of single storey and two storey buildings located along the northern and southern boundaries of the site, with a central access in between. The buildings are used as workshops, principally for car repairs and maintenance.

The immediate area of Bridle Path contains a variety of different commercial buildings. Immediately to the north of the site is the 8 storey Holiday Inn hotel with the 3 storey Clarendon House office building beyond. Immediately to the south of the site is the 2 storey Shire House office building. Beyond this, on the southern side of Bridle Path, are the 2/3 storey office buildings fronting Station Road. Most of these are former detached and semi-detached residential properties that have been converted to office use over many years. To the west are the two, 4/5 storey Egale House office buildings which front St Albans Road. Finally, to the east is Benskin House occupied by The Flag public house. This is a listed building comprising the 3 storey original hotel building facing Watford Junction Station and the 2 storey former stables range fronting Station Road and extending along the eastern side of Bridle Path.

Proposed development

Outline planning permission is sought, with all matters, except for access, reserved for future approval (appearance, landscaping, layout and scale), for a mixed-use development of the site with up to 30 dwellings and 1,728m² of office floorspace (Class B1a) in a building up to 8 storeys high. The development has no car parking provision. Pedestrian access to the building will be from the eastern and western sections of Bridle Path.

Planning history

13/00328/OUTM - Outline planning permission for mixed-use development of up to 78 flats (Class C3) and 585m² of gym (Class D2) in a building up to 9 storeys high with ancillary parking. Application withdrawn.

14/00013/OUTM - Outline application for a mixed use development of 30 residential units as 4 x 2 bed flats, 8 x 1 bed flats and 18 x studio flats (Class C3) and 1,728m² of office space (Class B1) in a building up to 8 storeys high. Application invalid.

Relevant policies

National Planning Policy Framework

- Section 1 Building a strong, competitive economy
- Section 2 Ensuring the vitality of town centres
- 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 12 Conserving and enhancing the historic environment

Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026

- 1 Strategy for the Provision for Waste Management Facilities
- 1a Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Part 1 - Core Strategy 2006-31

WBC1	Presumption in favour of sustainable development
SS1	Spatial Strategy
SPA1	Town Centre
SD1	Sustainable Design
SD2	Water and Wastewater
SD3	Climate Change
SD4	Waste
HS1	Housing Supply and Residential Site Selection
HS2	Housing Mix
HS3	Affordable Housing
EMP1	Economic Development
EMP2	Employment Land
T2	Location of New Development
T3	Improving Accessibility
T4	Transport Assessments
T5	Providing New Infrastructure
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design
UD2	Built Heritage Conservation

Watford District Plan 2000

SE7	Waste Storage and Recycling in New Development
SE27	Flood Prevention
SE39	Tree and Hedgerow Provision in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
T26	Car Free Residential Development
E1	Employment Areas

- L8 Open Space Provision in Housing Development
- L9 Children's Playspace
- U17 Setting of Conservation Areas

Supplementary Planning Guidance and Supplementary Planning Documents

SPG10 Open Space Provision
Residential Design Guide (2014)
Watford Character of Area Study (2011)

CONSULTATIONS

Neighbour consultations

Letters were sent to 91 properties in Bridle Path, St Albans Road and Station Road. One letter has been received on behalf of the owners of the adjoining office building at Shire House. The objections can be summarised as follows:

- Proposal represents a serious overdevelopment of the site. Building will dwarf Shire House.
- Building covers 100% of the site and will be difficult to construct and create serious difficulties and inconvenience to the occupiers of Shire House.
- Prime office windows on the rear elevation of Shire House facing the site. The proposed building will be only 3m from the rear elevation resulting in an impact on Right to Light and quality of use.
- Proposed access and egress would compromise the current amenities and access to Shire House.
- Design creates overlooking of Shire House.

Advertisements in local paper/site notices

Four site notices were placed outside the site on 13th June 2014. The application was advertised in the Watford Observer on 20th June 2014.

Statutory consultations

Hertfordshire County Council (Highway Authority)

The Transport Statement states that the proposals are for a car-free development with no vehicles access for the proposed development. In section 6 of the application form indicates that there will be new vehicular and pedestrian access arrangements to the site. The access arrangements shown on Site Plan drawing (ref I4026/006) show there to be a 'Public Highway' area, this will have to be clarified as part of the design checking and approval process necessary to obtain the Section 278 agreement in order to make changes to the public highway adjoining the site.

Parking: "car-free" developments are likely to result in parking on street which will lead to over-spill on to surrounding residential roads. Nevertheless the development site has good public transport accessibility level. The site is in a Controlled Parking Zone which is a designated area in which all parking places are restricted in order to impact positively on the safety and efficiency of the public highway and protect parking for around the Town Centre.

Planning Obligation: It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways of transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. Planning obligations so derived would be used on schemes and measures identified in the Southwest Hertfordshire Transport Plan. As an indication of the minimum level that would be sought HCC would require a second strand (pooled) contribution of £11,750. This is based on the rates for 30 flats in accessibility zone 2.

Conclusion: The Site is located in the Town Centre and approximately 600 metre from Watford Junction Station. The development has good connection to passenger transport routes and acceptable walking distance to shops and other local amenities. In this case,

“car-free” development would be acceptable. As a consequence Hertfordshire County Council as the Highway Authority does not recommend refusing this application.

Four standard conditions are recommended relating to construction.

Hertfordshire County Council (Property)

I am writing in respect of planning obligations sought towards education, library and fire and rescue services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information received to date for a development of 30 residential units (comprising 4 x 2-bed flats, 8 x 1-bed flats and 18 studio flats) we would seek financial contributions towards primary and secondary education, nursery education, childcare, youth and library services, together with fire hydrant provision, as set out within HCC's Planning Obligations Toolkit.

When applications are made in outline, HCC's standard approach is to request Table 2 of the Toolkit is referred to and included within any Section 106 deed following identification of service requirements. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to determine the dwelling mix at the reserved matters stage with the financial contribution being calculated accordingly, without the need to enter into a deed of variation in respect of these contributions. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010: “fairly and reasonably related in scale and kind to the development”.

Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

Thames Water

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated

or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Environment Agency

We request that the conditions below are added to any planning permission granted. Without these conditions, the proposed development on this site could pose an unacceptable risk to the environment and we would need to object to the application. If you have any queries about this response, please do not hesitate to contact me.

Condition 1

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on the submitted *Phase I Desk Study Report* (prepared by: BSP Consulting; dated: 22 March 2013; reference: 13109) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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 any 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Condition 4

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 5

Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Police Architectural Liaison/Crime Prevention Officer

Has given general comments relating to Secured by Design standards.

Environmental Health

Land Contamination

The site has a number of potentially contaminative uses, as such the standard contamination condition would be required should planning permission be granted.

Noise

The position of the proposed development is such that the future residents may be disturbed by noise and/or odour from existing sources. I believe the following conditions could control this and ensure that the residents are not disturbed:

1. Plans will be submitted to and agreed by the local planning authority prior to construction demonstrating that the standard for indoor ambient noise levels for dwellings defined in BS 8233:2014 is achieved in the living rooms and bedrooms of all units in the development. This standard must be met while provisions for rapid cooling and ventilation are functioning.

Any assessment must take into account noise sources including (but not limited to) railway noise and plant in Egale House, the Holiday Inn and The Flag.

2. A ventilation stack was noted on Mitchells & Butlers Training Kitchen, Bridle Path, Watford. Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA states that flues must not discharge within 20 metres of any building. Plans must be submitted to and agreed by the local planning authority prior to construction demonstrating that the eastern elevation of the development is provided with such ventilation and provision for rapid cooling as to prevent disturbance from odour.

Conservation and Design

The application is in outline form so the elevation and layout details are indicative only. The two main issues for comment are the impact on the setting of the listed building, The Flag PH, and the proportion of office and residential in an area where employment uses are encouraged.

In terms of the impact on the setting of the listed building, the proposed scheme has been reduced in height towards the building to reduce the impact. It is difficult to tell without views showing the outline of the proposed building superimposed onto the views of the listed building – I am surprised that the heritage statement does not include such images. I have tried to do this myself and feel that, generally, efforts have been made to reduce the impact on the setting and it is only views such as that shown in image 1.2 of the appendix that the proposed building would impact on the listed building where it would be seen above the roofline of the wing to the main section of the listed building. As the heritage statement notes, the listed building already has an urban back drop but at the moment there is clear sky above the roofline of the building apart from the hotel. The proposed building would fill part of this clear sky to the left of the hotel still leaving clear sky above the remainder; it would be unfortunate for all of the roofline to be subsumed by taller buildings behind it; this would represent a more significant change to the setting but may be difficult to resist if this proposal is permitted. It would be preferable to reduce the height of the residential section of building unless additional information can be supplied to show the quantum can be delivered without filling in the skyline above the roofline of the wing to The Flag.

On this basis it is clear that there will be a negative impact on the setting of the listed building; this would constitute less than substantial harm in terms of the NPPF and should be weighed up against the public benefit of the scheme (para 134). It is difficult to be more precise as we have no clear indication in visual terms from the heritage statement of how the proposed building will impact on the setting (view 1.2). Clearly one of the mitigating arguments regarding quality of the application cannot apply here as this is an outline application.

I am still uncomfortable with an outline approach for a building of this size and where there are issues regarding the setting of a heritage asset. Instinct says that the outline approach being used here is not the right one.

In terms of the proportion of residential floorspace to employment – as submitted there is more employment than residential floorspace (58.7% office to 41.3% residential); generally in what is predominantly an employment area we would expect more office space (as a proportion of the total). The principle of the mixed use is acceptable (check how this compares with other mixed schemes we have approved) and the scheme will provide a net uplift in employment floor space.

Note: These comments were the original comments made on the application before the new 2014 employment study was commissioned and published. Following receipt of the new employment study, the following additional comments were received from the Spatial Planning Manager:

Policy E1 identifies this area as one for primary office use (Class B1a), and sets out that release for housing or mixed use development would be exceptional, and would only occur where it is demonstrated that the site is no longer required to meet future employment and business needs. The latest evidence, in the form of the Economic Growth and Delivery Assessment 2014, indicates that space in this area is required to meet such needs so this test could not be met at the present time.

Policies EMP1 and EMP2 of the Watford Core Strategy 2013 also identify the Clarendon Road area as the focus for office use. Improvements to the quality of office stock in this area are part of the strategy for delivering job growth in Watford.

The latest evidence on future employment and business needs is set out in the Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners in 2014, using data including the 2013 East of England Forecasting Model (EEFM). The study's assessment of this recent run of the EEFM forecasts total job growth of 13,290 over the period 2006-31, almost double the 7,000 minimum target set in the Core Strategy. 11,630 of these are predicted to be B1a or B1b office jobs. This means we need to protect, improve, and indeed increase, our stock of quality office accommodation.

The EGDA sets out 4 potential future scenarios for future employment space requirements. These are based on the Spring 2013 EEFM, past development rates, labour supply (based on the Core Strategy Housing Target) and labour supply (based on 2012 Sub National Population Projections). The EGDA goes on to compare the forecast requirement to the existing supply (in the form of extant planning permissions and the employment component expected from major development projects at Ascot Road, Town Centre improvements, Watford Business Park, Watford Health Campus and Watford Junction). All scenarios bar the past development rates scenario anticipate a substantial additional requirement for office floorspace. The past development rates scenario is not considered a sustainable one to plan for as past development rates are likely to have been constrained by losses of space and supply side factors and would effectively represent an acceptance that the borough would continue to under perform economically.

This area, with its location close to the railway station and the town centre, is Watford's primary office location. Redevelopment in this area represents an opportunity to provide additional high quality office accommodation. In response to the most recent evidence, Local Plan Part 2 proposes continuing the approach of protecting office uses in the Clarendon Road / Station Road / Bridle Path area (which was subject to consultation in

Nov/Dec 2013) and extending this to look to provide additional high quality office floorspace in this area.

Taken together, the existing and emerging policies and latest available evidence mean that non-employment uses are unlikely to be considered acceptable in this area. Rather we will be seeking improvements to the amount of high quality office floorspace available here. Any supporting uses should be clearly ancillary in nature and of a type which support and enhance the vitality and viability of the primary office use of the area. Residential use is not acceptable in this location.

APPRAISAL

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

- (a) the *Watford Local Plan Part 1 - 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

On the Proposals Map of the Watford District Plan the site is located within Employment Area E7a (Clarendon Road / Station Road). In the Core Strategy it is located within the Town Centre Special Policy Area (SPA1). The objectives of the Town Centre SPA are to strengthen and consolidate Watford’s position as a regional centre in the retail hierarchy; seek a more balanced provision of town centre facilities and infrastructure, including retail, leisure, entertainment and other town centre uses; seek access improvements for people of all ages, interest and backgrounds; redevelop the existing shopping centre at Charter Place; and deliver around 3,300-4,200 additional jobs in the wider town centre area in the

retail, leisure, office and service sectors. Within the wider town centre, Clarendon Road is identified as the focus for office use.

Principle of development

The site is within the wider Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. The Core Strategy sets out the requirement for the provision of at least 7000 new jobs by 2031 to meet strategic objectives and maintain Watford's role as a regional employment centre.

The GVA Employment Study 2010 (forming part of the evidence base for the Core Strategy) identified potential demand for up to 90,000m² of B1a office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m² of new floorspace. This study also highlighted the fact that the quality of floorspace is equally important as the quantity. Clarendon Road/Station Road is identified as needing improvement in the quality of stock to compete effectively and attract occupiers. It is important to have not only the right quality and quantity of floorspace but also the right type of space to meet the future employment needs of the Borough and generate new jobs. As a regional centre, it is important that Watford remains an employment destination and does not become merely a commuter town.

The latest Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners (2014) has identified a significantly greater predicted growth in employment at 13,290 new jobs, almost double the predicted 7,000 new jobs in the 2010 Employment Study. Some 11,630 of these are forecast to be in Class B1(a) and B1(b) office jobs. It also predicts a significant shortfall of employment floorspace, in the order of 164,000m² to 215,000m² (see table below), a significant proportion of which will need to be in the form of office floorspace. Even allowing for some adjustment and refinement of these figures, these figures are a magnitude greater than that planned for in the Core Strategy.

Scenario	Baseline EEFM (Spring 2013)	Labour Supply (260dpa)	Labour Supply (2012 SNPP)
Office Space requirement	253,720	202,400	244,025
Potential supply of office space	38,295	38,295	38,295
Surplus(+)/Shortfall(-)	-215,425	-164,105	-205,730

(extract from EGDA 2014) (all figures in m²)

Clarendon Road / Station Road is identified as a prime office location and a focus for new office development within the spatial strategy (Policies SS1 and EMP1). A major strength is its location and proximity to Watford Junction (sustainable access) and the town centre core (other services). It is important that this area remains the focus for new job creation and that opportunities for this are recognised and taken. Replacing redundant and outdated building stock (such as the buildings currently on the application site) that no longer meets the requirements of modern employers represents a prime opportunity to achieve this. Given the latest forecast figures for new jobs and employment floorspace, the Clarendon Road / Station Road employment area will be the main focus for new office development and will need to accommodate significantly greater levels of floorspace than currently exists. Any development proposals in the employment area will therefore need to demonstrate clearly that they maximise every opportunity to meet the forecast demand for growth in employment floorspace in the medium and longer term to 2031.

The office element of the proposed mixed-use scheme (1,794m²) is in accordance with the employment land allocation of the District Plan and the wider employment objectives of the Core Strategy. This element will provide modern, high quality office floorspace to replace the existing out-dated workshops on the site. However, the residential element of the proposed scheme is not in accordance with either the land allocation or the Core Strategy, and does not provide any new employment floorspace to meet forecast demand. This is an opportunity that needs to be taken in light of the new employment study and could potentially provide up to an additional 1200m² of office floorspace on the site. In light of the new employment study, it cannot be demonstrated that the site is no longer needed

to meet future employment needs and, therefore, no exceptional circumstances exist to merit the inclusion of residential development in this scheme.

The site is within the wider town centre area where an element of new residential development is considered appropriate and is expected (Policy SS1). However, any residential development that is provided must not undermine the key objectives of the Core Strategy and the Town Centre SPA to deliver the range of town centre uses and facilities necessary to consolidate and strengthen Watford's position as a regional centre and a significant number of additional jobs. In this respect, the residential element of the scheme will undermine the overall objective of the Core Strategy to provide new employment floorspace, and specifically new office floorspace within the prime office location of Clarendon Road / Station Road. In conclusion, the proposal does not accord with the overall objectives and policies of the Core Strategy or the District Plan.

Layout and design

The site is relatively small and rectangular in shape with a frontage to Bridle Path at its eastern and western ends. The proposed building covers 100% of the site area with a new frontage to Bridle Path at each end. At its western end the building has 8 storeys of accommodation and is a similar height to the adjacent Holiday Inn building to the north and the Egale House office buildings to the west fronting St Albans Road. The ground and first floor is proposed as office use with the upper 6 floors for residential use. At its eastern end, the building has 5 storeys of accommodation, all for office use, with the top storey set back from the frontage. This element of the building is lower in order to reflect the lower scale of the listed Benskin House, occupied by The Flag public house, to the east. In between these two elements, the central section of the building is 2 storeys high, both for office use. Overall, the scale of the building is considered appropriate for this location, subject to a more detailed assessment of its impact on adjoining buildings.

As the application is in outline with appearance a reserved matter, the actual design of the building is not for approval at this stage. However, an illustrative design has been submitted which shows the applicant's current intentions for the building. Due to the

narrow width of the site, the building has a strong vertical emphasis with the windows shown to be arranged in 3 vertical columns on both the western and eastern elevations. The different uses within the building can be distinguished by the different window designs, with the office windows being pairs of narrow vertical windows and the windows to the flats being horizontal windows. The indicative materials are brick and render. This is considered to be an acceptable design approach for the site.

Townscape and visual impacts

The immediate area of Bridle Path contains a variety of different commercial buildings. These vary in scale from single storey to 8 storey. The 8 storey element at the western end of the site will be seen in the context of the 8 storey Holiday Inn and the 4/5 storey office buildings of Egale House. It will also close off the view between the two Egale House buildings from St Albans Road and form a new frontage to Bridle Path. In this context, the proposed building will have a limited but positive impact on the streetscene of St Albans Road and will enhance the streetscene of Bridle Path. The 5 storey element at the eastern end of the site will primarily be seen as a 4 storey building due to the set back of the top floor. On this eastern side of Bridle Path, this element of the building will be seen in the context of the 2 storey Shire House building and the parking areas to the rear of the Holiday Inn hotel and Benskin House. This section of Bridle Path has a poor streetscene and environment and the proposal will enhance this. The building will have a limited impact on Station Road and Clarendon Road due to it being set back behind existing buildings.

The building will also be visible in some more distant views of the site, principally from the south. From the north, views of the building will be screened by the existing Egale House and Holiday Inn buildings. From the south, the building will be visible, from limited vantage points, from St Albans Road, Station Road, Clarendon Road and Woodford Road. In each case, the building will be seen alongside the existing Holiday Inn and Egale House buildings. In this context, the building will sit comfortably alongside these buildings as part of a small cluster of taller buildings and will not appear unduly prominent or overbearing in these views.

Heritage assets

There are no heritage assets on the application site but the site is in close proximity to the listed building of Benskin House to the east. This has a grade II listing and comprises the 3 storey former hotel building facing Watford Junction station and the 2 storey former stables range fronting Station Road and extending along Bridle Path to the rear, although the listing description refers only to the 3 storey former hotel building. The site also includes an open car park at the rear, accessed off Bridle Path, opposite the eastern end of the application site.

The closest part of the proposed building to the listed building is the office element at the eastern end of the site. This is sited only 13m from the 2 storey stable block at its closest point. This will change the immediate setting of the listed building although the 2 storey Shire House (with mansard roof) adjoining the application site is only 8m away at its closest point. The proposed building will face directly towards the open rear car park. The stable block is the less important part of the listed building and is not referred to in the listing description. Its setting and context is very different to that of the main 3 storey building.

The main listed building, the former hotel, is sited 64m to the south-east of the application site with the 2 storey stable range sited in between. Views of this building are principally from Station Road, its junction with Clarendon Road and from Woodford Road to the east. In each of these views, the listed building is seen in the context of taller buildings. To the front, adjacent to the building, is the Iveco House building sited above Watford Junction station. It is part 6 storeys, part 9 storeys in height with a large plant room, and visually dominates the junction of Clarendon Road and Station Road. To the rear, the taller buildings of the Holiday Inn and Egale House form the backdrop to views of the listed building. The proposed building, in particular the 8 storey element, will be an additional taller building within this context, seen alongside the Holiday Inn to the rear of the listed building. The lower 5 storey element will be significantly less visible behind the listed building. In views from Woodford Road and the junction with Clarendon Road, the existing

Holiday Inn building is actually screened from view by the main building of Benskin House. As such, it is not considered that the proposed building will have any significant adverse impact on the setting of the listed building. Having regard to the land allocation of the site and the policies of the Core Strategy to encourage higher density development in the town centre and other highly sustainable locations, it is considered that this minor level of harm is outweighed by other policies of the Core Strategy in this case.

General housing policies

The application site is located within the Town Centre Special Policy Area of the Core Strategy. Policy SS1 states that within the wider town centre higher density homes will be delivered. Notwithstanding the policy objection to residential use on this site, the proposal accords with this wider strategic aim.

Although the details of the proposed units are not for approval at this stage, floor plans have been submitted that allow an assessment to be undertaken. The illustrative plans show 20 studio flats, 6 one bed flats and 4 two bed flats. Although schemes would normally comprise primarily one and two bed units with relatively few studio units, there is no policy objection in principle to studio flats. This is therefore considered to be an acceptable mix of units for a high density scheme of this nature and accords with aims of Policy HS2 of the Core Strategy. Policy HS3 of the Core Strategy requires 35% of the units to be provided as affordable units. The policy requires these to be provided as a mix of tenures comprising 65% affordable rent, 20% social rent and 15% intermediate tenures. In practice, it is often difficult to achieve this mix, especially within a single block of this nature and where relatively small numbers of units are involved. On a number of other schemes, single tenure affordable housing has been considered acceptable, either as affordable rent or intermediate tenures (shared ownership). In this case, it is considered acceptable in principle that, in the event of permission being granted, the required affordable units (11 units if 30 units are to be provided) could be single tenure, either for affordable rent or intermediate tenures.

Policy UD1 of the Core Strategy sets out the design principles for achieving high quality design. There is no reason why these criteria cannot be achieved at detailed design stage.

With regard to internal floor areas, the application was submitted before the adoption of the new Residential Design Guide and the updated standards this contains. The table below shows the illustrative floorareas compared to the minimum standards of SPG6 and the recently adopted (23rd July 2014) Residential Design Guide 2014.

	Proposed (illustrative)	SPG6 (excluding bathrooms and storage)	RDG 2014
Studio	34-36m ²	29.5m ²	37m ²
1 bed (2 person)	50m ²	29.5m ²	50m ²
2 bed (3 person)	68m ²	38m ²	61m ²

The illustrative floor areas are significantly in excess of the minimum standards of SPG6. The floor areas of the 1 and 2 bed units meet or exceed the increased standards of the RDG 2014. The studio units are slightly below the RDG standards by 1-3m². As the scheme is in outline, the floor areas could change at detailed reserved matters stage and be designed to meet the new RDG standards. In any event, the shortfall in the illustrative floor areas of the studio units is not large in this case.

Impacts on adjoining properties

All of the surrounding properties are in commercial use, either as offices or a hotel. As such, the levels of outlook, privacy and natural light are not considered as important as for residential properties. Whilst the proposed building will be directly visible from one of the Egale House office buildings and the Holiday Inn hotel, it will not have any significant adverse impact on these properties. With regard to Shire House, this building has windows on its rear (northern) elevation sited only 3m from the boundary of the site. These windows will suffer a loss of outlook and natural light as a result of the proposal. However, notwithstanding any Right to Light that may apply (which is not a material

planning consideration), it is not reasonable for the outlook and light to these windows over the application site to be maintained at the expense of prejudicing the development of the application site.

Residential amenity

The illustrative flats will have adequate internal floor areas to ensure sufficient internal space for future occupiers and acceptable layouts. All of the proposed flats are shown to be in the 8 storey, western element of the building, located at 2nd-7th floor levels above the ground and first floor office floorspace. The studio and 1 bed flats are shown to be single aspect and the 2 bed flats to be multi-aspect. These details may change at reserved matters stage but allow an initial assessment to be made.

The majority of the studio flats will have a western aspect within the main front elevation of the building. The majority of the flats will face between the two Egale House buildings towards St Albans Road. This will ensure good outlook and natural light. The flats at the southern end of this elevation will face one of the Egale House office buildings at a distance of 18.5m. This is less than the 22m minimum normally required for facing buildings and will mean that these units will have a lower level of outlook, natural light and privacy. However, this relationship occurs across a public highway (Bridle Path) and is not an unusual relationship in this respect. With regards to privacy, the office building has dark tinted glass and those windows directly facing the site are to a main stair core. The offices will also generally be unoccupied during evenings and weekends when the flats will be occupied, thereby ensuring no significant loss of privacy.

The 1 bed flats will have an eastern aspect, looking across the site towards the 5 storey office element at a distance of 16.5m. This is also less than the normal minimum distance of 22m. In this case, the rear (western) elevation of the office element is shown as not containing any windows and will, therefore, not give rise to any loss of privacy. The lower height of the office element will mean that the flats will receive acceptable levels of outlook and natural light.

The 2 bed flats are located within a projecting wing and have windows facing south, east and north. The principal windows face south and are shown to be angled in a south-easterly direction in order to avoid prejudicing the potential development of the adjoining Shire House site. This is acceptable. All of the flats will have adequate levels of outlook, natural light and privacy.

Due to the site being located close to the railway lines (32m to the north-east), all of the proposed flats could potentially suffer noise nuisance from rail traffic. Environmental Health have also identified other potential sources of nuisance from the plant rooms of the adjacent office and hotel buildings (noise) and the kitchens of the public house (odours). Although a noise assessment has been submitted with the application, this is considered to be inadequate and Environmental Health have requested further survey work and analysis to be undertaken and appropriate mitigation measures to be incorporated into the design of the flats. As the application is only in outline, it would be appropriate to secure these details by condition in the event of planning permission being granted.

Transportation, access and parking

The site is in a highly accessible location with Watford Junction station and its associated bus interchange located just 130m to the east. This gives access to a wide range of rail and bus services. Further bus services are accessible within the town centre located 800m to the south together with a full range of town centre shops, services and facilities. The site is also easily accessible by foot and cycle. In light of this high level of accessibility and the small site area, the development is proposed to be car-free. This is acceptable in this location.

The proposed flats will need to be excluded from the local controlled parking zone to ensure that future residents will not be entitled to parking permits, thereby preventing any additional on-street parking on the surrounding roads. This will require a payment of £2,000 to cover the costs of varying the local Traffic Regulation Order and could be secured by a Section 106 planning obligation in the event of planning permission being granted.

The existing site has two vehicular access points from Bridle Path, one at its eastern end and one at its western end. These will be closed off as part of the development and the details could be secured by condition in the event of planning permission being granted. At the western end of the site, the public highway currently forms an unmade apron between the edge of the carriageway and the site boundary. Adjoining this is an unmade strip of land over which the application site has a right of access. It is proposed that these two areas of land will be resurfaced as part of the proposal. This area is of sufficient size to accommodate a 10m service vehicle which would allow servicing of the offices and residential flats clear of the carriageway.

The development will also be required to make a payment towards the provision or improvement of sustainable transport measures in the Borough, in accordance with Policies T5 and INF1 of the Core Strategy and the County Council's Planning Obligations Toolkit. As the application is in outline, the actual payment will be dependent on the number and size of flats and the amount of office floorspace proposed at reserved matters stage.

Flood risk and drainage

The site is within Flood Zone 1 with minimal risk of flooding from all sources. It is also located within a Source Protection Zone 2, indicating that groundwater beneath the site will directly feed a public drinking water abstraction point. As such, and having regard to the potential for land contamination, the Environment Agency has requested a condition to ensure no infiltration of surface water without the approval of the Local Planning Authority. In order to minimise the risk of flooding post-development, a surface water drainage strategy could be secured by condition in the event of planning permission being granted.

Sustainability, energy and waste

The site is within Special Policy Area 1 Town Centre and, as such, will be expected to exceed current best practice for sustainable design. The Council's emerging development management policies, which underwent public consultation in November-December 2013, require all development within Special Policy Areas to achieve Code Level 4 of the Code

for Sustainable Homes for residential development and a BREEAM rating of 'Very Good' for commercial development. Design stage interim certificates and post-construction final certificates to confirm that these levels have been achieved could be secured by condition in the event of planning permission being granted.

Both the Code for Sustainable Homes and BREEAM assessments have waste management as an integral component and the Council's policies also require adequate bin storage provision for waste and recycling as part of all new development. Separate bin stores for the office and residential elements of the development could also be secured by condition. These measures will ensure that the development is of a sustainable construction and will encourage waste to be managed and reduced on site, in accordance with the policies of the County Council's Waste Core Strategy and Development Management Policies.

Open space and children's play space

The site is unable to provide any open space or children's playspace due to the 100% site coverage and the high density nature of the proposal. The site lies within an area of deficit of open space on the Proposals Map of the Watford District Plan 2000 and is not within 200m of a children's play area. As such, financial contributions are sought of £2,472 per unit for open space and £985 per unit of 2 or more bedrooms, in accordance with policies L8 and L9 of the District Plan and the contributions set out in SPG 10.

Planning obligation

The development proposed in this application is one where, in accordance with Policy INF1 of the Watford Local Plan 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 2006-31 and saved policies H10, L8 and L9 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.

As the application is in outline at this stage, and in the event that planning permission is granted, the actual contributions relating to the proposed development will be calculated at reserved matters stage having regard to the number and size of dwellings, in accordance with the Hertfordshire County Council’s Planning Obligations Toolkit (adopted January 2008) and the relevant policies of the Watford Local Plan Core Strategy 2006-31 and Watford District Plan 2000. As such, the contributions will be directly related to the proposed development, will be fairly and reasonably related in scale and kind to that development and will be 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.

The scheme will also need to secure the provision of necessary fire hydrants, as required, to serve the development.

Consideration of objections received

Objections	Officer’s response
Proposal represents a serious overdevelopment of the site. Building will dwarf Shire House.	The proposed building is of a similar scale to surrounding buildings, including Egale House and the Holiday Inn.
Building covers 100% of the site and will be difficult to construct and create serious difficulties and inconvenience to the occupiers of Shire House.	Other buildings cover 100% of their site, this is not in itself inappropriate. Construction matters are not a material planning consideration.

Prime office windows on the rear elevation of Shire House facing the site. The proposed building will be only 3m from the rear elevation resulting in an impact on Right to Light and quality of use.	Right to Light is a private matter. Any windows overlooking the site should not prejudice the development of the site. None of the windows are to residential units.
Proposed access and egress would compromise the current amenities and access to Shire House.	The proposed development is car-free and has no vehicular access. The access and amenities of Shire House will not therefore be compromised by the proposal.
Design creates overlooking of Shire House.	Some overlooking of Shire House will occur but as this is in office use, it is not considered that this will give rise to any harm.

Conclusion

The office element will result in the provision of new office floorspace on the site and will contribute towards providing new employment within the Borough, in accordance with the objectives and policies of the Core Strategy and the District Plan and the latest Economic Growth and Delivery Assessment by Nathaniel Lichfield and Partners. However, the residential element is not in accordance with the Core Strategy or the District Plan and does not exploit the full opportunity to provide new employment floorspace to meet the forecast levels of employment growth. No exceptional circumstances are considered to exist to justify residential on this site as the latest evidence demonstrates the site is required to meet future employment needs. As such, the application does not accord with the objectives and policies of the Core Strategy and the District Plan.

The submitted illustrative drawings show an 8 storey building at the western end of the site and a 5 storey building at the eastern end, linked by a 2 storey element. Illustrative floorplans show how the proposed number of flats and amount of office floorspace could

be accommodated on the site, within a car-free scheme. These drawings allow an assessment of the proposal to be made against the policies of the Core Strategy and the saved policies of the Watford District Plan 2000. Overall, this is considered to be an acceptable scale of development for the site.

The application was previously considered by the Committee at its meeting on 28th August 2014 when a decision was deferred in order to allow the applicant to submit additional information regarding the building's massing and impact on the surrounding area and nearby heritage assets. No further information has, however, been received. Whilst your officers understand the concerns expressed at the meeting, they remain of the view that the scale of the building is acceptable in this location and, consequently, would not have a significant adverse impact on nearby heritage assets or the surrounding area.

Notwithstanding the fact that the residential element of the scheme is not in accordance with the development plan, no Section 106 agreement or undertaking has been submitted to secure financial contributions towards the provision or improvement of a range of community facilities and services and 35% affordable housing provision, in accordance with the policies of the Core Strategy.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to prevent the loss of employment land to residential use, which is not in accordance with the Development Plan, and which would prejudice the ability of the Council to meet future employment needs.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed residential units included within the scheme are contrary to Policies SS1, SPA1, EMP1 and EMP2 of the Watford Local Plan Core Strategy 2006-31, and Policy E1 and the employment land allocation on the Proposals Map of the Watford District Plan 2000, which seek Class B1 office use on this site. No exceptional circumstances are considered to exist to justify residential use on this site.
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, T4, 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 (education, youth and childcare facilities, libraries and health 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.
4. The proposal fails to make provision for public open space or children's play space, either in the form of on-site works or commuted payments, and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved policies L8 and L9 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.

Drawing numbers

L4026 023 (Survey)

L4026 005A (Location Plan)

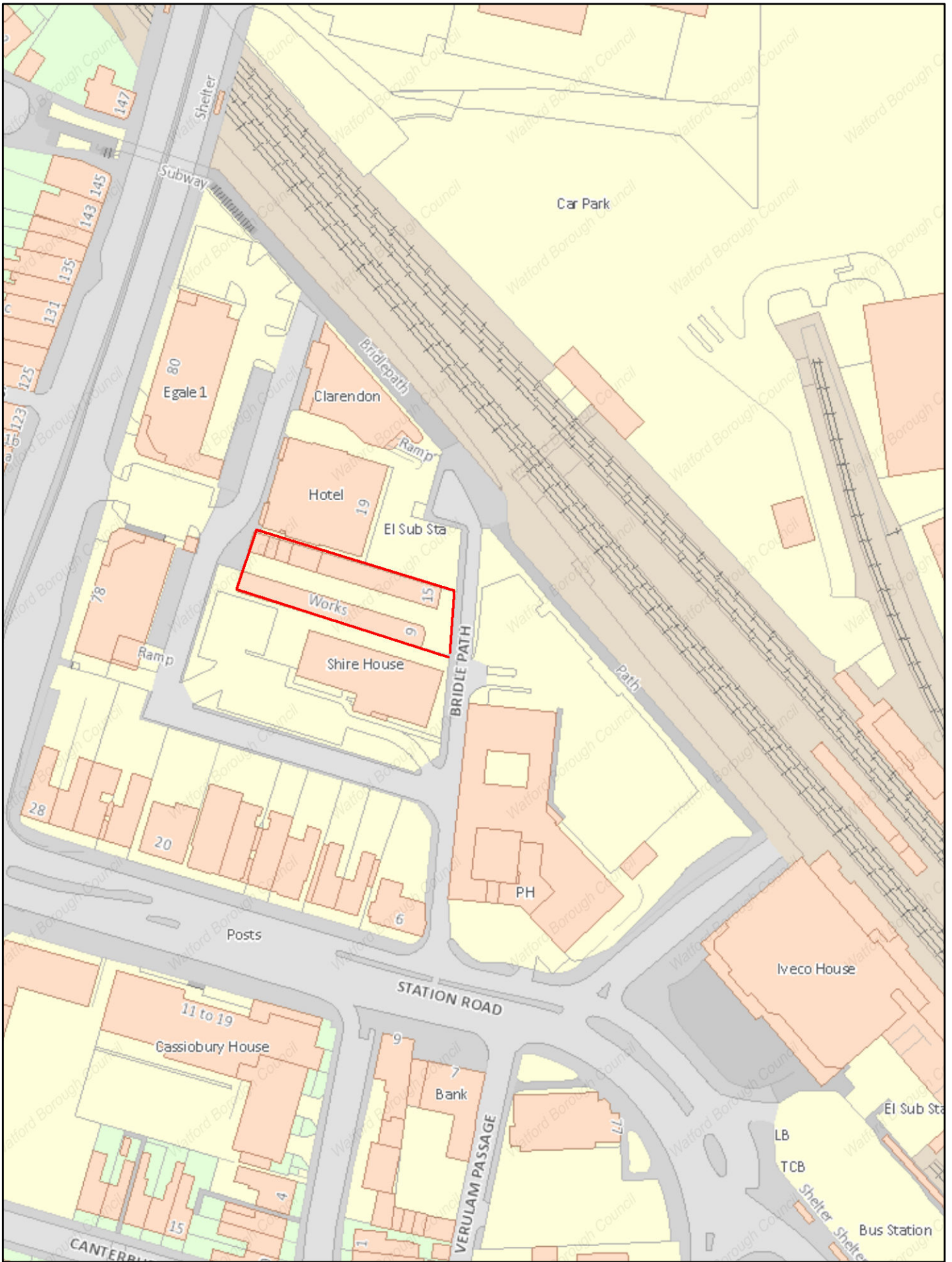
L4026 006B (Site Plan)

Case Officer: **Paul Baxter**

Tel: **01923 278284**

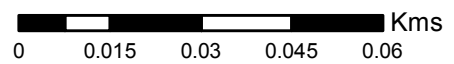
Email: **paul.baxter@watford.gov.uk**

This page is intentionally left blank



7, 9, 15 Bridle Path

Date: 19/08/2014



Scale 1:1,250



This page is intentionally left blank

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	16th December 2014
Site address:	Land at Dodd Road, Leggatts Green
Reference Number:	14/01231/FULM
Description of Development:	Development for 10 residential units (Class C3), including the erection of a new apartment block together with the conversion of the vacant ground floor of the existing neighbourhood centre, with associated access, parking, amenity space and landscaping.
Applicant:	Taylor Wimpey North Thames
Date received:	12th November 2014
13 week date (major):	11th February 2015
Ward:	Leggatts

SUMMARY

This application is for the creation of 10 new dwellings within the existing Leggatts Green estate. It comprises 2 elements: the conversion of the vacant ground floor commercial units within the neighbourhood centre into 7 flats, and the erection of a detached block of 3 flats adjacent to this. The provision of new flats on this site is acceptable in principle within this recently completed residential estate. The loss of the 6 commercial units is considered acceptable in this case given their poor location, the lack of interest in them by commercial

operators and the fact that they have remained vacant for over 2 years since their construction.

The design of the ground floor elevations comprising the conversion includes front doors and habitable room windows on the front elevations facing Dodd Road with kitchen and bathroom windows on the rear elevations, facing the car park. The existing ashlar style render at ground floor will be retained and the overall appearance of the building will be enhanced. The new detached block is 2 storeys with a pitched roof, designed to reflect the existing surrounding development within the estate. It is located on an open and unused paved area of land adjacent to the neighbourhood building, intended as a delivery and servicing area for the vacant commercial units. This will no longer be required with the conversion of the commercial units to residential. It, too, incorporates front doors and habitable room windows on the front elevation facing the footpath to Leggatts Way. This block, together with the ground floor conversion, will significantly improve the character and appearance of this part of the estate, giving active frontages to the public realm and removing an area of unused land. The siting and design of the block will ensure that it will have no adverse impact on surrounding residential properties.

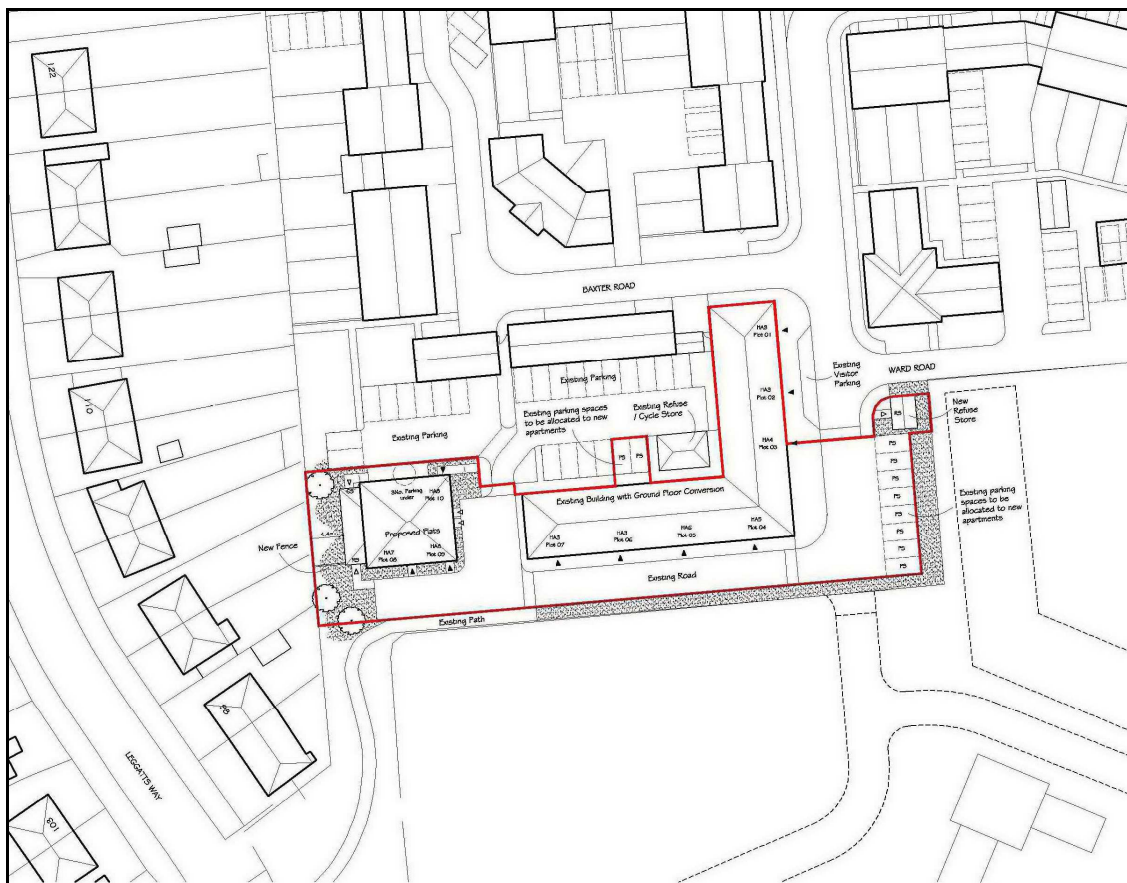
All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. The scheme includes the provision of 13 on-site parking spaces for the 10 flats proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the development plan and is considered to be acceptable.

The Development Management Section Head therefore recommends the application be approved, subject to the completion of a planning obligation and appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

The application site is located in the south-western corner of the recently completed Leggatts Green estate on the former West Herts College site. It comprises the vacant, ground floor commercial units of an existing 3 storey, mixed-use block which has two floors of residential units above (Picasso Court) and the adjoining servicing/parking areas for the commercial units. The Leggatts Green estate is sited to the south of North Western Avenue, which forms the main vehicular access to the site, and to the east of Leggatts Way, accessed via a footpath link. To the south of the site is the vacant site of the former Bill Everett Centre, now demolished.



Site layout

Proposed development

Full planning permission is sought for the following:

- i) The conversion of the 6 vacant commercial units on the ground floor of Picasso Court into 7 flats, comprising 6 x 1 bed and 1 x 2 bed units.
- ii) The erection of a detached block on the unused servicing/parking area adjoining Picasso Court to the west to provide 3 flats, comprising 1 x 1 bed and 2 x 2 bed units, and 3 undercroft parking spaces, a bin store and cycle store.

Planning history

07/01268/FULM – Application for full planning permission for redevelopment of the former West Herts College site, comprising 248 dwellings (172 no. 2-bed flats, 17 no. 3-bed houses and 59 no. 4-bed houses) a neighbourhood centre, public open space and associated parking and landscaping. This application was recommended for refusal but was withdrawn by the applicant before a decision was made.

08/01207/FULM – Application for full planning permission for redevelopment of the former West Herts College site, comprising 235 dwellings (22 no. 1-bed flats, 89 no. 2-bed flats, 1 no. 3-bed flat, 56 no. 3-bed houses and 67 no. 4-bed houses), a neighbourhood centre, play space, alteration to accesses from Leggatts Way and North Western Avenue, car parking, refuse and cycle stores. Application was refused on 11th December 2008.

09/00835/FULM – Application for full planning permission for redevelopment of the former West Herts College site, comprising 217 dwellings (47 no. 1-bed flats, 104 no. 2-bed flats, 2 no. 3-bed flat, 28 no. 3-bed houses and 36 no. 4-bed houses) a neighbourhood centre, play space, alterations to accesses from Leggatts Way and North Western Avenue, car parking, refuse and cycle stores. Application was refused on 28th January 2010 for reasons relating to the character and appearance of the area and the mix of dwelling types. This refusal

was appealed. The appeal was upheld and planning permission was granted by letter dated 21st July 2010. This permission has now been implemented and is known locally as Leggatts Green.

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 and Development Management Policies Document 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 (2014)
SPG10 Open Space Provision

CONSULTATIONS

Neighbour consultations

Letters were sent to 61 properties in Dodd Road, Baxter Road, Broad Road, Ward Road and Leggatts Way. Ten replies have been received with one letter raising no objection to the proposal. The other 9 letters make the following objections to the proposal:

- Already insufficient car parking for the current residents and visitors. One space for 2 bed flats is unrealistic. Parking is a major problem.
- Spaces proposed for ground floor flats already being used for overspill and visitors parking.
- Number of flats should be reduced with proper provision for visitors' parking. No provision for visitors parking in the new scheme.

- Dodd Road is already used as a through road for traffic accessing Leggatts Way. More dwellings will worsen this situation and increase the risk of accidents. Dodd Road has become dangerous and hazardous at the pinch points and corners.
- Proposal will increase traffic, congestion and parking problems.
- Vacant commercial units should be given to the community to provide community facilities lost on the closure of the Bill Everett Community Centre.
- The commercial units have not been marketed properly.
- The extra dwelling will affect light coming into properties on Baxter Road.
- Proposed new building an overdevelopment of the site.
- Loss of outlook from existing properties.

In addition to these objections, one person makes the following additional comments regarding the proposed conversion:

- No objection to the conversion of the vacant commercial units into residential. Estate not really suitable for any commercial units, would be unattractive to traders as there is very little (if any) daytime passing trade.
- Empty units are detrimental to the estate.

Advertisements in local paper/site notices

Two site notices were put up outside the site on 9th September 2014. A public notice also appeared in the Watford Observer on 19th September 2014.

Consultations

Thames Water

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure

that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Hertfordshire County Council (Highway Authority)

The proposed site (10 residential units) is a small development. The Highway Authority does not consider the additional units will materially increase traffic movements on the neighbouring roads therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. The proposal results in 10 additional flats and the applicant should be advised that this development would attract a contribution towards but not limited to sustainable transport measures identified in the South West Hertfordshire Transportation Plan and subsequent transport plans. Under these circumstances I have no objection to this proposal and recommend permission is granted subject to the completion of an agreement to secure a financial contribution of £6,625 and subject to conditions.

Crime Prevention Design Advisor

Secured by Design: I am pleased that on page 18 of the Design and Access Statement the applicants will reflect the principles of Secured by Design including physical security. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50-75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

Carports: I would encourage the car ports to be garages, as vehicles parked within will then be more secure, rather being hidden away where the users will be unable to see their vehicle.

Fence: I am pleased with the new fence shown between the bin store of the new block of flats and the side perimeter fence, which will help stop casual intrusion around the block and keep people to the public areas better.

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 additional residential development on this site subject to satisfying the relevant policies.

Retail policies

The Leggatts Campus and Bill Everett Community Centre Planning Brief was adopted in 2007 and required a local centre to be provided as part of any redevelopment of these sites. It was anticipated that these 2 sites would come forward at the same time but allowance was made for the sites to be developed separately. In reality, only the former college site was sold for development with the site of the former Bill Everett Community Centre (now demolished) remaining in the ownership of Hertfordshire County Council. As a result of the development of the former college site in isolation, no vehicular access to Leggatts Way was possible and the proposed local centre, shown within the Brief to be sited

adjacent to the main access from Leggatts Way, was located away from Leggatts Way within the site. Only a pedestrian footpath link to Leggatts Way was possible, with the main vehicular access being from North Western Avenue (utilising the existing college access). As a result of this siting, the commercial units are not visible from either Leggatts Way or North Western Avenue.

The local centre comprises 6 units of 57m² (4 units), 70m² and 129m² fronting on to Dodd Road. These units were completed in August 2012 and were actively marketed by Brasier Freeth until October 2013. Although some 31 enquiries were received during this time, none of them progressed to a letting of a unit and all the units remain vacant. The main reasons given by enquirers for not proceeding to a letting included poor access, poor visibility, too tucked away, lack of passing trade and units not of suitable size and/or layout. Many of the enquirers did not follow up their initial interest once particulars had been received.

The nearest local or neighbourhood centres to the site are located at Orbital Crescent and Courtlands Drive. Both are within easy walking distance. Orbital Crescent comprises a small local centre located to the north of the site, accessed via a footbridge over North Western Avenue from Heather Lane. This has only a small number of units but does contain a convenience store. Courtlands Drive is located to the west of the site, accessed via the residential section of North Western Avenue. This is a larger neighbourhood centre and includes a good range of local shops including a convenience store, chemist, post office, newsagent, off-licence, dry cleaners, barbers/hairdresser and various restaurants and take-aways.

Paragraph 22 of the National Planning Policy Framework (NPPF) says that:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment

use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Although the existing building on the application site is allocated for retail use rather than employment use, per se, nevertheless the import of paragraph 22 is still relevant to the current application.

Having regard to the length of time the units have been vacant, the lack of interest from the marketing campaign, the lack of visibility of the units from both Leggatts Way and North Western Avenue, the reasonable proximity of existing local shopping parades and the policy statement in paragraph 22 of the NPPF, there is considered to be no planning reason to resist the conversion of these units to residential use.

Housing policies

The principle of new residential development within a primarily residential area is acceptable.

The proposal will provide a mix of one and two bedroom flats suitable for 2 and 3 persons which is acceptable.

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

Number of bedrooms (and persons)	Minimum floor area (exc. bathrooms and circulation) (RDG)	Total floor area provided in scheme
1 bed (1 or 2 persons)	37m ²	53-68m ²
2 bed (3 or 4 persons)	61m ²	62-71m ²

The flats in the conversion are dual aspect although have only obscured bathroom windows or high level kitchen windows facing to the rear. All the habitable room living and bedroom windows face to the front, overlooking Dodd Road. The flats in the new block are all single aspect, with 2 of the flats overlooking the footpath to Leggatts Way. All of the flats will provide a good level of residential amenity in terms of outlook, privacy and natural light for future occupiers. Due to the nature of the proposal, involving the conversion of vacant commercial units within an existing development, it is not possible to provide private amenity space for the units. This is the same situation for the flats above the commercial units which also do not have access to any private amenity space. However, they do have access to open space within the estate immediately to the north along Dodd Road, which was provided as part of the main development, and to the playing fields which adjoin the development to the east.

As the proposal is for 10 dwellings, there is a requirement to provide 35% affordable housing, which can be secured by a Section 106 planning obligation. In this case, however, it is the applicant's intention that all of the flats would be affordable as it is intended that the application be linked with a second application within the estate off North Western Avenue (ref. 14/01230/FULM) which, if granted, would involve the provision of some of the affordable housing for the development on this site. This application will be the subject of a separate report to Committee.

Design and appearance

The estate has a distinct character and appearance of its own, being developed as a coherent development by the applicant. The proposed conversion will retain the existing ashlar render finish at ground floor level and utilise the same style of windows and doors. This will enhance the appearance of the building. For the new building, this will be of the same style, design and materials as Picasso Court so that it is read as an integral part of the overall development.

Impact on neighbouring properties

The conversion of the ground floor commercial units to flats will have no impact on the flats on the upper floors. The siting of the proposed new building will also have no impact on these flats.

The new building will be sited 7m from the rear boundary of the houses on Leggatts Way and 21.5m from the rear elevation of the nearest house at its closest point. It will have no windows at ground or first floor level on this elevation so will not give rise to overlooking or loss of privacy. The scale and siting of the building, due east of the gardens, will ensure it will have no adverse impact on outlook or natural light to these houses or their garden areas.

Within the development, the nearest property is a first floor flat due north of the new building, sited over two garages and an archway leading to the existing rear parking area which adjoins the application site. This flat has all its habitable room windows facing north over Baxter Road with only a small kitchen window facing to the rear. This window faces the gap between the existing Picasso Court and the proposed new building and is overlooked only by a bedroom at an oblique angle. As such, the proposed building will not give rise to any significant overlooking of this flat.

Transportation, access and parking

The site will be accessed from North Western Avenue via Dodd Road in the same way as the existing development on the site. Hertfordshire County Council as the Highway Authority has raised no objection to the proposal on the grounds of traffic generation or highway safety. Servicing of the proposed flats will take place from Dodd Road as existing, with a turning head provided in front of the new building. One bin store is provided off Dodd Road to the east to serve the flats in the ground floor of Picasso Court. A second bin store is provided as part of the new building to serve these 3 flats. Both stores are of adequate size for the number of flats served and are easily accessible both to the residents and for collection.

The provision of 13 parking spaces for the scheme accords with the Council's maximum standards, which would allow a maximum of 13.25 spaces to be provided. Ten of the spaces are those that were originally allocated for use of the commercial units, 8 on Dodd Road to the east and 2 in the rear parking area. A further 3 spaces are provided in the undercroft of the new building, accessed from the existing parking area via Baxter Road. Ten of the spaces will be allocated to the flats with 3 spaces for visitors.

The new building incorporates a secure, communal cycle store for 10 cycles to serve all of the proposed flats, which is acceptable and will further encourage sustainable, non-car travel. The applicant has also agreed to a contribution of £6,625 towards wider sustainable transport measures in Watford.

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) Community facilities

- Secondary education £1,379
- Primary education £3,303
- Nursery education £761
- Childcare £223
- Youth £47
- Libraries £762

ii) Open space and children's playspace

The wider site includes the playing fields to the east which are also in the applicant's ownership. This area of land significantly exceeds any requirement for open space arising from the development. As part of the development of Leggatts Green, additional open space and an equipped children's play area (LEAP) were provided off Dodd Road, which is also sufficient to serve the proposed development. As such, no contributions are sought towards open space and children's playspace.

iii) Sustainable transport

- Sustainable transport £6,625

A planning obligation is being prepared to secure these financial contributions towards the provision or improvement of facilities within the Borough of Watford. The agreement will also secure the provision of any necessary fire hydrants to serve the development.

Consideration of objections received

Objections	Officer's response
<p>Already insufficient car parking for the current residents and visitors. One space for 2 bed flats is unrealistic. Parking is a major problem.</p>	<p>The level of parking proposed is close to the maximum standard for the development proposed and is acceptable.</p>
<p>Spaces proposed for ground floor flats already being used for overspill and visitors parking.</p>	<p>These spaces are allocated to the commercial units and do not form part of the parking provision for the existing residential properties.</p>
<p>Number of flats should be reduced with proper provision for visitors parking allocation. No provision for visitors parking in the new scheme.</p>	<p>Three of the spaces proposed will be for visitor use.</p>
<p>Dodd Road is already used as a through road for traffic accessing Leggatts Way. More dwellings will worsen this situation and increase the risk of accidents. Dodd Road has become dangerous and hazardous at the pinch points and corners.</p>	<p>The existing estate roads will remain unchanged. The level of additional traffic generated by the proposed development will be insignificant.</p>

Proposal will increase traffic, congestion and parking problems.	The level of additional traffic generated by the proposed development will be insignificant. The proposed parking provision is close to the maximum standard for the development proposed and is acceptable.
Vacant commercial units should be given to the community to provide community facilities lost on the closure of the Bill Everett Community Centre.	It is unlikely a community organisation would be willing and able to undertake the fit out, running and management of these units solely for community use. No enquiries were received from community organisations in response to the marketing.
The commercial units have not been marketed properly.	An appropriate and acceptable marketing campaign has been undertaken.
The extra dwelling will affect light coming into properties on Baxter Road.	The proposed development will have no adverse impact on existing properties.
Proposed new building an overdevelopment of the site.	The new building will occupy an area of open land no longer required and is appropriate in its scale for this plot.
Loss of outlook from existing properties.	The proposed development will have no adverse impact on existing properties.

Conclusion

The provision of new flats on this site is acceptable in principle within this recently completed residential estate. The design and appearance of the new building and the conversion of the ground floor of Picasso Court will ensure the proposed development is sympathetic to, and forms an integral part of, the existing development. All of the proposed flats will have good levels of amenity

and will have no adverse impacts on adjacent dwellings either within the site or adjoining the site. The proposal includes the provision of 13 parking spaces, and bin and cycle stores, all of which are acceptable.

The loss of the 6 commercial units is considered acceptable in this case given their poor location, the lack of interest in them by commercial operators and the fact that they have remained vacant for over 2 years since their construction.

Overall, the proposal accords with the policies of the 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

- (A) That planning permission be granted subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure financial payments to the County Council of:
 - a) £6,625 (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) £1,379 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £3,303 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £761 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £223 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £47 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £762 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- ii) To secure 4 of the units (3 x 1 bed and 1 x 2 bed) as affordable housing for affordable rent.

- iii) 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:-

1408/P/101, 102, 103, 104, 105, 106, 107, 108

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

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

Reason: 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 development shall be occupied until full details of a hard landscaping scheme, including all boundary treatments, 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 flat hereby permitted shall be occupied until the respective bin store and the cycle store, as shown on the approved drawings, have been constructed. These shall be retained as such at all times thereafter and shall not be used for any other purpose.

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 13 car parking spaces, as shown on the approved drawings, have been provided in full. These spaces shall be retained at all times thereafter for the parking of cars.

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.

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 education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. The agreement also requires the provision of affordable housing and 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.

Drawing numbers

1408/P/101, 102, 103, 104, 105, 106, 107, 108

(B) In the event that an acceptable planning obligation under Section 106 of the Town and Country Planning Act 1990 has not been completed by 9th February 2015 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 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, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal fails to contribute to the provision or improvement of community facilities (education, childcare, 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.
3. 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.
4. 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**
Email: **paul.baxter@watford.gov.uk**
Tel: **01923 278284**

This page is intentionally left blank



C M Y K

CMYK (Planning and Design) Ltd.
 6 The Gavel Centre, Porters Wood,
 St. Albans, Hertfordshire, AL3 6PQ
 Tel: 01727 430123
 Fax: 01727 850936
 Email: email@cmcyk.net www.cmcyk.net

Client

Taylor Wimpey
 Taylor Wimpey Developments Ltd.

North Thames
 Imperial Place 2,
 100 Broadmead
 Birmingham
 B3 1JN
 Tel: 020 8268 8800
 www.taylorwimpey.com

Title

Location Plan

Job

Land off Dodd Road
 Watford

Scale

1 / 250 @ A3

Drawn

CMYK

Checked

CMYK

Date

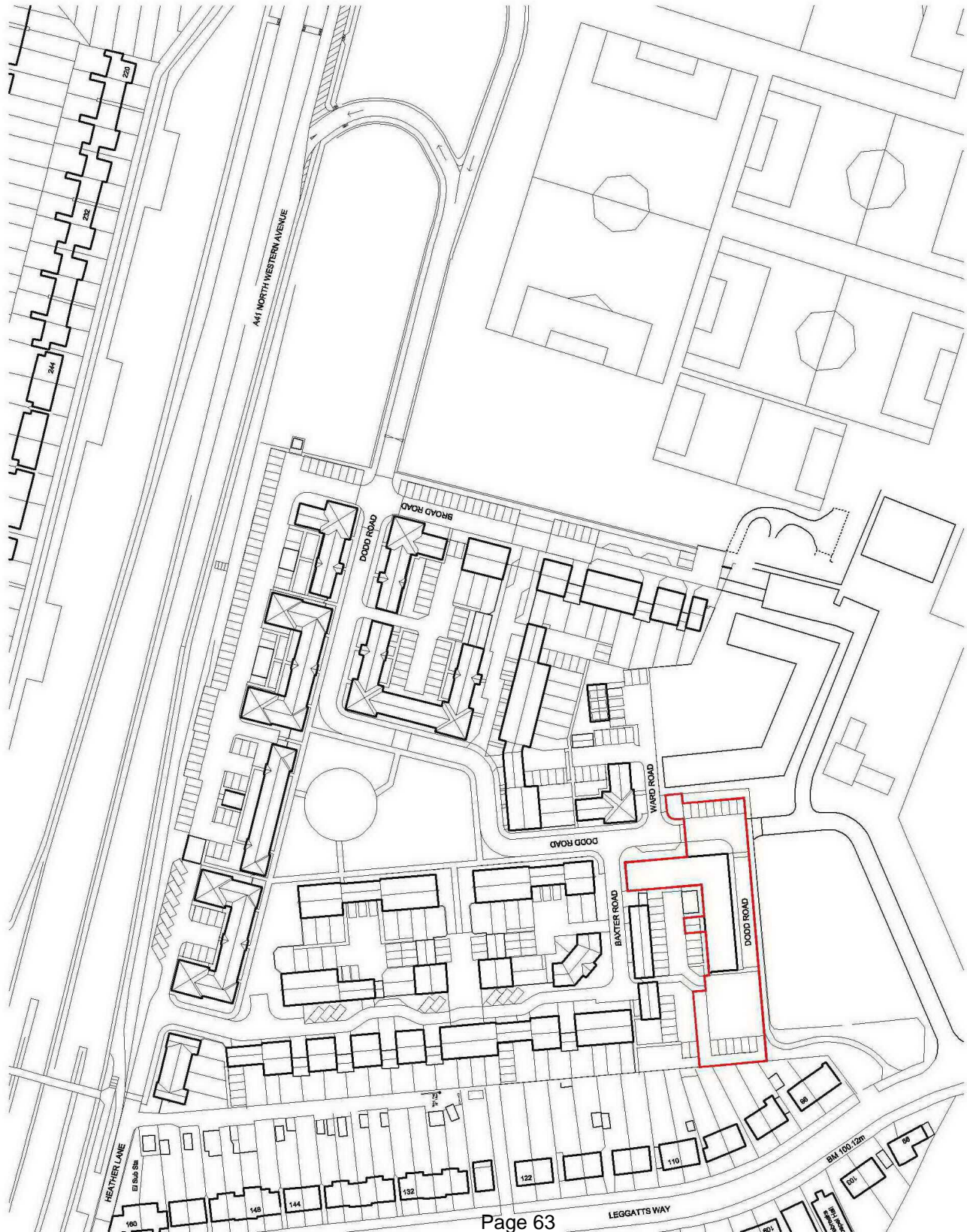
June '14

CMYK Ref.

Orig. No.

1408 / P / 101

Rev.



This page is intentionally left blank

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee **16th December 2014**

Site address: **Rear of 31
Nascot Wood Road
(Access From Lingfield Way)
Watford**

Reference Number : **14/01326/FUL**

Description of Development: **The construction of 2 No. detached houses
with associated parking and landscaping.**

Applicant **Newhomes Estates Ltd**

date received: **15th September 2014**

8wk date(minor): **17th December 2014**

Ward: **NASCOT**

SUMMARY

Full planning permission is sought for the erection of two detached houses at the rear of 31 Nascot Wood Road. The houses will form an extension to the cul-de-sac of Lingfield Way.

The application is resubmission of a previously refused application for two detached houses (14/00692/FUL). The previous scheme would have resulted in harm to the amenities of occupiers at the adjacent properties Nos. 21 and 23 Wentworth Close. The previous application also failed to include a Unilateral Undertaking to secure the financial contributions sought for new residential development.

The revisions under the current scheme have included the repositioning and redesigning of plot 1 to remove any unacceptable impact to Nos. 21 and 23. The proposed dwelling on this plot would now be of a height, distance and relative position to Nos. 21 and 23 that would not create unreasonable harm to the daylight and outlook of the occupiers and would not create an overbearing impact. Plot 1 would be set in at a minimum distance of

4m to its side boundary which also forms the rear garden boundary of Nos. 21 and 23 and the side of plot 1 would also be substantially screened by the mature protected trees along the side boundary of the application site. The position, width and height of plot 1 behind and above these mature trees would not be noticeable and would not create an increased sense of enclosure over the existing situation. Plot 1 would not infringe a 25 degree line from the ground floor patio doors of No. 23, which is the nearest potentially affected window, indicating that the light and outlook from the rear of Nos. 21 and 23 would be maintained. First floor side windows are obscurely glazed to avoid any loss of privacy.

In all other respects the development is considered to be acceptable and in accordance with the Council's adopted policies and guidance. Although the development would be within back garden land, the existing access from Lingfield Way allows the two proposed properties to form a natural continuation of this development with suitable access and legibility. The form, design and scale of the detached houses is entirely in keeping with those within the street scene and along Lingfield Way. Plots 1 and 2 have on site parking provision for 4 and 3 cars respectively within garages and driveway areas thus providing ample off road parking. The proposed development would not result in harm to the amenities, light, outlook or privacy of other neighbouring occupiers.

A unilateral undertaking has been completed for this application and secures the appropriate financial contributions for community facilities to support the new residential development.

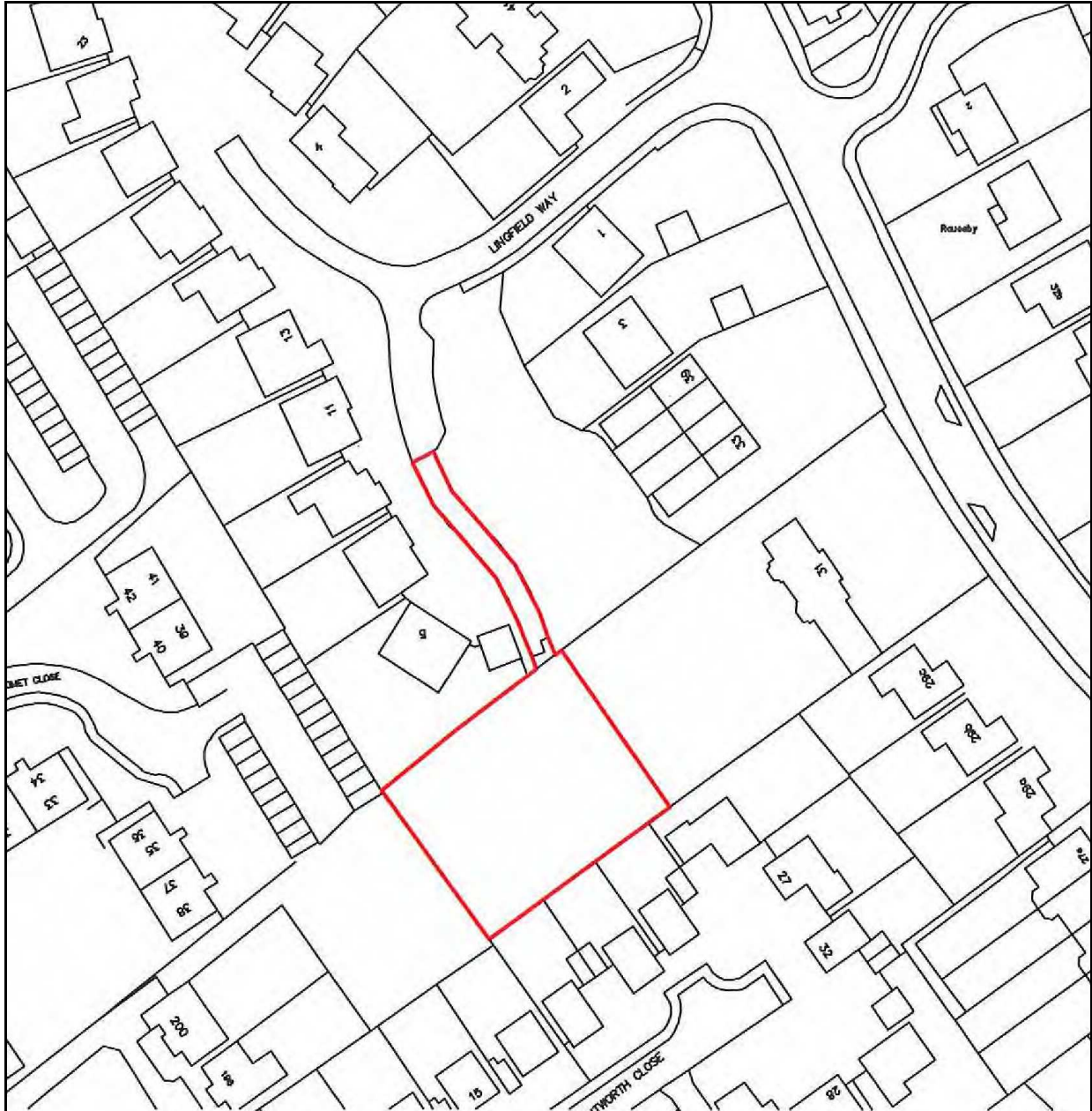
The Development Management Section recommends the application be approved, subject to the recommended conditions, as set out in the report.

BACKGROUND

Site and surroundings

This backland site is a roughly square plot currently forming the end of the rear garden of 31 Nascot Wood Road. The site is to the rear of Nos. 19, 21, 23 and 25 Wentworth Close

which are to the south-east and to the rear of Nos. 198 and 200 Hempstead Road which are to the south-west. Adjacent to the north west boundary of the site is the side boundary of No 5 Lingfield Way.



Location plan

The access to the north west, from the cul-de-sac of Lingfield Way, is included in the application site. This access is an un-adopted and privately owned road which leads up to the boundary of the site and which currently serves Nos. 5 and 7 Lingfield Way.

The housing in Lingfield Way is itself a relatively modern development (97/00195/FUL) of 21 detached 4/5 bedroom dwellings with a new access from Nascot Wood Road. The detached dwellings occupy generous plots with garages and driveway parking spaces for 3 to 4 cars per property.

The land within the application site has a slight slope down from south to north with an increased gradient from the north-west site boundary sloping down to Lingfield Way.

The northern boundary of the site is covered by TPO 153 although the protected trees are located outside the application site.

The site is not within a Conservation Area.

Proposed development

The application proposes the erection of two detached houses, as follows:

- Access from Lingfield Way over existing private access. This will be continued to create a new private road within the site leading to the two properties.
- Plot 1:
 - 4 bedrooms
 - Two storey house:
 - Eaves: 5.3m
 - Ridge: 8.9m
 - Depth: 12.75m
 - Width: 8.7m
 - Single storey rear garden room of 3.8m depth
 - No loft accommodation
 - Detached double garage, flat roof height 2.9m
 - Double garage and 2 parking spaces on drive (total 4 spaces)

- Plot 2:
 - 6 bedrooms (including 2 loft rooms approached by stairs)
 - Two storey house:
 - Eaves: 5.3m
 - Ridge: 9.5m
 - Depth: 12.7m max
 - Width: 11m
 - Single storey rear garden room of 3.2m depth
 - Two rooms in loft space served by roof lights
 - Integral large single garage and 2 parking spaces on drive (total 3 spaces)

Planning history

86/00280/OUT Conditional Outline Permission 30.07.1986 - Erection of 2 detached bungalows and access road.

89/00353/OUT Conditional Outline Permission 23.11.1989 - Erection of two detached bungalows and access road.

90/00345/FUL Withdrawn 11.04.1991 Detached house.

01/00199/TPO TWAC 02.04.2001 To lop overhanging trees (TPO No 153)

13/00099/PREAPP Pre-application enquiry for the construction of two houses.

Advice:

- The development would form an extension to Lingfield Way so is acceptable in principle;
- It is recommended the scale of the proposed dwelling is reduced by reducing the ridge heights and amending the half-hipped roofs to hip roofs to minimise the bulk of buildings;
- Concern that there would be impact on No. 23 Wentworth Close from Plot 1, the reduction in scale should go some way to reduce this;

- Residential amenity and garden areas are all acceptable;
- An arboricultural assessment should be submitted with an application with regard to the preserved trees on site.

14/00692/FUL Erection of 2 no. detached houses with associated parking and landscaping. Refused Planning Permission 08.07.2014

Reasons:

1. The development would unacceptably harm the amenities of the neighbouring occupiers of Nos. 21 and 23 Wentworth Close. By virtue of the depth, height and proximity of plot 1 to the properties and rear gardens of Nos 21 and 23 Wentworth Close, the building would result in an unacceptable loss of daylight and outlook to the properties and present an overbearing impact to the occupiers. As such, the proposed development would adversely affect the residential amenities of the neighbouring occupiers, contrary to Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and provisions of the Residential Design Guide Volume 1: Building New Homes.
2. 3. 4. and 5. A unilateral undertaking had not been completed to secure a financial contributions towards the provision and improvement of public open space, children's play space, library facilities, education facilities, childcare facilities, youth facilities and sustainable transport as is sought for all new residential development.

Lingfield Way planning history (33-51 Nascot Wood Road):

97/0195/9 Conditional Planning Permission - Demolition of Nos. 33, 45 and 47 Nascot Wood Road. Alterations to No.41 Nascot Wood Road with new double garage. Erection of 21 new 4/5 bed detached houses with associated garages and access

Relevant Policies

National Planning Policy Framework

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring Good Design

**Hertfordshire Waste Core Strategy and Development Management Policies
Document 2011-2026**

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Part 1: Core Strategy 2006-2031

SD1	Sustainable Design
SS1	Spatial Strategy
UD1	Delivering High Quality Design
INF1	Infrastructure Delivery and Planning Obligations
T4	Transport Assessments
T5	Providing New Infrastructure
HS2	Housing Mix

Watford District Plan 2000 (saved policies)

H9	Back Garden Development
L8	Open Space provision in housing development
L9	Children's Play Space
H10	Planning agreements for educational and community facilities
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provision in New Development

Supplementary Planning Guidance

Residential Design Guide – July 2014 (RDG)

Watford Character of Area Study (SPD adopted Dec 2011)

SPG10 - Open Space Provision

Neighbour consultations

Letters were sent to 28 properties in Wentworth Close, Lingfield Way, Nascot Wood Road, Bromet Close and Hempstead Road. Six response have been received citing the following objections:

Impact on neighbouring properties

- The scale, height, proximity and depth of Plot 1 will impact on the daylight, sunlight and outlook of Nos. 21, 23 and 25, creating an overbearing and overshadowing impact, contrary to Policy U2 of the Core Strategy Part 1 which requires satisfactory levels of daylight and sunlight.
- Particular harm to Nos. 21 and 23 which will face mass of brickwork. The amendments to set plot 1 a further 800mm away and the reduction in height are insignificant to overcome this.
- The creation of a detached garage will not overcome the impact of plot 1 to Nos. 21 and 23. The garage is also closer to the boundary.
- The garden of No. 23 would be substantial enclosed with buildings to all sides, contrary to Policy H7 of the Watford District Plan 2000 which required no harm to nearby living conditions.
- Overbearing on Nos. 5 and 7, loss of light and outlook to No. 5 due to height and depth of dwellings. Access to airways and satellite signals will be denied to No. 5.
- Overlooking and loss of privacy to Nos. 5 and 7.
- Harm to right to quiet enjoyment of No. 7 due to additional traffic.
- The adverse impact of the development upon Human Rights of 3rd parties far outweighs the impact upon Human Rights of the applicants.
- Unfair distress to neighbours is being caused by the applications.

Access, congestion and parking

- The first plans submitted for this second application omitted the access as being within the application site. Is access proposed from Nascot Wood Road?

- The ownership and rights to the shingle path to the front of Nos. 5 and 7 Lingfield Way is questioned and will be legally challenged. The rights of Nos. 5 and 7 have not been considered and those properties have not been consulted. Planning permission should not be granted without consideration to access.
- There are no rights for lorries to access the private access.
- There is no proper access as required by Policy H9 of the Watford District Plan 2000.
- Nos. 5 and 7 have shared use of the access for parking. No alternative is proposed.
- The application forms states that no public roads and no public rights of way are to be created. This is incorrect.
- No street-lighting is proposed by the Council.
- Development would create further congestion and parking issues on Lingfield Way and prevent existing residents from accessing their properties and parking outside their properties. Contrary to the design, amenity and housing policies of PPS1 and PPS3.
- Cars at Plot 1 do not have a turning area and would be unable to leave the site in forward gear. The Highway Authority has raised this issue but not recommended refusal.
- The additional traffic will pose a danger to children playing on the green field.
- Bins left in boundaries will create a barrier to vehicles.

Other

- The development is too large in width and height for the site and context.
- Schools in the area are oversubscribed.
- The proposed development would neglect the protection of the green open space opposite Nos. 5 and 7.
- The conifer and laurel between Wentworth Close and Plot 1 would be at risk and should be retained and protected to protect neighbours amenity and to protect natural habitats.
- Due to ground level changes the site would be required to be excavated to allow for the houses at the heights shown which would destabilise the trees.

- The loft room of Plot 1 could be converted to habitable space.
- Previously approved single storey buildings (2 bungalows in 1986 and 1989) would be more suitable.
- The report for the previous refused decision (14/00692/FUL) failed to consider the impact to Lingfield Way properties.
- The Council is interested in extracting cash revenue to the detriment of residents.
- There is an ongoing boundary dispute.
- Boundary fences have not been maintained so no intruder prevention in place.

Statutory consultations

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:

1. The proposed parking spaces shall measure a minimum 2.4m x 4.8m each and shall be maintained for this use as an ancillary to the development. Reason: Such that adequate parking provision is made to meet the needs of the development both now and in the future.
2. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by with the highway authority prior to commencement of the development. Reason: In the interests of highway safety and free and safe flow of traffic.
3. Prior to the commencement of demolition works details of the method of washing of vehicle wheels exiting the site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority and the agreed method shall be operated at all times during the period of site works. Reason: To minimise danger, obstruction and inconvenience to users of the highway.

4. Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and that area shall be maintained available for use at all times during the period of site works. Reason: To minimise danger, obstruction and inconvenience to users of the highway.

INFORMATIVE:

The applicant states that there are 2 parking spaces associated with the proposal Plot 1. The Highway Authority has concerns with the manoeuvrability of vehicles within the proposed parking arrangement. From the details submitted – drawing No. 13/3286/5, the information shows that there may not be sufficient turning movement area available for vehicles to drive out the proposed site in forward gear.

Comments

The proposal is to construct of two detached houses with associated parking and landscaping at the rear of 31 Nascott Wood Road, off Lingfield Way. Lingfield Way is an unclassified road with speed limit of 30mph which it is also a cul-de-sac.

The Highway Authority does not consider the additional dwellings will materially increase traffic movements on the neighbouring roads therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. The proposal results in 1x4+bed (sic) additional dwelling and the applicant should be advised that this development would attract a contribution towards but not limited to sustainable transport measures identified in the South West Hertfordshire Transportation Plan and subsequent transport plans. Under these circumstances, the Highway Authority has no objection to this proposal and recommends permission is granted subject to the completion of an Agreement to secure a financial contribution of £3,000 and subject to the conditions set out above.

Conclusion

The proposals are not considered to greatly impact upon the highway safety or capacity subject to conditions. It is considered acceptable to the Highway Authority.

Arboricultural Officer

My comments for this scheme remain the same as those for the previously refused scheme (14/00692/FUL). In fact the reduced size of plot 1 will also benefit the retention of the conifer hedge. I note that details of tree protection fencing have not been submitted with this application: submission and approval of these should be made a condition of any consent granted.

Note: The previous comments from the Arboricultural Officer were as follows: "Whilst the submitted drawing show details of protected trees on the adjacent site (part of G1 TPO 153), since the survey was done T43 & T4 have been pollarded and a much smaller root protection area is now applicable. The loss of non-protected trees (G9 on submitted plans) is considered acceptable as they are in poor health, with many showing crown die-back and are not readily visible from outside the site. The location of the tree protection fencing as shown on the submitted drawing is also considered acceptable."

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 (adopted January 2013)*;
- (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.

Layout, siting and design

The development would constitute backland development; however, the proposed access via the existing private road at Lingfield Way would allow the two properties to form a natural continuation of this cul-de-sac with suitable access and legibility.

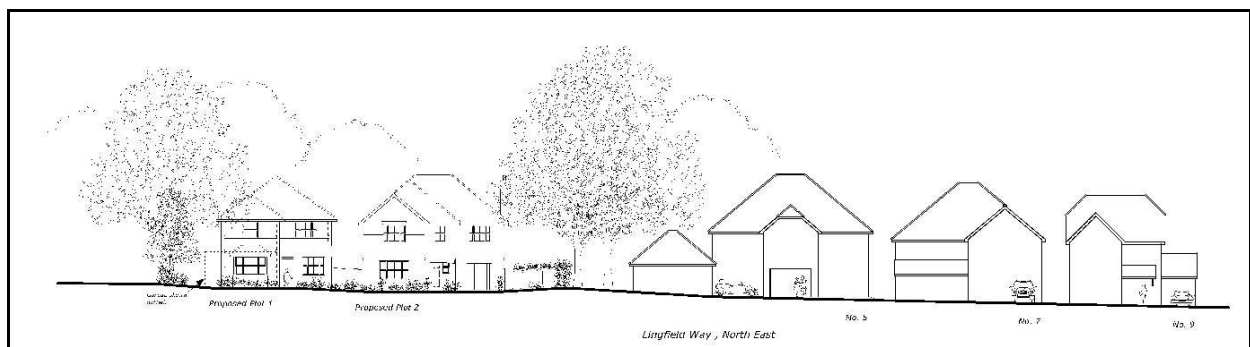


Site plan

The current end property of Lingfield Way, No 5, does create some visual end punctuation to the group by virtue of its angled orientation and its detached single garage acting as an end focal point. However, the existing access road does continue past No. 5 allowing for

the natural continuation of the development. The garage of Plot 1, being at the head of the extended cul-de-sac, would create the new end focal point for this branch of the cul-de-sac.

The form, layout, siting, proportions, roof design and design detailing of the two houses would be very similar to those of the existing Lingfield Way properties, which would serve to emphasise the natural continuation of the street scene. The substantial detached houses on generous plots would entirely reflect the housing type and density of the street scene and surrounding area. Indeed the spaces between Plots 1 and 2 and between Plot 2 and the existing No. 5 are more generous than the spaces between the existing Lingfield Way properties. The height and roof mass of the proposed dwellings have been reduced from the proposal that was submitted at the pre-application stage, in order to achieve a suitable design in this visual context. The height, depth and bulk of the house on Plot 1 has also been further reduced from the previously refused scheme.



Street scene

The ground level from Lingfield Way rises up to the application site; however, because the height of the proposed dwellings is less than the height of No. 5 Lingfield Way, the result will be an approximately level ridge height. The building heights, the space between buildings and the angled relationship between No. 5 Lingfield Way and the dwelling on Plot 2 address the change in levels well, thus ensuring that the new properties are not raised up or unduly prominent in the street scene.

Impact on neighbouring properties

Impact on Wentworth Close properties

The properties at Nos. 19, 21, 23 and 25 Wentworth Close are adjacent to the south east boundary of the application site. Nos. 21 and 23 back onto the site where the dwelling on Plot 1 is proposed and will face towards the side elevation of that house.

In the previously refused scheme (14/00692/FUL) the relationship of the proposed house on Plot 1 would have been at a distance and relative position that would have resulted in an overbearing impact on Nos. 21 and 23 and would have unacceptably reduced the outlook and daylight at these properties and within their rear gardens. The house at Plot 1 has been amended successfully to overcome the severity of these impacts by increasing the distance of the house from the shared boundary, reducing the height of the ridge, reducing the depth and, overall, reducing the bulk of the proposed dwelling as seen from the rear of Nos. 21 and 23.

The rear gardens of Nos. 21 and 23 are comparatively shallow; following a rear extension, the minimum rear garden depth of No. 23 is 8.9m. The rear garden depth of No21 is 12.5m. The house on Plot 1 is set at a minimum distance of 4m beyond the rear boundary of No. 21 and a minimum distance of 4.3m beyond the rear boundary of No23.

The proposed houses are to the north of the Wentworth Close properties, which means that there would not be an overshadowing impact or any loss of direct sunlight. It is therefore not appropriate to use the full guidance of the BRE guidance document "Site Layout Planning for Daylight and Sunlight: Good Practice" (1991). The "25 degree rule" of the BRE guidance and as set out in section 7.3.13 of the Residential Design Guide is, however, an appropriate indicator of an acceptable relationship between new development in the proximity of existing homes. Applying this test to No. 23, which is the nearest and potentially the most affected property, from the centre point of the rear patio doors of No. 23 a 25 degree line from the horizontal at that point will not be infringed by the proposed house on Plot 1. This confirms that there will be an acceptable relationship between the two properties and that the daylight and outlook to the rear of No. 23 would

not be unacceptably harmed. This is unlike previous application where the 25 degree line from the rear of No. 23 was infringed by the proposed development.

The proposed development will also avoid creating an undue overbearing impact on the rear gardens of Nos. 21 and 23. The garden at No. 23 is particularly enclosed at present due to its shallow depth and the garage of No. 25 sited along the north east boundary of the rear garden. The previously refused scheme proposed a two storey house on Plot 1 spanning the full width of the rear boundary of No.23 which would have resulted in the total of the rear garden. The depth of the two storey element of the house at Plot 1 under this revised scheme has been reduced, along with the height. The distance to the boundary has also been increased. The bulk, width and proximity of the house on Plot 1 has been therefore been substantially reduced such that it will not result in an unacceptably overbearing or enclosing impact on either No. 21 or No. 23.

There is also considerable natural screening along the south east boundary of the site, adjacent to the Wentworth Close properties, which is afforded by the row of Leyland Cypress. As existing, these trees not only have a notable impact on the light and outlook to the rear of Nos. 21 and 23 but will also provide a substantial screen to the side wall of the house on Plot 1 when viewed from Nos. 23 and 25. The two storey house, being 4m minimum away from the common boundary, would not be significantly visible above and behind these trees, such that the proposed development would not result in any significant change to the existing situation. These trees will be retained within the proposed development and appropriate conditions can ensure the protection of the trees during the period of construction works.

The side elevation of the house on Plot 1 includes two first floor windows that would face the rear of the Wentworth Close properties. However, these serve bathrooms and the landing and are shown to be obscurely glazed. A condition can be imposed to ensure that the obscured glazing is retained and that any opening element is restricted so as to protect the properties in Wentworth Close from overlooking or loss of privacy.

The other properties in Wentworth Close, namely Nos. 19 and 25, would not be affected due to the relative position of the development to these properties and their gardens.

Impact on other surrounding properties

The house on Plot 2 would be located adjacent to and to the south east of No. 5 Lingfield Way. It is, however, set roughly in line with No. 5, with a 5m gap to the shared side boundary and a 13.5m distance to the side of No. 5. The habitable room windows and rear garden of No. 5 would be unaffected. There may be some loss of light and outlook for the side garden of No. 5 and behind their garage; however, this would be minimal and the windows and main rear garden of Nos. 5 and 7 would be unaffected. The position of the house on Plot 2 would be within the 'privacy arc' as set out in the RDG guidance and would not result in overlooking of No. 5.

The two proposed properties have minimum rear garden depths of 14.6m and back to back distances of well over 27.5m are maintained ensuring that the development would not create overlooking to the rear of Nos. 198 and 200 Hempstead Road. There is a minimum 46m distance between the fronts of the proposed properties and the rear of No 31 Nascot Wood Road and a minimum 10m distance to the shared boundary, in accordance with the RDG, which will ensure no loss of privacy to this property.

The development of two houses, within what is currently an area of garden, would clearly represent a change for surrounding neighbours. However, due to the design, position, orientation and distance of the two proposed houses in relation to all surrounding properties, there would be no unacceptable harm to the light, outlook, privacy or other amenities of the surrounding neighbours.

Residential amenity

The proposed dwellings would provide substantial living accommodation well in excess of the minimum standards. The 2nd floor 'attic space' and 'store' of Plot 2 are accessed by a stair case from the first floor, so it is to be expected that these rooms would be used as habitable space. The rooms have limited floor space of a suitable internal height and no

outlook, served only by roof lights; however, as the house has 4 substantial en-suite bedrooms at the first floor, the limitations of the loft rooms would not be at all detrimental to the living environment provided by the property.

The rear garden sizes and depths are well in excess of the minimum RDG guidance. Due to the relative distances and positions of properties and trees, the proposed dwellings would have suitable privacy and amenity.

Trees and landscaping

The trees shown to be retained would ensure that the treescape and visual amenity of the site would be maintained. Some cypress trees and shrubs not included in TPO 153 are shown as to be removed to allow for the development. However, their removal would not have an adverse impact on visual amenity or the amenity of neighbours occupiers. The Arboricultural Officer has no objection to the removal of these trees as they are in poor health, with many showing crown die-back and are not readily visible from outside the site.

An appropriate condition can require full details of the tree works proposed, together with tree protection measures as recommended by the Arboricultural Officer.

Access, parking and highway implications

The existing private access way is proposed to serve to development and to allow access to the publicly adopted highway of Lingfield Way. The private access is an area of un-tarmaced road; however, it is suitable to serve as a private access to the two proposed dwellings as well as the two existing properties at Nos. 5 and 7 Lingfield Way. Indeed, this is the same arrangement that can be seen at the end of the northern branch of Lingfield Way where there is a similar un-adopted and privately owned road, in that case serving six properties.

It is noted that the private access is not within the same ownership as the main development site. Consequently, the appropriate rights or ownership will need to be secured in order to carry out the development. However, the access is suitable in planning

and highway terms and the fact that the part of the application site containing the access is not owned by the applicant does not affect or prevent the grant of planning permission. Indeed, none of the application site is currently owned by the applicant, but this does not prevent the applicant from applying for permission to develop the land, because a grant of planning permission does not override ownership rights.

The house on Plot 1 has two off-road parking spaces and a double garage (total 4 spaces). The house on Plot 2 has two off-road spaces plus a large single garage (total 3 spaces). This provision is more than sufficient to meet the needs of the dwellings in this location and accords with the Council's adopted policies on maximum parking standards. This level of provision is also consistent with the parking provision for the existing Lingfield Way properties which have 3 to 4 spaces per dwelling including garages and driveway spaces.

As noted by the Highway Authority, following the amendments to create a detached single storey garage on Plot 1, the current proposal does not include an area for vehicles at Plot 1 to turn around in order to leave the site in forward gear. The access itself is not wide enough to allow for such a manoeuvre. As presently shown, vehicles at Plot 1 would need to reverse down the full length of the private access to the adopted part of Lingfield Way in order to turn around. Although this is unacceptable as currently proposed, the problem can be easily overcome as there is sufficient space at the front of Plot 1 to allow for hard standing to be created for a turning area. An appropriate condition is recommended to secure the provision and retention of such an area, as well as the provision and retention of all parking areas proposed within the development.

Refuse, recycling and cycle storage

There is sufficient access and space for refuse, recycling and cycle storage to be included without harm to the street scene and this can be secured by condition.

New housing provision

The scale, form and tenure of housing would be consistent with the character of housing in the area. The proposed dwellings would contribute towards the provision of housing pursuant to Policies HS1 and HS2 of the Core Strategy 2006-2031.

Section 106 planning obligation (unilateral undertaking)

The development proposed in this application is one where, in accordance with Policy INF1 of the Watford Local Plan Part 1 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.

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, the County Council and the Primary Care Trust 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.

In November 2014, the Government amended the National Planning Practice Guidance (NPPG) relating to planning obligations. This Guidance now suggests that "due to the disproportionate burden of developer contributions on small scale developers, for sites of 10 units or less, and which have a maximum combined gross floor space of 1000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions." 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 Hertfordshire County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant policies of the Watford District Plan 2000, they are tariff based contributions, as referred to in the amendment to the NPPG. However, the Government's changes are only to 'guidance'; there has been no change to the National Planning Policy Framework nor, more importantly, does this change affect or override the policies in the development plan by which the Council requires such contributions to be made. Moreover, in this case, a unilateral undertaking has already been completed in respect of this proposed development, as set out below.

The contributions sought 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 the Council's adopted 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.

For the development proposed, the following contributions have been sought:

Primary education:	£8413
Secondary education:	£10085
Nursery education:	£1004
Childcare:	£443
Youth facilities:	£187
Library facilities:	£506
Sustainable transport:	£3000

Total payable to Hertfordshire County Council: £23638

The Unilateral Undertaking also secures the provision of fire hydrants, if required.

Public open space:	£4944
Controlled Parking Zone	£0
Children's play space:	£1970
Monitoring fee:	£350

Total payable to Watford Borough Council: £7264

A Unilateral Undertaking has been entered into by the owners of No. 31 Nascot Wood Road and is dated 2nd December 2014. This secures the contributions to support the new homes as set out above.

The access at Lingfield Way is included in the application site. However, it is under separate ownership to the main part of the site at 31 Nascot Wood Road. Following advice from the Council's solicitor, it is not considered necessary for the owner of the access to be a party to the Unilateral Undertaking.

Consideration of objections received

Objections	Officer's response
<i>Impact on neighbouring properties</i>	
<p>The scale, height, proximity and depth of Plot 1 will impact on the daylight, sunlight and outlook of Nos. 21, 23 and 25, creating an overbearing and overshadowing impact, contrary to Policy U2 of the Core strategy Part 1 which requires satisfactory levels of daylight and sunlight.</p>	<p>As discussed in the report, it is not considered that the amenities of neighbouring properties would be affected. The distance, orientation and position of the proposed houses in relation to neighbours would not create unacceptable harm to light or outlook.</p>
<p>Particular harm to Nos. 21 and 23 which will face a mass of brickwork. The amendments to set Plot 1 a further 800mm away and the reduction in height are insignificant to overcome this.</p>	<p>The view of the side of the house on Plot 1 is substantially screened by the existing trees which will be retained. Over and beyond the trees, the amended house on Plot 1 will not create undue harm or result in dominance to these properties. The amendments to the height and distance of the house on Plot 1 have ensured that a 25 degree line from the rear ground floor patio doors of No. 23 are not infringed. This is unlike the previous scheme. The depth of the two storey building has also been reduced to minimise any sense of enclosure to No. 23, as discussed above.</p>

<p>The creation of a detached garage will not overcome the impact of the house on Plot 1 to Nos. 21 and 23. The garage is also closer to the boundary (1m away).</p>	<p>The creation of a detached garage and other amendments to Plot 1 have substantially reduced the bulk and width of the main two storey property as viewed from No. 23. The garage may be closer to the boundary; however, a 1m gap is maintained and the garage is single storey with flat roof at 2.9m high. This would therefore be barely visible through the trees along this boundary.</p>
<p>The garden of No. 23 would be substantially enclosed with buildings to all sides, contrary to Policy H7 of the Watford District Plan 2000 which requires no harm to nearby living conditions.</p>	<p>It is noted and discussed in the report that there is a significant degree of enclosure to the rear garden of No. 23 as existing due to the extension at No. 23, the shallow depth of its rear garden (8.9m), the trees along the full width of the rear boundary and the tall garage of No. 25 which is positioned along the north east side boundary. The amended house on Plot 1 would be of a height, width and distance from No. 23 that would not create any significant change to this existing situation. In particular, any view of the new house above and behind the trees would be minimal. Policy H7 of the Watford District Plan 2000 is superseded by the Core Strategy; however, the same principle applies in terms of the impact on living conditions.</p>
<p>Overbearing on Nos. 5 and 7, loss of light and outlook to No. 5 due to height and depth of dwellings. Access to airways and satellite signals will be denied to No5</p>	<p>Plot 2 would lie to the south east of No. 5 and would be set to the same front and rear building lines of No. 5. There would however be a distance of 5m from the side of the house on Plot 2 to the shared side boundary and a 13.4m minimum distance between the house on Plot 2 and the side of No. 5. This is a more generous distance between buildings than is seen within Lingfield Way. Any</p>

	<p>loss of light or outlook would be to the side of No. 5 only. Any change in light or outlook would be very minor and would not be detrimental to the overall living environment of the property. The distances and the relationship between the house on Plot 2 and No. 5 will ensure that the main front and rear habitable room windows and the rear garden of No. 5 would be entirely unaffected. Indeed, the house on Plot 2 would have a substantially lower impact on No. 5 than arises from the existing relationship between No. 5 and No. 7, because of the relative depth and proximity of No. 5 to No. 7. The depth of the house on Plot 2 adjacent to No 5 is in fact less than the depth of No. 5 itself. The heights of the new houses are also less than the height of No 5.</p>
<p>Overlooking and loss of privacy to Nos. 5 and 7</p>	<p>Side windows would be obscurely glazed and fixed closed by condition. The rear windows of the house on Plot 2 would overlook their own rear garden with only angled views to the garden of No. 5 as is common in a suburban area. Indeed the rear garden of the house on Plot 2 would be overlooked more by No. 5 than vice versa.</p>
<p>Harm to right to quiet enjoyment of property (No. 7) due to additional traffic.</p>	<p>The use of the access road to the front of Nos. 5 and 7 to serve an additional two dwellings will create additional movements. However, the number and frequency of these additional movements are not likely to give rise to substantial harm. It is also noted that planning permissions (granted in 1986 and 1989) for the development of two dwellings at the application site were in place prior to the</p>

	<p>permission, construction and occupation of the houses in Lingfield Way. The access in front of Nos. 5 and 7 leads past No. 5 to the application site suggesting that it was intended to be extended to the site where planning permission had previously been granted. The omission of Nos. 1 and 3 in the street numbering of Lingfield Way also suggests that the future development of this site with two properties was taken into account.</p>
<p>The adverse impact of the development upon Human Rights of 3rd parties far outweighs the impact upon Human Rights of the applicants.</p>	<p>This is not agreed. The assessment of the development against the relevant planning policies and guidance indicates that there would be no unacceptable harm to neighbours. Consequently, a refusal of planning permission on such grounds would be unreasonable and challengeable on appeal.</p>
<p>Unfair distress to neighbours is being caused by the applications.</p>	<p>Whilst this is appreciated, there is nothing to prevent anyone from submitting applications for planning permission which the Council is under a legal duty to consider. Neither this nor the fact that any development will result in a change in the locality constitute reasons for refusing planning permission.</p>
<p><i>Access, congestion and parking</i></p>	
<p>The first plans submitted for this second application omitted the accessway as being within the application site. Is access proposed from Nascot Wood Road?</p>	<p>The access from Lingfield Way is the only proposed access to the two houses. The original site location plan for this application did not include the access as part of the application site, but this was amended by the submission of a new site location plan dated 14th October 2014.</p>

<p>The ownership and rights to the accessway to the front of Nos. 5 and 7 Lingfield Way is questioned. The rights of Nos. 5 and 7 have not been considered and those properties have not been consulted. Planning Permission should not be granted without consideration to access.</p>	<p>The ownership, rights and responsibilities relating to this access are legal and civil matters and are not material planning considerations. In planning and highway terms the access is acceptable to serve the two properties. However, a grant of planning permission does not override property rights; if the necessary ownership or rights over this access cannot be achieved for whatever reason, then any planning permission that may be granted cannot be implemented.</p>
<p>There are no rights for lorries to access the private access.</p>	<p>This is not a material planning consideration.</p>
<p>There is no proper access as required by Policy H9 of the Watford District Plan 2000.</p>	<p>The access is suitable in planning and highway terms. It allows for a natural continuation of Lingfield Way, and it is of a suitable width and surface for the number of properties that it will serve. Indeed, it is the same arrangement as is seen at the northern branch of Lingfield Way where a similar private road serves six properties. Securing the necessary rights to the access to enable the development to be carried out is a legal matter and does not affect a decision on whether to grant planning permission.</p>
<p>Nos. 5 and 7 have shared use of the accessway for parking. No alternative is proposed.</p>	<p>Any such arrangement for parking on private land would be a civil matter between the land owners. Nos. 5 and 7 each have double garages and large driveways which together allow for a minimum of four parking spaces for each property.</p>
<p>The application forms states that no public roads and no public rights of way are to be created.</p>	<p>The access as existing is not adopted by the Highway Authority and is privately owned. It is therefore not a public road. There is no indication</p>

<p>This is incorrect.</p>	<p>within the application that it is proposed to change this arrangement; consequently, there is no error on the application form.</p>
<p>No street-lighting is proposed by the Council.</p>	<p>The access as existing is not adopted by the Highway Authority and is privately owned. Hertfordshire County Council is the authority responsible for street lighting in relation to public roads. The owner of the access can decide whether or not to provide lighting but there are no planning reasons arising from the proposed development to require this to be done.</p>
<p>Development would create further congestion and parking issues on Lingfield Way and prevent existing residents from accessing their properties and parking outside their properties, contrary to the design, amenity and housing policies of PPS1 and PPS3.</p>	<p>The proposed dwellings are shown to have two driveway spaces each plus a double garage for Plot 1 and a single garage for Plot 2. The provision of four and three spaces respectively adequately meets the parking needs for the development, in accordance with the Council's adopted parking policy. The provision of two additional dwellings in a cul-de-sac of 14 properties represents a very small increase and, as the Highway Authority has concluded, it is not likely to result in any significant impact on the safety and operation of the adjacent highway.</p>
<p>Cars at Plot 1 do not have a turning area and would be unable to leave the site in forward gear. Hertfordshire Highways have raised this issue but not recommended refusal.</p>	<p>This is agreed. The parking area for the house on Plot 1 and the width of the access would not be sufficient to allow for vehicles to turn round. As discussed in the report, there is sufficient space to provide a turning area, and this can be required by a planning condition.</p>

<p>The additional traffic will pose a danger to children playing on the green field.</p>	<p>This open area, which owned and maintained by the Council, is situated adjacent to the existing road and access. The additional traffic movements associated with two new houses will not make a significant difference to the existing situation. However, the lack of a turning area for vehicles at the house on Plot 1 would be likely to result in cars reversing down the access which is likely to be a risk to highway safety. However, this can be resolved by requiring a turning area to be provided.</p>
<p>Bins left on boundaries will create a barrier to vehicles.</p>	<p>Adequate provision is made in the proposed development for refuse and recycling storage.</p>
<p><i>Other</i></p>	
<p>The development is too large in width and height for the site and context.</p>	<p>The scale of the houses, their proportions, garden sizes and spaces between buildings would be very similar to the existing development in Lingfield Way. The density, width, height and form is therefore in keeping with Lingfield Way. Moreover, as has been noted above, the spaces between the proposed houses and between the house on Plot 2 and No. 5 Lingfield Way are more generous than those on the existing development in Lingfield Way.</p>
<p>Schools in the area are oversubscribed.</p>	<p>The Unilateral Undertaking contains financial contributions from the developer to Hertfordshire County Council for the provision of education facilities.</p>
<p>The proposed development would neglect the protection of the green open space opposite Nos. 5 and 7.</p>	<p>The area of open space is outside of the application site and would not be affected by the development. The existing access is shown to be retained and lengthened, but not widened.</p>

<p>The conifer and laurel between Wentworth Close and Plot 1 would be at risk and should be retained and protected to protect neighbours amenity and to protect natural habitats.</p>	<p>This can be protected by conditions attached to any grant of planning permission.</p>
<p>Due to ground level changes the site would be required to be excavated to allow for the houses at the heights shown which would destabilise the trees.</p>	<p>The Arboricultural Officer is satisfied that, subject to the provision of tree protection fencing during construction works, the proposed development will not have an adverse impact on any of the trees which are to be retained.</p>
<p>The loft room of Plot 1 could be converted to habitable space.</p>	<p>Many residential properties make use of roof space in this way and it is not, in principle, unacceptable. However, appropriate conditions can be imposed on any planning permission to ensure that no windows or dormers are inserted, other than roof lights, to ensure there is no overlooking.</p>
<p>Previously approved single storey buildings (2 bungalows in 1986 and 1989) would be more suitable.</p>	<p>There is no objection to the principle of two storey houses set in the context of existing two storey houses. The proposed houses have been designed so as to avoid unacceptable harm to neighbouring properties.</p>
<p>The report for the previous refused decision (14/00692/FUL) failed to consider the impact to Lingfield Way properties.</p>	<p>All points of objections raised were discussed in the previous report. Having regard to the Council's adopted planning policies and guidance, the proposed houses will not result in unacceptable harm to the living conditions of the occupiers of neighbouring properties.</p>
<p>The Council is interested in extracting cash revenue to the detriment of residents.</p>	<p>Where new residential development is proposed, it is the policy of the Council to seek appropriate financial contributions towards the provision of local</p>

	infrastructure and services in order to support the development and future occupants. This approach is set out in detail in this and the previous report (14/00692/FUL).
There is an ongoing boundary dispute.	This is a legal and civil matter and is not a material planning consideration. A grant of planning permission does not override property rights.
Boundary fences have not been maintained so no intruder prevention in place.	Boundary fences within and around the development are shown and their provision can be required by a condition. Other boundary treatments between private properties outside of the application site are the owners' responsibility.

Conclusion

The two properties would successfully create a natural continuation of the Lingfield Way development with suitable access and legibility. The form, design and scale of the detached houses is entirely in keeping with those within the street scene and along Lingfield Way. The development will provide two substantial detached properties with generous proportions, garden areas and living environments. Plots 1 and 2 have on site parking provision for 4 and 3 cars respectively within garages and driveway areas thus providing ample off road parking.

The revised scheme has successfully overcome the objections of the previously refused scheme. The proposed dwelling on Plot 1 is now of a height, and at a distance and relative position to Nos. 21 and 23, that would not create unacceptable harm to the daylight and outlook of the occupiers and would not create an overbearing impact. The house on Plot 1 would be set in at a minimum distance of 4m from its side boundary, which also forms the rear garden boundary of Nos. 21 and 23, and the side of the house on Plot 1 would also be substantially screened by the existing mature trees along the side boundary of the application site. Because of its position, width and height, little of the

house on Plot 1 would be noticeable behind and above these trees. Moreover, the house as now proposed would not create an increased sense of enclosure, as was the case with the previous scheme. The house on Plot 1 would not infringe a 25 degree line taken from the ground floor patio doors of No. 23, which is the nearest potentially affected window, indicating that the light and outlook from the rear of Nos. 21 and 23 would be maintained at an acceptable level. First floor side windows are obscurely glazed to avoid any loss of privacy. The proposed development would not result in harm to the amenities, light, outlook or privacy of other neighbouring occupiers.

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 unilateral undertaking under s.106 of the Town and Country Planning Act 1990 (as amended) having been entered into to secure the contributions and other provisions set out in this report, 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, 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.

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, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, 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 area.

4. No work shall commence until full details of both hard and soft landscaping works, including details of all existing trees to be retained, trees and soft landscaping to be planted, any other arboricultural works to be carried out, details of any changes to ground levels around the building, all pathways, all hard surfacing, amenity areas/paving and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the approved drawing number 13/3286/5, the hard standing for the access and driveways shall include a turning area for vehicles within Plot 1. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. Any proposed planting shall be completed not later than the first available planting and seeding season after completion of the

development. Any new trees or plants 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, to safeguard trees, to ensure the provision of suitable car parking and turning areas, to ensure suitable screening is maintained or provided between the site and neighbouring occupiers in accordance with saved policies T21 and SE37 of the Watford District Plan 2000.

5. No work of demolition or development shall be commenced until an arboricultural impact assessment and tree protection plan have been submitted to and approved by the Local Planning Authority. The protection measures approved shall be put in place before any work of demolition or development commences and shall be retained throughout the development, unless otherwise approved in writing by the Local Planning Authority. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside the tree protection areas. No excavations shall be carried out, no hardstanding shall be laid, and no underground cables, pipes or services shall be installed in the areas designated as tree protection areas unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the trees, which represent an important visual amenity and a privacy screen, in accordance with saved Policy SE37 of the Watford District Plan 2000 and in accordance with the duty imposed on Local Planning Authorities by section 197 of the Town and Country Planning Act.

6. No work shall commence until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site, and, to ensure that sustainable transport objectives are met.

7. No work shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of contractors' parking, arrangements for the delivery and storage of materials, any temporary access/egress points to adjoining highways, measures to mitigate noise and dust, and wheel washing facilities for vehicles exiting the site. 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 nearby highway during the time that the development is being constructed.

8. No dwelling shall be occupied until the respective vehicle parking accommodation within garages and on the driveway areas, as shown on the approved plans, 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.

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 T22 and T24 of the Watford District Plan 2000.

9. 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, E or F of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development, and will not prove detrimental to the amenities of adjoining occupiers, in accordance with Policies UD1 (Delivering High Quality Design) and SD2 (Water and Waste Water) of the Watford Local Plan Part 1 Core Strategy.

10. The first floor windows in the north-west side and south-east side elevations of the houses both Plots 1 and 2 shall be obscure-glazed and shall be non-opening other than those parts of the windows which are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be installed and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent overlooking from and between the properties and to prevent consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031 and the Residential Design Guide (July 2014)

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

13/3286/5; 13/3286/6; 13/3286/7; 13/3286/8; Site Plan 1:1250 received 14th October 2014

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

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.
2. The grant of planning permission does not override any property rights that may exist. As such, ownership of the access or rights over the access would need to be secured in order to implement this planning permission.
3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions to Hertfordshire County Council and Watford Borough Council for the provision or improvement of community facilities to support the new residential properties.

Drawing numbers

13/3286/5

13/3286/6

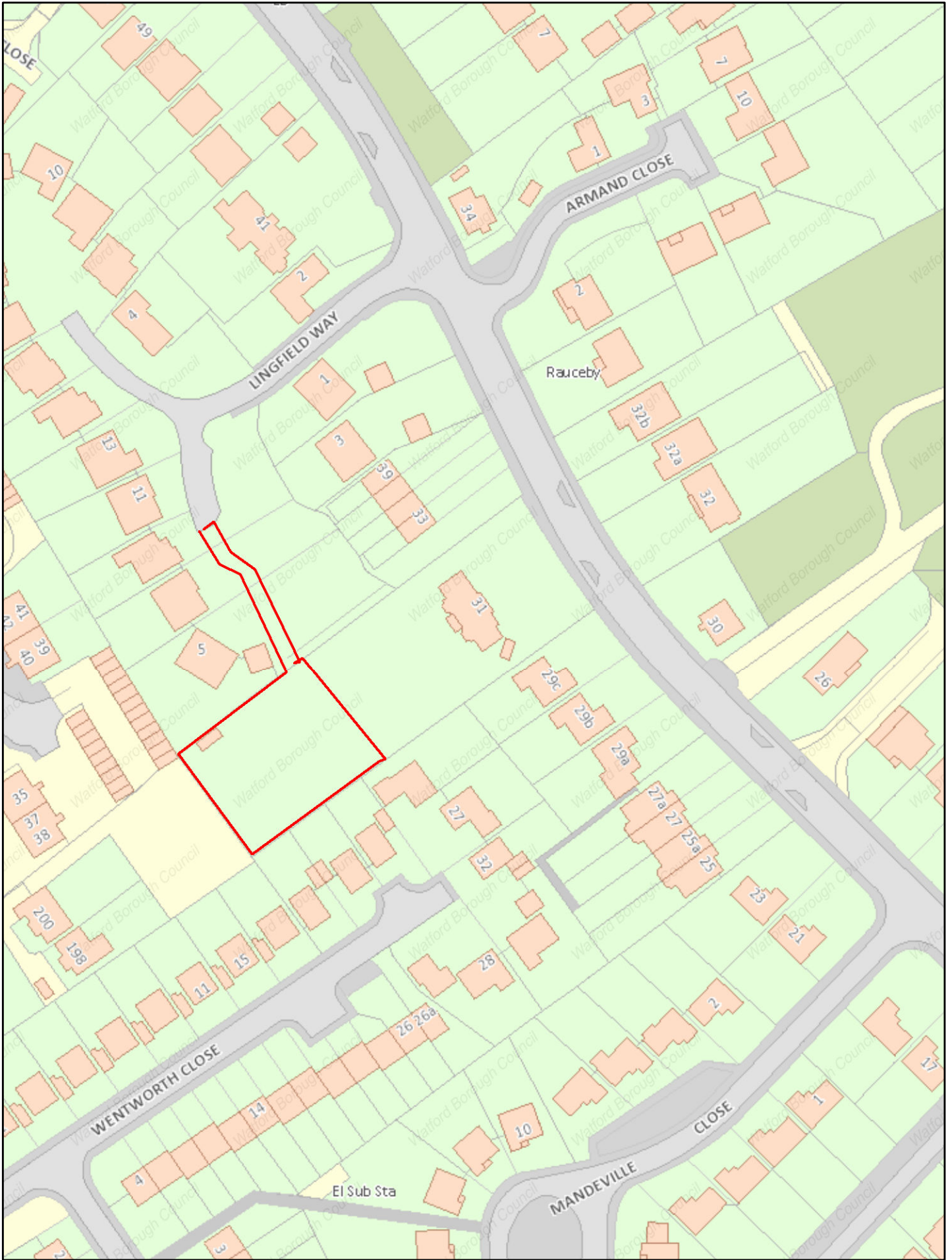
13/3286/7

13/3286/8

Site Plan 1:1250 received 14th October 2014

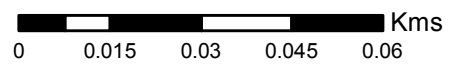
Case Officer: **Alice Reade**
Email: **alice.reade@watford.gov.uk**
Tel: **01923 278279**

This page is intentionally left blank



Ro 31 Nascot Wood Road

Date: 05/12/2014



Scale 1:1,250



This page is intentionally left blank

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	16th December 2014
Site address:	1 Richmond Drive
Reference Number:	14/01466/FUL
Description of Development:	Part retrospective application for demolition of existing dwelling and erection of two detached five bedroom dwellings (amendments to planning permission 12/00815/FUL)
Applicant:	Stratford Developments Ltd
Date received:	8th October 2014
Statutory target date:	7th January 2015
Ward:	PARK

SUMMARY

The most notable amendment to planning permission 12/00815/FUL consists of the increase in eaves and ridge heights of the proposed houses. The eaves height has increased from 4.8m to 5.025m and the ridge height has increased from 8.4m to 8.65m. The relatively small increase in height will have no adverse effect on the character and appearance of the street scene because the dwellings are not noticeably higher than the adjacent house at No. 3 Richmond Drive.

The dwellings maintain the same footprint and spacing as shown in the previous planning permission ref: 12/00815/FUL, and therefore the spacious character of the street scene would be maintained.

The size and style of the windows would be an improvement to those shown in the previous planning permission. Furthermore, a better standard of appearance would be achieved on the elevations because of a more appropriate use of materials.

The proposed amendments will have no adverse effect on the residential amenities of neighbouring properties. The small increase in eaves and ridge heights will not have a significant impact on light and outlook. Furthermore, the new windows in the side elevations of the proposed houses will not cause a significant loss of privacy to neighbouring properties because a condition can be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.

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

BACKGROUND

Site and surroundings

1 Richmond Drive has conditional planning permission under reference 12/00815/FUL for the demolition of the original bungalow and erection of 2no. detached 5-bed houses. The bungalow has been demolished and the framework of the proposed houses has been erected, although the external surfaces of the dwellings have not been constructed and internal fittings have not been installed. Discharge of condition applications for Conditions 3, 4, 5, 7, 8, 9, 11, 12 and 13 of planning permission 12/00815/FUL were submitted to the Local Planning Authority for approval; however, the submitted details could not be approved because the work carried out on site and drawings submitted with the discharge of condition applications were not in accordance with the approved drawings for

planning application 12/00815/FUL. Accordingly, the Local Planning Authority advised the applicant that a new planning application was required for the amendments.

The proposed amendments are detailed in the 'proposed development' section of this report. The most notable change is the increase in ridge height from 8.4m to 8.65m. The agent has explained that the increase in ridge height is needed to provide sufficient internal floor height for the habitable accommodation in the roof space.





The houses in Richmond Drive are predominantly two storey detached properties, although there are some semi-detached dwellings and detached bungalows. The roof forms in the street are varied; however, roofs are mainly hipped or pitched away from the side boundaries. This, combined with the gaps between houses at upper floor level, provides viewpoints of mature vegetation to the rear. These gaps and viewpoints contribute towards the spacious character of the area. The houses on the southern side of the road generally appear more closely spaced at upper floor level than the properties on the northern side.

Two storey front projections are a feature of the street scene. The houses in the street are finished in brickwork or render. There are examples of tile hanging on bay windows. No. 9 has tile hanging at first floor on the front elevation. The adjacent houses in Langley Way and some properties at the end of Richmond

Drive have a 'mock Tudor' style, incorporating white render and half-timbering at first floor. These properties have detailing including steeply pitched projecting gables, jettied first floors and oriel windows.

There is a fairly consistent building line in this part of Richmond Drive. The houses are set back from the road and several properties have hard surfacing in the front gardens that provides on-site parking spaces. A large proportion of dwellings have single storey attached garages.

The north-western side boundary of the application site borders the rear gardens of Nos. 85-93 Langley Way. These neighbouring properties are mainly semi-detached houses and the two storey rear walls are approximately 20.5m from the boundary. No. 93 has a detached outbuilding adjacent to the boundary with the application site.

The south-eastern side boundary borders No. 3 Richmond Drive. This adjacent house has an attached garage adjacent to the boundary. The first floor window in the side elevation of the dwelling serves an internal staircase and is therefore secondary in nature.

No. 1 Richmond Drive has an existing dropped kerb.

The property is not listed or located in a designated conservation area.

Proposed development

The application proposes amendments to planning permission 12/00815/FUL for the demolition of the bungalow and erection of 2no. detached 5-bed houses. The application is part retrospective because the framework of the houses has been constructed. However, the external surfaces have not been finished and internal fittings have not been installed.

The amendments to planning permission 12/00815/FUL are as follows:

Plot 1

- Ridge height increased from 8.4m to 8.65m.
- Eaves height increased from 4.8m to 5.025m.
- Gable height increased from 7.3m to 7.5m.
- Chimney moved sides.
- Window openings altered.
- New first floor side window and 2no. roof lights facing rear of Langley Way houses.
- Dormer larger in height, width and depth.

Plot 2

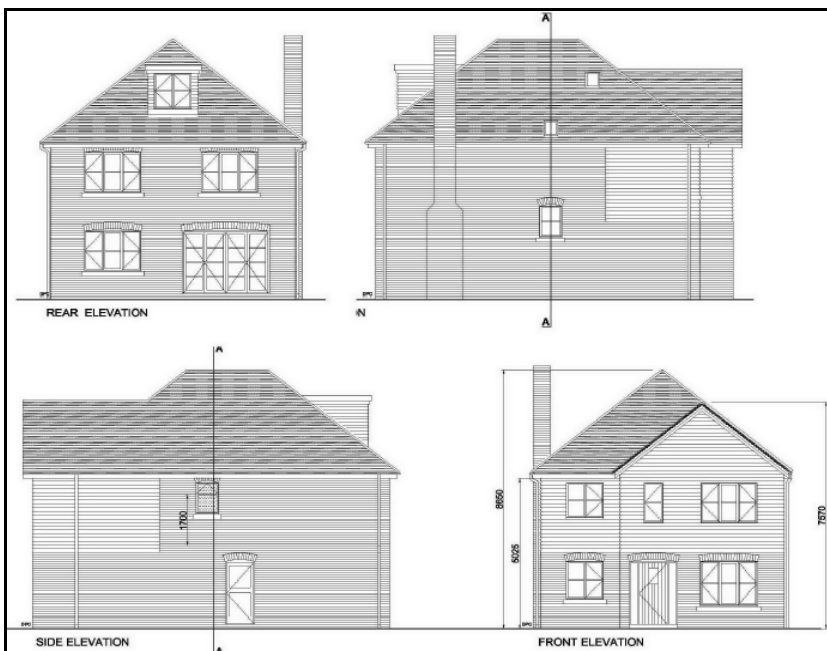
- Ridge height increased from 8.4m to 8.65m.
- Eaves height increased from 4.8m to 5.025m.
- Hipped front projection increased in height from 7.3m to 7.5m.
- Front projection had two first floor front windows, now reduced to one.
- Window openings altered.
- New roof light facing 3 Richmond Drive.
- Dormer larger in height, width and depth.

The internal layout of the houses would be altered slightly. The most notable change is that the kitchen would be moved to the rear and the living room moved to the front.

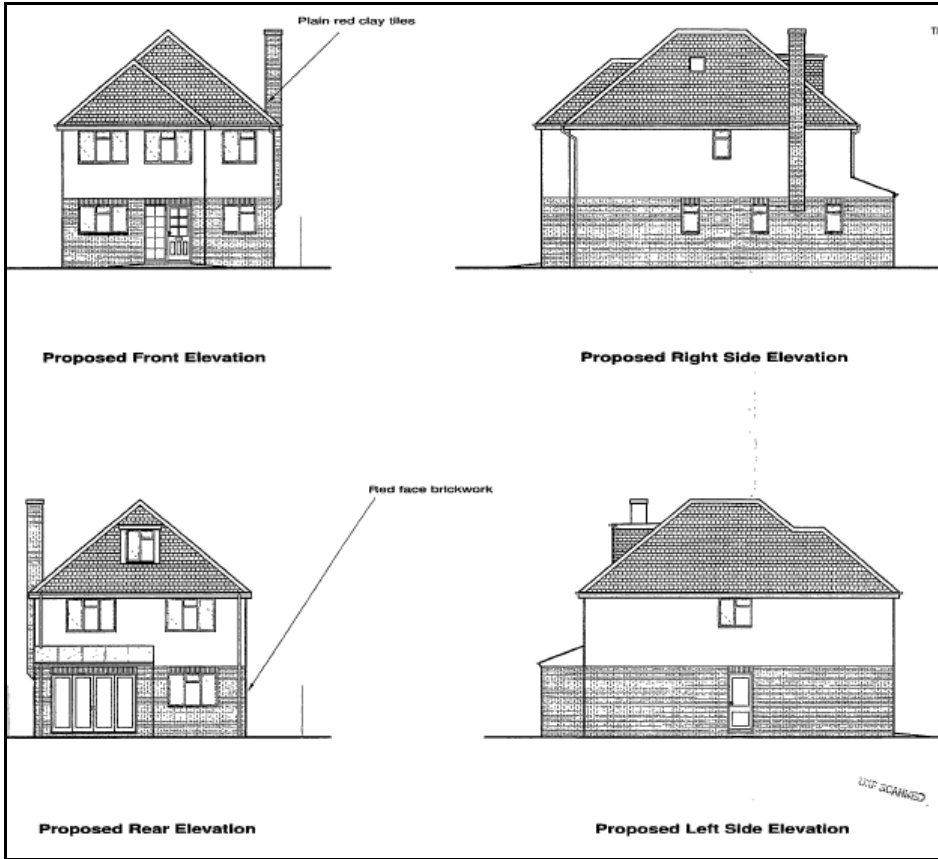
Single storey rear extensions have been partially constructed; however, these do not form part of the current planning application and the agent has said that they will be removed.



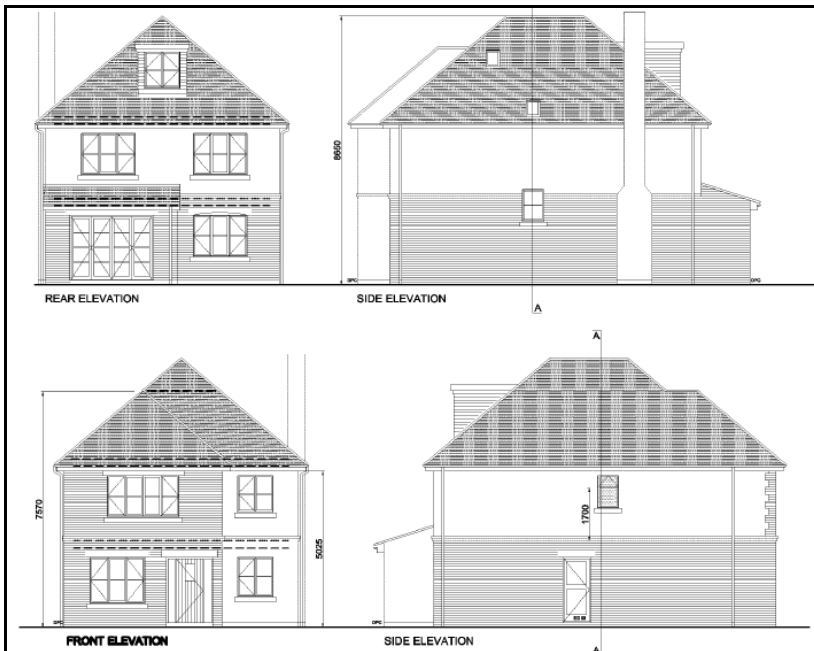
Plot 1 elevations approved under planning application 12/00815/FUL.



Plot 1 elevations proposed under current planning application.



Plot 2 elevations approved under planning application 12/00815/FUL.



Plot 2 elevations proposed under current planning application.

Planning history

12/00815/FUL- Demolition of existing dwelling and erection of two detached five bedroom dwellings. Conditional Planning Permission. October 2012.

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, before 8am or after 1pm on Saturday, 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.

3. No work shall commence until details and samples of the materials to be used for all the external finishes of the buildings, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, 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 area in accordance with the provision of PPS1 "Delivering Sustainable Development" and the requirements of Policies U1, U2 and U3 of the Watford District Plan 2000.

4. No work shall commence until details of all hard landscaping and surfacing materials 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.

Reason: In the interests of the visual appearance of the site in accordance with Policy U3 of the Watford District Plan 2000.

5. No work shall commence until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out no 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.

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

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, D, and F 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 and having regard to the availability of amenity space for the dwellings in accordance with Policies H8 and U2 of the Watford District Plan 2000.

7. The proposed first floor windows in the side elevations of the dwellings hereby approved shall be permanently fixed closed below 1.7m internal floor level 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 pursuant to Policies U2 and H7 of the Watford District Plan 2000.

8. No work shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the first occupation of any part of the development and shall be maintained as such at all times thereafter.

Reason: In the interests of the visual appearance of the site, in accordance with Policies U1, U2 and U3 of the Watford District Plan 2000.

9. No work shall commence until details of the layout and construction of the new vehicular crossover to serve Unit 2 has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. No dwelling shall be occupied until the vehicular crossover has been laid out and constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

10. No dwelling shall be occupied until the scheme for parking has been laid out in accordance with drawing Nos. 3236/2F and 3236/4F (or any subsequent amendment agreed in writing with the Local Planning Authority). The parking area shall be retained at all times thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all carriageways in accordance with Policy T22 of the Watford District Plan 2000.

11. No work shall commence until details of the disposal of surface water from the parking areas have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users.

12. No demolition of the existing house or construction of the development shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of 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, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

13. No works shall commence on site until a detailed survey of the site has been undertaken to assess the existing ground conditions and the extent of any land contamination and if necessary appropriate measures shall be incorporated into the development to ensure adequate protection for future occupants of the development and occupiers of existing adjoining premises from contamination. The survey shall be agreed in writing by the Local Planning Authority prior to the commencement of the development and any remediation measures shall be carried out in full before the first occupation of the development.

Reason: To ensure that suitable investigative measures are carried out on site to ensure that a suitable living environment is provided for future occupiers of the development and neighbours and to ensure that the proposal will result in no adverse impact on the environment in accordance with Policy SE24 of the Watford District Plan 2000.

11/01178/FUL- Demolition of existing dwelling and erection of two detached five bedroom houses. Refused Planning Permission. March 2012.

1. The houses in Richmond Drive benefit from a generous level of separation at first floor level. The hipped or pitched roofs of the houses further emphasise the gaps between the dwellings. This enables viewpoints of mature vegetation to the rear, which contributes to the spacious character of the area. The gap between the proposed dwellings, at 2m, would be significantly less than the spacing of neighbouring houses in the street. The gable-ended flanks of the roofs would further restrict the

spacing between the dwellings. As such, the proposed dwellings would have a harmful impact on the spacious character of the area. Furthermore, the proposed dwellings would be higher than the neighbouring houses in Richmond Drive and would appear dominant and cramped in the street scene. The proposal would therefore be detrimental to the character and appearance of the area.

2. The design of the proposed dwellings would fail to maintain the character and appearance of the area. The roofs of the proposed houses appear bulky and top-heavy, and, second floor front dormer windows are not an established feature of the street. Furthermore, the alignment of the windows in the front elevations are disjointed. The front garage and porch, by reason of its width, depth and provision of crown roofs, appears as a bulky and incongruous feature. The design of the proposed houses fails to reflect design features of neighbouring properties. The provision of half-timbering on the front elevation appears to be an attempt to reflect the mock-Tudor houses in the area. However, the mock-Tudor houses have detailing including steeply pitched projecting gables, jettied first floors and oriel windows. The proposed houses display none of these design features and the half-timbering on the front elevations appears contrived. As such, the design of the proposed houses fails to respond to the context of the area, which would have a detrimental impact on the character and appearance of the street scene.

3. The proposed kitchen windows, by virtue of their close proximity to the opposing two storey wall and boundary fence, would not receive sufficient levels of daylight and sunlight, and, would also have a poor outlook. The proposal would therefore fail to provide a high standard of residential amenity.

4. The proposed vehicular crossover serving Unit 2 would be in close proximity to a highway tree, which is likely to have a harmful impact on the tree. The loss of the highway tree would be detrimental to the visual amenity of the street scene.

5. The proposed development fails to make provision for public open space and children's play space in the form of on-site works or commuted payments, and as such is contrary to Policies L8, L9 and IMR2 of the Watford District Plan 2000 and Supplementary Planning Guidance 10.

6. The proposed development fails to make provision by way of a contribution towards community facilities including education, childcare, library, youth and health facilities and as such is contrary to Policies H10 and IMR2 of the Watford District Plan 2000.

7. The proposed development 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 T1, T2, T4, T7, T9 and T11 of the Watford District Plan 2000.

12040- Bungalow. Approved. 1945.

13035- Bedroom. Approved. 1948.

Relevant policies

National Planning Policy Framework

- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 8 Promoting healthy communities

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

Section 11 Conserving and enhancing the natural environment

Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026

- 1 Strategy for the Provision for Waste Management Facilities
- 1a Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

Hertfordshire Minerals Local Plan (saved policies)

No relevant policies.

Watford Local Plan: Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial strategy
- UD1 Delivering high quality design
- SD1 Sustainable Design
- SD2 Water and Waste Water
- SD3 Climate change
- SD4 Waste
- HS1 Housing supply and residential site selection
- HS2 Housing mix
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure
- INF1 Infrastructure delivery and planning obligations

Watford District Plan 2000

SE7	Waste Storage and Recycling in New Development
SE22	Noise
SE23	Light Pollution
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Provisions in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H10	Planning Agreements for Educational and Community Facilities
L8	Open Space Provision in Housing Development
L9	Children's Play Space

Supplementary Planning Documents

Watford Character of Area Study Adopted December 2011

Residential Design Guide Adopted July 2014

CONSULTATIONS

Neighbour consultations

Letters were sent to a total of 26 properties in Richmond Drive, Langley Way and Berceau Walk. 7 letters of objection have been received, and a consideration of these objections is outlined at the end of the report.

Statutory consultations

Hertfordshire County Council (Highway Authority)

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Conditions

1. The proposed parking spaces shall measure a minimum 2.4m x 4.8m each and shall be maintained for this use as an ancillary to the development.

Reason: Such that adequate parking provision is made to meet the needs of the development both now and in the future.

2. Notwithstanding the submitted details the development shall not begin until a dimensioned drawing showing details of the layout, size and construction of the proposed parking areas has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Highway Authority. No dwelling shall be occupied until the areas have been laid out and constructed in accordance with approved details, and made available for use and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjacent highway.

3. Prior to the commencement of the site works details of parking for all contractors, sub-contractors and visitors vehicles together with details of the size of delivery vehicles, where they will park to unload, and how (including turning diagrams) these vehicles will enter and leave the site shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and the works shall be carried out in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

4. Prior to the commencement of demolition works details of the method of washing of vehicle wheels exiting the site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority and the agreed method shall be operated at all times during the period of site works.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

Informative:

1) Before commencing the development the applicant shall contact the South West Highways Area Team to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing and construction of the new dwelling; ii) a condition survey of any adjacent highways which may be affected by demolition and construction vehicles together with an agreement with the Highway Authority that the developer will bear all costs in reinstating any damage to the highway.

2) Works to be undertaken on the adjoining Highway will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact the South West Highways Area Team to obtain their permission/requirements. This is to ensure any works undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Comments:

With reference to Highways advice on previous application 12/00815/FUL for a similar development HCC has the following comments.

The proposal is to demolish the existing and erect 2x4+bed dwellings. The proposal results in an additional 4-bed dwelling and the proposal would therefore attract a contribution of £1500 towards but not limited to Sustainable Transport Measures identified in the South West Hertfordshire Transportation Plan and

subsequent transport plans. Under these circumstances I have no objection to this proposal subject to the completion of an Agreement to secure a financial contribution.

The proposals are not considered to greatly impact upon the highway safety or capacity subject to conditions. It is considered acceptable to the Highways Authority.

Arboricultural Officer

The landscape plan, schedule and specification are all acceptable.

Contaminated Land Officer

The applicant submitted a contaminated land assessment pursuant to Condition 13 of planning permission 12/00815/FUL. The assessment was a Phase II Geo-environmental Site Assessment; Project No. 26499-02(00) carried out by RSK Environment Ltd; June 2014.

The Contaminated Land Officer stated in her consultation response of 25th July that the report has not identified the need for remediation at the site and she is in agreement with the report's conclusions. The Contaminated Land Officer states that a watching brief should be undertaken during groundworks. Should any potentially contaminative material be discovered then the Council must be informed and a suitable course of action proposed.

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 2013;*
- (b) the continuing "saved" policies of the *Watford District Plan 2000;*

- (c) the “saved” policies of the *Hertfordshire Waste Local Plan 1995-2005*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

The Residential Design Guide was approved by the Council’s Cabinet as a Supplementary Planning Document on 23rd July 2014. Among other things, 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. The Supplementary Planning Document is a condensed single guidance document that replaces previous versions of the Residential Design Guide (RDG Volume 1 – Building New Homes and RDG Volume 2 – Extending Your Home – Adopted 2008) as well as Supplementary Planning Guidance 6 – Internal Space Standards.

Design and layout

The most notable amendment to planning permission 12/00815/FUL consists of the increase in eaves and ridge heights of the proposed houses. As noted, in the ‘proposed development’ section of the report, the eaves height has increased from 4.8m to 5.025m and the ridge height has increased from 8.4m to 8.65m. The two storey front projections are also 0.2m higher. The relatively small increase in height will have no adverse effect on the character and appearance of the street scene because the dwellings are not noticeably higher than the adjacent house at No. 3 Richmond Drive.

The dwellings maintain the same footprint and spacing as shown in the previous planning permission, therefore the spacious character of the street scene will be maintained.

The re-positioning of the chimneys will have no adverse impact on the street scene.

The size and style of the windows will be an improvement to those shown in the previous planning permission. Furthermore, a better standard of appearance will be achieved on the elevations because of a more appropriate use of materials.

The rear dormer windows of the dwellings will be slightly larger than those shown on the approved drawings of planning application 12/00815/FUL. However, there will not be a harmful impact on the character and appearance of the area.

The internal layout of the houses will be altered by moving the kitchen from the front to the rear so it is next to the dining room, and moving the living room from the rear to the front. The internal alterations will provide a more logical layout as well as a sufficient standard of amenity for future occupiers.

Refuse and cycle storage will be provided in the rear garden, which is acceptable. A condition should be attached to any grant of planning permission to require details of the size, design and materials of the storage structures to be submitted to the Local Planning Authority for approval.

Impact on neighbouring properties

The footprint of the proposed dwellings will be the same as the previous planning permission and the small increase in eaves and ridge heights will have minimal impact on the residential amenities of neighbouring properties.

In comparison to the previous planning permission, the window in the north-western side elevation of Plot 1 facing the rear of Langley Way houses will be positioned slightly higher up and there will be two new roof lights. The windows will serve a staircase and an en-suite in the roof space, and in order to protect the privacy of neighbouring properties in Langley Way a condition can be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.

The previous planning permission showed that the south-eastern side elevation of Plot 2 facing No. 3 Richmond Drive would have 4no. windows in the facing wall and 1no. roof light. The current application proposes 1no. window in the facing wall and 2no. roof lights, which will serve a staircase and an en-suite in the roof space. A condition, as described above, can be attached to any grant of planning permission to protect the privacy of No. 3 Richmond Drive.

The rear dormer windows will be slightly larger than the previous permission. However, they will not increase overlooking into the gardens and windows of neighbouring properties.

Traffic generation and parking

The Highway Authority has no objection to the proposal subject to conditions being imposed should permission be granted.

Two on-site parking spaces would be provided for each dwelling, which is the same number of parking spaces proposed in the previous planning permission. The number of on-site parking spaces is sufficient and the maximum parking standard in Appendix 2 of the Watford District Plan 2000 would not be exceeded.

The Highway Authority has requested a condition that a dimensioned drawing showing details of the layout, size and construction of the proposed parking areas should be submitted to and approved by the Local Planning Authority. However, the submitted drawings are drawn to scale and each parking space measures 2.4m by 4.8m. There is sufficient space for two on-site parking spaces per dwelling. Construction details of the parking areas are shown on drawing No. 119 02 Rev A, which shows Type 1 granular sub-base material, 50mm laying course of fine aggregate and 50mm thick block pavers. The submitted construction details will provide an appropriate parking surface.

The Highway Authority has requested details of parking for all contractors, sub-contractors and visitors vehicles together with details of where delivery vehicles would park and unload and how the vehicles will enter and leave the site. Given the small size of the site, on-site parking for contractors is not feasible; furthermore, it would be impossible for a delivery vehicle to enter and exit the site in forward gear to deliver materials. Because of the small size of the development, construction vehicles would not cause a significant impact on the operation of the highway. In addition, the applicant has stated in the Construction Management Plan submitted pursuant to Condition 12 of planning permission 12/00815/FUL that deliveries would be made outside of rush hour and school opening and closing times. The Construction Management Plan also provides for wheel washing facilities.

Trees and landscaping

The Arboricultural Officer has no objection to the proposed landscaping scheme. A condition should be attached to any grant of planning permission to require the submitted landscaping scheme to be implemented.

Planning Obligations

A Unilateral Undertaking for financial contributions towards the provision or improvement of community facilities and sustainable transport measures was completed for planning application 12/00815/FUL. The contributions shown in the Unilateral Undertaking were paid to the Council on 12th September 2014, although in indexation payment has yet to be made. Therefore, a new Unilateral Undertaking is not required for the current planning application because there is no increase in the number of dwellings compared to the previous application.

Consideration of representations

Neighbour's Objection	Officer's Response
<p>The ridge height has been increased by 250mm. The report issued for 12/00815/FUL notes changes that made that application more acceptable from the original refused application. One of those was that the ridge height had been reduced. This has now been raised from the agreed level which will add to the feeling of enclosure to rear of the adjoining Langley Way properties.</p>	<p>The committee report for planning application 12/00815/FUL referred to a previously refused planning application ref: 11/01178/FUL for the erection of two detached houses. The first reason for refusal of that application related to the dominant and cramped appearance of the development because of a combination of factors including: the gabled design of the roof; the lack of spacing between the houses, and because the height of the dwelling at 8.9m would be higher than neighbouring properties.</p> <p>Subsequent planning application 12/00815/FUL overcame the previous reason for refusal by designing the houses with hipped roofs to increase the visual separation between the proposed houses; increasing the space between the dwellings from 2m to 4m; and reducing the ridge height from 8.9m to 8.4m.</p> <p>The current application does not propose to change the footprint of the houses or to change the hipped design</p>

	<p>of the roof. The ridge height would be increased from 8.4m to 8.65m (which is lower than the ridge height of 8.9m proposed in application 11/01178/FUL), however, the proposed houses do not appear noticeably higher than the adjacent dwelling at 3 Richmond Drive. The slight increase in height, in itself, would not make the dwellings appear cramped or dominant in the street scene.</p>
<p>There was originally one window at ground floor height of the North West elevation. There are now 3 (2 veluxes and a window at mid height between the floors). This adds to the sense of overlooking. At the very least the windows should be obscured and non-opening as they overlook 1st floor bedrooms on the Langley Way houses. However, it would be more appropriate is there was a single window as originally approved.</p>	<p>The windows would serve a staircase and an en-suite in the roof space, and in order to protect the privacy of neighbouring properties in Langley Way a condition could be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.</p>
<p>It is now proposes that a chimney on Unit 1 which extends to above ridge height is placed at the bottom of the garden of No. 91 Langley Way. This was originally on the other side of the house between Units 1 and 2 where it has no impact on anyone's rear outlook. In addition, this is closer to the</p>	<p>The proposed chimney would protrude 20cm beyond the side wall and the upper part of the chimney would be 65cm wide as viewed from Langley Way, which would not cause an unacceptable sense of enclosure to the Langley Way houses.</p>

<p>boundary than the line of the wall.</p> <p>Although on the estate there are corner plots where there are chimneys at the bottom of the gardens they normally extend only to just above eaves height. We presume that this is higher as the loft area is habitable. As it extends to over ridge height this is another thing which will add to the feeling of enclosure.</p>	
<p>With the increase in roof height they have put in larger dormer windows i.e. bigger than on the old plan – they look directly into my rear bedroom windows, which affects my privacy at Berceau Walk.</p>	<p>The rear dormer windows would be slightly larger than the previous permission; however, they would not increase overlooking into the gardens and windows of neighbouring properties.</p> <p>As noted in the committee report for planning application 12/00815/FUL, the rear elevations of the proposed houses would be in excess of 50m from the rear windows of the houses in Berceau Walk. In addition, the rear elevations of the houses would be more than 10m from the rear boundaries. Therefore, there would not be an unacceptable level of overlooking into the rear windows and gardens of Berceau Walk properties.</p>

<p>We presume that the single storey rear extension that has currently been built will be removed as its not shown on this retrospective application.</p> <p>We have a major concern that the roof of this extension could be used as a balcony now or some time in the future.</p>	<p>Construction work has been started for a single storey rear extension. This does not form part of the current planning application, and the agent has orally said that the structure will be removed.</p>
<p>The houses already exceed the depth of the other houses in the area. The quantity of light that can come into these houses is poor or low compared to the neighbouring houses, which goes to show they are trying to squeeze a pint into a quart pot.</p> <p>The plot of the right building – i.e. the one backing on to the end of my garden, is very close to my boundary and they have even put an extension on the lounge – compared to the other one with a longer garden, this garden is to the side of my property and that house does affect me so much.</p>	<p>Each of the habitable rooms would be served by a rear or front facing window and a sufficient level of natural light and outlook would be achieved.</p> <p>The single storey rear projection of the house on Plot 2 would be 17m from the rear boundary with 2 Berceau Walk, which exceeds the minimum standard of 11m in Paragraph 7.3.16 of the Residential Design Guide.</p>
<p>The housing density is too high for this area.</p>	<p>The housing density has not changed since the previous approved planning application ref: 12/00815/FUL.</p>

<p>Mature hedges and trees on the right hand building (to the rear of my garden) were cut down leaving only 1 tree. Its trunk is now under 2 foot of loose soil. Their plan to plant new trees and shrubs I am told is unenforceable and even if they did it would take many years to provide effective cover. Currently that part of the garden is full of weeds which I have to try and keep at bay.</p>	<p>Drawing No. 13/07 – SP SK01 shows the proposed landscaping scheme of the development. Furthermore, a landscape specification has been submitted. The Arboricultural Officer has stated that the landscape plan, schedule and specification are all acceptable.</p> <p>The landscaping scheme shows that a new tree would be planted adjacent to the rear boundary with 2 Berceau Walk and existing trees adjacent to the rear boundary with 2A Berceau Walk. A condition could be attached to any grant of planning permission to state that any new or existing trees or plants 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.</p> <p>There is no requirement for new soft landscaping to screen the proposed houses from view.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>These houses are built on a slope and to get the previously planned height they dug down and have removed a lot of soil which has been spread around the plot. I want it taken away from the site. The bottom of my garden has a 2ft concrete retaining wall – this has always been visible from the Richmond Road side. On the Richmond Road side the land has been raised by 2 feet rendering my wooden fence ineffective. There was also a shed near the bottom of the garden and this was not visible over my fence – for example any new shed would be highly visible due to its new elevated position. The same goes for people in the back garden – they have been raised by 2 feet and overlook my garden. By doing this, my garden will be more overlooked than before and to my detriment. The fence was 4ft high on my side but gave 6ft height to the other due to the drop in land levels.</p>	<p>Drawing No. 119 01 shows the existing site levels (levels of the bungalow before any work was carried out) and drawing No. 119 02 A shows the proposed site levels with the proposed houses. The drawings show that the levels around the proposed houses would be changed – the rear patios and side pathways would have a level of 101.16. The rear patio of Plot 2 would be up to 75cm below the original land level. However, the drawings show that there would be no change in land level for the rear part of the gardens. As such, any increase in land levels in the rear gardens as a result of construction work would need to be reduced to the levels shown on No. 119 02 A before the development is occupied.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Conclusion

The most notable amendment to planning permission 12/00815/FUL consists of the increase in eaves and ridge heights of the proposed houses. The eaves height has increased from 4.8m to 5.025m and the ridge height has increased from 8.4m to 8.65m. The relatively small increase in height will have no adverse

effect on the character and appearance of the street scene because the dwellings are not noticeably higher than the adjacent house at No. 3 Richmond Drive.

The dwellings maintain the same footprint and spacing as shown in the previous planning permission ref: 12/00815/FUL and therefore the spacious character of the street scene will be maintained.

The size and style of the windows will be an improvement to those shown in the previous planning permission. Furthermore, a better standard of appearance will be achieved on the elevations because of a more appropriate use of materials.

The proposed amendments will have no adverse effect on the residential amenities of neighbouring properties. The small increase in eaves and ridge heights will not have a significant impact on light and outlook. Furthermore, the new windows in the side elevations of the proposed houses will not cause a significant loss of privacy to neighbouring properties because a condition can be attached to any grant of planning permission to require the windows to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level.

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. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturday, 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.

2. Within two calendar months of the date of this decision, details and samples of the materials to be used for all the external finishes of the dwellings, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, shall be submitted to the Local Planning Authority for approval. The development shall be carried out only in accordance with 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 area.

3. The hard landscaping shall be laid out in accordance with the details shown on drawing No. 13/07 – SP SK01, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site.

4. The soft landscaping scheme shown on drawing No. 13/07 – SP SK01 and detailed in the Landscape Specification dated January 2014 Rev A 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.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B or C 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.

6. The proposed windows in the north-western and south-eastern side elevations of the dwellings hereby approved shall be permanently fixed closed below 1.7m internal floor level 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.

7. The boundary treatment around the boundaries of the site and within the site shall be installed in accordance with the details shown on drawing No. 13/07 – SP SK01 prior to the first occupation of the dwellings hereby approved. The boundary treatment shall be maintained at all times thereafter. Details of any alternative boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and such boundary treatment shall only be installed in accordance with any alternative details approved by this Condition.

Reason: In the interests of the visual appearance of the site.

8. The dwelling on Plot 2 hereby approved shall not be occupied until the new vehicular crossover for Plot 2 has been laid out in accordance with the layout shown on drawing No. 13/07 – SP SK01 (or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority).

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

9. The dwellings hereby approved shall not be occupied until the scheme for parking has been laid out in accordance with drawing No. 13/07 – SP SK01 (or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority). The parking area shall be retained for the parking of vehicles at all times thereafter.

Reason: To ensure that sufficient on-site parking is provided.

10. The dwellings hereby approved shall not be occupied until the surface water drainage system for the hard surfacing to the front of the houses has been constructed in accordance with the details shown on drawing No. 119 03 A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent surface water run-off into the adjacent highway.

11. The Construction Management Plan dated 8th February 2014 submitted pursuant to Condition 12 of planning permission 12/00815/FUL shall be implemented throughout the construction period.

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

12. The development hereby approved shall be constructed in accordance with the proposed finished floor level and proposed ground levels shown on drawing No. 119 02 Rev A. No change in ground levels shall be made other than those shown on drawing Nos. 119 01 and 119 02 Rev A.

Reason: To protect the residential amenities of neighbouring properties and in the interests of visual appearance of the site.

13. Within two calendar months of the date of this decision, details of the size, design and siting of weatherproof cycle storage shall be submitted to the Local Planning Authority for approval. The dwellings hereby approved shall not be occupied until the cycle storage has been provided in accordance with the approved details.

Reason: To ensure that the proposed development meets sustainable transport objectives.

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

13/07-LP01; 119 01; 119 02 Rev A; 119 03 Rev A; 13/07-SP SK01;
13/07-P1 SK01; 13/07-P1 SK02 Rev A; 13/07-P2 SK01; 13/07-P2 SK02.

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

Informatives

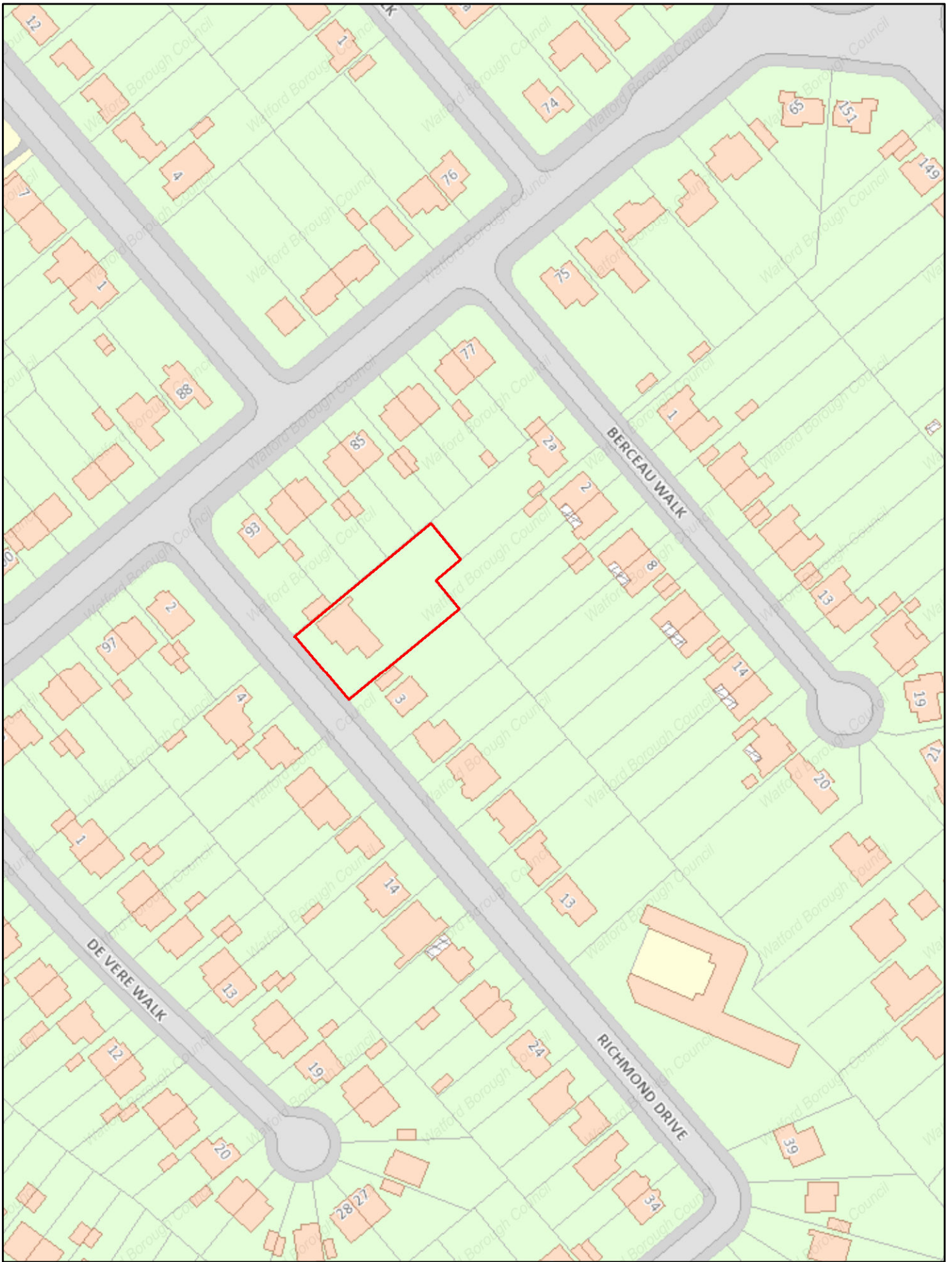
1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. The applicant shall contact the South West Highways Area Team to obtain i) their permission/requirements regarding access for vehicles involved in the construction of the new dwellings; 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.
3. Works to be undertaken on the adjoining Highway will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact the South West Highways Area Team to obtain their permission/requirements. This is to ensure any works undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Drawing numbers

13/07-LP01; 119 01; 119 02 Rev A; 119 03 Rev A; 13/07-SP SK01; 13/07-P1 SK01; 13/07-P1 SK02 Rev A; 13/07-P2 SK01; 13/07-P2 SK02

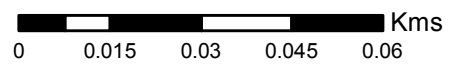
Case Officer: Chris Osgathorp
Email: chris.osgathorp@watford.gov.uk
Tel: 01923 278968

This page is intentionally left blank



1 Richmond Drive

Date: 05/12/2014



Scale 1:1,250



This page is intentionally left blank

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **16th December 2014**

Site address: **Land off Cardiff Road and between Wiggshall Road and Willow Lane and Dalton Way/Oxhey Park**

Reference Number : **14/00511/OUTM**

Description of Development: **Hybrid planning application for the development of a mixed-use health campus accessed from the approved Access Road comprising:**

- 1. Outline element for the construction of new hospital/healthcare accommodation, together with business, retail, office, food and drink, hotel, and leisure uses, and up to 681 new dwellings, safeguarding of land for the expansion of Laurance Haines primary school, new public spaces, play space and landscaping, associated car parking, access roads, footways and cycleways.**
- 2. Detailed element (business area south) for the construction of three industrial business units together associated vehicle and cycle parking, site landscaping and the creation of a new wildlife area.**

Applicant: **Watford Health Campus Partnership LLP**

Date received: **1st April 2014**

16 week date (EIA): **22nd July 2014**

Ward: **VICARAGE/CENTRAL**

SUMMARY

At its meeting on the 18 September 2014 the Committee resolved to grant planning permission for the development subject, inter alia, to the final terms of the planning obligation and the final wording of the planning conditions being referred back to the Committee for approval.

This report deals with both of these matters.

In the report to Committee on 18 September, the suggested Heads of Terms for the s.106 planning obligation were:

- Financial contributions payable to the County Council towards traffic calming measures on roads surrounding the site, enhancement of public transport infrastructure and the enhancement of bus services serving the site.
- Financial contributions payable to the Council towards the implementation of extensions to the existing Controlled Parking Zones and the improvement of cycleways and footways within 2000m of the boundaries of the site.
- Upgrading the traffic signal controller at Junction 5 of the M1.
- Junction improvements at Lower High Street/Dalton Way junction.
- The implementation of the framework travel plan.
- The implementation of a car parking management strategy.
- The provision or improvement either onsite and/or off site by means of either direct provision and/or financial contributions payable to the County Council towards facilities for secondary education, primary education, nursery education, childcare, youth and libraries.
- The provision of fire hydrants to serve the development.
- An affordable housing strategy for the delivery of 35% of the new dwellings as affordable housing.
- Financial contributions payable to the Council towards the provision of improved open space.
- The removal of river structures within the River Colne and the side channel and a masterplan for the River Colne within the site and off site.

- Biodiversity off setting and ecological improvements within the River Colne corridor.
- The improvement and upgrading of sewer capacity either on site or off site to serve the development.

Subsequent to these terms being suggested the applicant has submitted as part of the planning application evidence of the viability of the proposed development. An assessment of that evidence undertaken by Adams Integra (dated September 2014) has also been submitted on behalf of the applicant, and this assessment has concluded that the level of contributions to be sought through the planning obligation could have an effect on the viability of the scheme.

Following negotiations between the applicant, the Council and Hertfordshire County Council, an agreement has been reached on a global figure of £4,000,000 in respect of all the financial contributions sought by the County Council.

The Development Management Section Head therefore recommends that the revised Heads of Terms of the planning obligation are agreed and that planning permission be granted subject to the completion of a planning obligation incorporating the agreed terms, and subject to the planning conditions set out in the annexes to this report.

BACKGROUND

The report of the Development Management Section Head to the Committee on 18th September 2014 set out the details of the application and the responses received from statutory and non-statutory consultees and other third parties. In addition, it also discussed the merits of the application and made an assessment of the scheme against the current policy context.

Following the consideration of the application, the Committee resolved to grant planning permission subject to the completion of a s.106 planning obligation and to the imposition of appropriate conditions. The Committee also resolved that the final terms of the planning obligation and the planning conditions be determined by the Committee.

The 18th September report also highlighted four areas where further work was required. These were: “matters relating to the provision of education facilities, particularly at early years, nursery and primary level; how the adverse impacts of the development on ecology and biodiversity are to be mitigated, particularly within the River Colne and its valley; the extent to which the development is able to provide adequate and high quality open space and green infrastructure within the site; and the adequacy of the sewerage infrastructure to serve the proposed level of development”.

This report considers the details of the proposed Heads of Terms for the planning obligation and the wording of the planning conditions proposed to be attached to the grant of planning permission. It also considers the current situation with regard to the four areas where further work was required to be undertaken.

Further consultation responses

Hertfordshire County Council (Development Services)

Following the discussion of the planning application for the Health Campus and the decision made by your members in relation to planning permission, I am writing to set out the County Council’s position with regard to the required Section 106 Agreement.

We are pleased that an improved financial offer of £4m has been made to support the infrastructure requirements associated with the development, though it must be recognised that, with a highways requirement amounting to £1m approx., the sum available to fund the projected requirement of primary school capacity will fall short of the cost of the required provision, whether as an extension to an existing school or part of a new 2FE school.

At this stage, and after a significant amount of work on potential alternatives, there seem to be two potential options in terms of site for a school, namely, a new build on the allotment site or an extension to Laurance Haines school which already has 2 forms of entry.

The County Council's strong preference, in both financial and educational terms and subject to viability, is for a new 2FE school on the allotment site. In financial terms, a new school offers the possibility of additional capital finance being made available through the Free School route, thus mitigating the shortfall in funding, even if part of the Section 106 sum had to be used to pay the £1.7m (approx.) residential value for the allotment site. We urge Watford Borough Council to also adopt this as the preferred option for school provision.

Clearly, if the allotment site cannot be secured for legal reasons, or if it is not viable due to traffic assessment or other issues, then the County Council will have to look to the extension of Laurance Haines to meet rising demand unless any other alternative of additional options are identified. It would be helpful to know whether the outcome of the legal challenge to the appropriation of the allotment land is known. The estimated cost of even a 1FE extension of Laurance Haines is up to £5.6m excluding land. Additional land would be required to extend the school, both from the development and the Borough's recreation site (to relocate the school's nursery). Given the shortfall in funding, just to meet building costs and that the Free School option would not be available if the need is met via extension, we would ask that as part of the S106 agreement, Watford BC commit to providing the additional lands required at nil cost if the Laurance Haines option has to be pursued.

In summary, the County Council would support a Section 106 agreement that provides £4m to the County Council towards infrastructure costs, with the allotment site purchased at residential value (assuming the £1.7m estimate provided is correct), as the preferred option and Laurance Haines expansion, with a free transfer of the required land by Watford BC as the fall back option should the allotment site not be viable and no other option is identified.

I hope that this now allows us to agree a way forward for the S106 agreement to the satisfaction of your members.

Environment Agency

Response awaited.

Thames Water

Response awaited.

APPRAISAL

The overall planning policy context for the determination of the planning application was previously set out in the previous report to Committee. However, as the issue of viability has now been raised by the applicants, it is necessary to consider the policy background in respect of the viability of planning applications and how decisions on planning applications should be taken where viability is a material planning consideration.

Viability – the planning context

There are two primary definitions of ‘viability’ commonly used when discussing development economics. These are:

‘An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and costs and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade a land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered.’

Local Housing Delivery Group, June 2012

'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering that project. (where viability is being used to test and inform planning policy, it will be necessary to substitute 'a development project' into the wide context.'

Financial Viability in Planning, RICS Guidance Note August 2012

In determining planning applications, evidence of development viability is required at a site specific level. A development will become unviable if the cumulative total of the land value, development costs, rate of return and the extent of any required planning obligations exceeds the expected value of the development. In cases where the deliverability of a scheme is threatened by the level of planning obligations sought, decisions must be underpinned by an understanding of viability, ensuring realistic decisions and expectations of developers are made to support development and promote economic growth.

The assessment of viability as a material planning consideration and its application on decision making requires an evidence-based judgement of the viability of a particular scheme. The local planning authority must make that judgement on the basis of a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market.

Watford's Local Plan Part 1 – Core Strategy 2006 - 2031

The Watford Health Campus is an identified Special Policy Area (SPA) within Watford Borough Council's Core Strategy that was adopted in January 2013. The Core Strategy sets out the key elements of the Council's planning vision and spatial strategy for the Borough, and the SPAs form an important part of the strategy due to the expectation of significant levels of change within these areas in terms of development and infrastructure.

Watford Health Campus is designated as SPA 3 within the Core Strategy and the main objective is to deliver a major mixed use development providing a new quarter for west Watford which seeks to provide new housing, jobs and community facilities with the catalyst of a significantly enhanced acute hospital.

The Core Strategy places a significant expectation on the delivery of this scheme in order to fulfil the identified Housing need for Watford for the plan period. The Council are expected to facilitate the delivery of 6,500 new homes during the plan period of 2006/7 to 2030/31. At the time of adoption of the Core Strategy, 2,430 of the homes had been completed, leaving an outstanding balance of 4,070 new dwellings to be delivered up to 2031. The Watford Health Campus is expected to provide at least 500 of these 4070; 12.28% of Watford's total identified housing need. This is not an insignificant amount.

Policy SPA3 identifies that development was expected to start on site in 2013, with Housing delivery expected from 2015/16. Page 67 of the Core Strategy shows a diagram of the Council's Housing Trajectory up to 2028 and an expected annual completion rate of 260 new dwellings. Analysis of the Trajectory shows that, following a peak in housing delivery in 2011 in Watford, the expected delivery drops significantly in 2015/16. Given Policy SPA3 refers to an expected housing delivery period from 2015/16 for the Health Campus, it is evident that, to maintain suitable levels of housing supply in Watford, the delivery of the Watford Health Campus scheme is an essential development to address the gaps in this period of the plan and ensure a consistent housing supply.

As a Borough, Watford suffers from constricted space due to its small overall area and the fact that much of the town is bordered by Metropolitan Green Belt. These factors significantly dictate the locations of residential development within the area and, in accordance with the policies of the National Planning Policy Framework, intrinsically steer new development to brownfield sites. Their delivery on these sites is therefore essential to address housing need within Watford, despite the excessive levels of 'abnormals' often associated with brownfield sites, for example land contamination and remediation.

National Planning Policy Framework (NPPF)

The NPPF identifies economic growth as the first aim of delivering sustainable development is a clear signal of the NPPF's pro-growth agenda. It requires the planning system to do everything it can to support sustainable, economic growth, and states that 'significant weight' should be placed on this objective. Local Plans should be addressing barriers to investment, setting out clear economic strategies and planning positively and flexibly for growth.

Local Plans are expected to identify areas or locations where development would be inappropriate or restricted, but such restrictions must be supported with a clear explanation. They must also be based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

In addition, paragraph 19 of the NPPF requires planning to 'operate to encourage growth and not act as an impediment to sustainable growth'.

The NPPF makes it clear (paragraph 173) that viability is a material consideration in the determination of planning applications. Moreover, and of significant relevance to this proposal given that this is an allocated housing site and Special Policy Area within an adopted Plan, paragraph 173 further comments that "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened".

Paragraph 173 also refers to the provision for a developer of a 'competitive return':

"Pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. Plans should be deliverable. ... To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".

In addition, paragraph 205 of the NPPF states that “where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”

National Planning Practice Guidance (NPPG)

To support the policies of the NPPF, the NPPG was published in March 2014. Together, the NPPF and the NPPG set out the Government’s national planning policies and guidance for new development. As its name suggests, the NPPG is not adopted Government policy but instead provides guidance on the application of the policies set out in the NPPF.

The NPPG points out that “decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.” The NPPG further advises that “A site is viable if the value generated by its development exceeds the cost of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.”

The Adams Integra report comments that “the level of profit a scheme should make has been the subject of debate with expert witnesses and Inspectors coming to the view that, if at all possible, schemes should make between 17.5% and 20% profit on GDV.” Thus, in current market conditions, a ‘competitive return’ (as referred to in both the NPPF and the NPPG) would be expected to be between 15% and 20% of GDV. Consequently, any developer looking to bring a site forward would expect development values to generate a profit of at least 15% in order that the identified ‘competitive return’ is provided and the ability to generate a profit less than this could potentially stall a development site from being brought forward.

Watford Health Campus is a brownfield site; whilst such sites are generally preferred for development in order to minimise the need for building on Green Belt or greenfield sites, the nature of these sites is such that they often require substantial, up-front investment in terms of remediating and cleaning up the land. For the Health Campus application, abnormal costs associated with cleaning up the site are currently circa £40m which is almost 15% of the total development cost. The NPPG advises that:

“to incentivise the bringing back into use of brownfield sites, local planning authorities should:

- look at the different funding mechanisms available to them to cover potential costs of bringing such sites back into use
- take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make the site unviable.

The second bullet point above refers in particular to the use of a ‘flexible approach’ and to have a view of the ‘combined total’ when considering the impact of planning obligations on viability. The NPPG also advises that “where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations”.

As the NPPG further points out, “Central to the consideration of viability is the assessment of land or site value. ... In all cases, land or site value should:

- reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;
- provide a competitive return to willing developers and land owners (including equity resulting from those wanting to build their own homes); and

- be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise.”

Similar advice is offered in the NPPG in the section that deals with planning obligations, where, in considering the cumulative impact of the required financial contributions and the effect on viability, it is said that “local planning authorities should ensure that the combined total impact of such requests does not threaten the viability of the sites and scale of development identified in the development plan.”

On a general point relating to planning obligations, the NPPG advises that “the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” and, further, that “obligations must be fully justified and evidenced”.

Planning obligation – policy and legal background

The development proposed in this application is one where, in accordance with Policy INF1 of the Core Strategy, the Council would normally require the applicant to enter into a planning obligation to provide contributions towards the provision or improvement of community facilities and infrastructure, as demonstrated by the originally proposed terms. 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*, provide the policy basis for financial contributions towards improved services and facilities within the Borough. The application of these policies 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 'viability' argument

A viability assessment undertaken by Adams Integra (dated September 2014) has been submitted on behalf of the applicant "to advise on the viability of the proposed development and to comment on the appraisal assumptions and outputs". The report also examines and comments on "whether the estimated development and any other abnormal costs associated with the development are a realistic assumption".

Adams Integra has considered the submitted financial details of the scheme, including build costs and expected returns on the different uses that are proposed within the development, and it has been concluded that the scheme could provide a total of financial contributions up to a maximum of £4m. A contribution of this level would provide the applicant with a profit of 18.5% on cost which equates to a profit level of 15% on GDV. Whilst the NPPF requires applicants to make a 'competitive return' on their development costs, this is not quantified and clearly will vary on a site wide basis depending on total development costs and the projected development value of the scheme. As referred to

above, Adams Integra have advised that, in their experience of representing both private sector clients and local planning authorities at inquiries and appeals, expert witnesses and planning inspectors have come to the view that, if at all possible, schemes should make between 17.5% and 20% profit on Gross Development Value (GDV). This target figure is also set out within the NPPG as a recognised and acceptable level of return. The projected figure of 15% of GDV associated with the Health Campus scheme is therefore already generating a return to the applicant that falls beneath the levels deemed as 'competitive' and provides a lower than average rate of return on the associated development costs. The Adams Integra report concluded that, in order to deliver the required land value to the applicant and generate a profit that is commercially viable and 'competitive', the scheme can carry no further abnormal costs associated with planning obligations over the £4m already included within the development appraisals. If additional contributions were sought, the scheme would become less viable and there is the risk that it would not be deliverable.

The Health Campus is allocated as a Special Policy Area within the Council's adopted Core Strategy. It is an 'important part of the spatial strategy' and is intended to provide 'a significant proportion of Watford's future development needs'. The adopted policy context therefore places significant emphasis on the delivery of the scheme and therefore a scheme that is not deliverable will place significant pressures on other areas of Watford in order to offset the minimum requirement of 500 new homes and the provision of 1,000 to 1,900 new jobs by 2031 identified for the Health Campus site.

The NPPF requires local planning authorities to 'approach decision taking in a positive way to foster the delivery of sustainable development' (paragraph 186). In addition, paragraph 173 of the NPPF expects plans to be 'deliverable' and, most significantly in the context of this application, 'the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'.

Given the importance of the delivery of the Health Campus to meet the objectives of Watford Spatial Strategy, a pragmatic approach to the scale of obligations and policy burdens needs to be taken to ensure that the scheme can be delivered viably.

In light of the conclusions of the viability assessment of the scheme carried out by Adams Integra and the importance placed on the viability and deliverability of development schemes in the NPPF and NPPG, the applicant has engaged with the County Council to discuss and agree a financial contribution that would go some way in meeting the demand for services generated by the development yet also provide the applicant with a competitive return and would enable the development to be delivered within an appropriate and immediate timescale.

As a consequence, it has been agreed that a total of £4m of financial contributions can be made to the County Council towards the requirements for highways, education, youth, libraries and children's services. The County Council has confirmed that it is in agreement with this approach.

Heads of Terms

At the meeting on 18th September, the Committee resolved that the following Heads of Terms should be included in the s.106 planning obligation:

- (a) Financial contributions payable to the County Council towards traffic calming measures on roads surrounding the site, enhancement of public transport infrastructure and the enhancement of bus services serving the site.
- (b) Financial contributions payable to the Council towards the implementation of extensions to the existing Controlled Parking Zones and the improvement of cycleways and footways within 2000m of the boundaries of the site.
- (c) Upgrading the traffic signal controller at Junction 5 of the M1.
- (d) Junction improvements at Lower High Street/Dalton Way junction.
- (e) The implementation of the framework travel plan.
- (f) The implementation of a car parking management strategy.

- (g) The provision or improvement either onsite and/or off site by means of either direct provision and/or financial contributions payable to the County Council towards facilities for secondary education, primary education, nursery education, childcare, youth and libraries.
- (h) The provision of fire hydrants to serve the development.
- (i) An affordable housing strategy for the delivery of 35% of the new dwellings as affordable housing.
- (j) Financial contributions payable to the Council towards the provision of improved open space.
- (k) The removal of river structures within the River Colne and the side channel and a masterplan for the River Colne within the site and off site.
- (l) Biodiversity off setting and ecological improvements within the River Colne corridor.
- (m) The improvement and upgrading of sewer capacity either on site or off site to serve the development.

These originally proposed Heads of Terms are considered in more detail below.

Highway works

This includes matters falling within paragraphs (a), (b), (c) and (d) above.

As previously reported to the Committee, the following contributions had been identified in relation to highway works in relation to paragraphs (a) and (b):

	2010 Masterplan	Revised payments
Traffic Calming Measures	£250,000	£232,949
Enhancement of Public Transport Infrastructure related to development	£450,000	£50,000
Towards enhancement of cycleways and footways within 700 metres of site	£175,000	£175,000

10 payments of £100,000 towards new on-site bus stops and improvement to bus services in west Hertfordshire	£1,000,000	£600,000 (over 5 years)
£30,000 towards implementation of appropriate extensions to CPZ	£30,000	£30,000
Total contribution	£1,905,000	£1,087,949

Due to the securing of funding for the Croxley Rail Link which is due to be operational by 2017 and the new station proposed at Vicarage Road which is only 410m to the west of the site, contributions in respect of enhancements to public transport were reduced from those agreed at the time of the 2007 application, because of the significantly improved accessibility of the site by public transport.

In the light of the conclusion reached with the County Council as referred to above, the detailed figures in the above table have been deleted from the Heads of Terms and replaced by the global contribution figure of £4m.

In respect of paragraphs (c) and (d), these remain in the Heads of Terms. The details in relation to paragraph (d) are set out below:

- (i) No more than the total amount of new development associated with the Business Area South (6950sqm B1/B2/B8), in addition to any of the development land use combinations set out in Table 1, shall be occupied until the works associated with upgrading the traffic signal controller at M1 junction 5 interchange with wireless MOVA have been Practically Completed:

Table 1

Business Area South (6,950 sqm) + any one of the combinations 1 – 6 below	
Combination 1	Clinical Office 2,060 sqm
Combination 2	Retail 2,980 sqm
Combination 3	Houses – 99 Flats – 310 Units
Combination 4	Office - 3,685 sqm Leisure – 1,719 sqm Flats – 140 Units
Combination 5	Office – 3,685 sqm Leisure – 1,719 sqm Flats – 140 Units
Combination 6	Hotel (80 Beds) Flats – 230 Units

(ii) not to Occupy any part of Development Area 2 (South of the Access Road) until the following highway works have been substantially completed:

(a) junction improvement scheme at Lammas Road /Wiggenhall Road/Fisher Industrial Estate junction to improve safety and pedestrian connectivity whilst integrating with the new Link Road/Access Road/Wiggenhall junction in accordance with drawing numbers:

60288684-TR-CD-03

60288684-TR-GA-03

60288684-TR-CD-05

60288684-TR-GA-05

Approved under planning application reference 13/00971/FULM

- (b) new signal controlled junction with restricted movements at the Site Access/Link Road/Wiggenhall Road junction in accordance with drawing numbers:
 - 60288684 –TR-CD-03
 - 60288684 – TR-GA-03
 - 60288684-TR-CD-05
 - 60288684-TR-GA-05Approved under planning application reference 13/00971/FUL

- (c) new junction at the eastern end of the Link Road with Dalton Way in accordance with drawing numbers:
 - 60288684-TR-GA-04
 - 60288684-TR-CD-04
 - 60288684-TR-GA-06
 - 60288684-TR-CD-06Approved under planning application reference 13/00971/FULM

- (d) lane reallocation and realignment within the highway boundary at the Lower High Street/Dalton Way (south) junction to provide two right hand lanes from Lower High Street onto Dalton Way with provision of pedestrian/cycle facilities at the junction of Lower High Street and Dalton Way gyratory in accordance with drawing numbers:
 - 60288684-TR-GA-04
 - 60288684-TR-CD-04
 - 60288684-TR-GA-06
 - 60288684-TR-CD-06Approved under planning application reference 13/00971/FULM

Framework travel plan

A Framework Travel Plan is a package of measures designed to encourage a more sustainable approach to transport behaviour. These measures may be designed to reduce

the overall need to travel, reduce the number and duration of trips, or encourage people to use public transport, walking or cycling as alternatives to car use. A Travel Plan also identifies how this approach will be implemented, managed, monitored and reviewed to maximise its success.

A Framework Travel Plan was submitted in conjunction with the planning application and this will sit alongside a similar plan currently being developed by West Hertfordshire Hospitals NHS Trust for their hospitals. This will be consistent with the objectives set out in the Plan for the Health Campus and will be applicable to the hospital staff on the Health Campus site.

The requirement to implement and adhere to the provisions of the Framework Travel Plan has been included in the planning obligation.

Car parking management strategy

The previous report to Committee identified how, in order to prevent excessive levels of surface car parking on the site, the mix of uses in the masterplan will allow the opportunity for the shared use of some parking spaces, particularly those within the Central development area where demand for different uses will vary throughout the day.

In addition, the overall level of car parking across the site was deemed acceptable but would require careful management to ensure that uncontrolled street parking does not occur on the roads and shared surfaces and that suitable provision for parking is available for each development area.

Accordingly, the requirement for a Car Parking Management Strategy has been included in the planning obligation. This requires the applicant to submit to the Council a strategy for car parking within each Development Area, prior to the submission of a reserved matters application for that area. This will enable the Council to assess both the level of parking and the management of parking within each area and across the whole development.

Education, childcare, youth and libraries

In its initial comments on the planning application, the County Council advised that, in terms of primary provision, the proposed development would generate a demand for 1.43 forms of entry (FE) at primary level and 1.35 FE at secondary level. In addition, the development would also generate demand for the provision of early years and nursery education in the form of a children's outreach facility and childcare premises.

It was noted that feasibility work had been undertaken at Laurance Haines School to expand this by either one or two forms of entry. Studies were undertaken by the applicant to demonstrate that this could be done and these showed that the proposed expansion up to a maximum of 2FE could sit comfortably within the site, alongside improvements to highway safety to the benefit of the school.

It was the view of the County Council that, despite the "Planning Obligations Toolkit" being used in respect of the previous planning application for the Health Campus, it was not appropriate to use this tariff based approach to collect contributions in respect of the current application. The County Council indicated that an assessment of the development based on the Planning Obligations Toolkit would offer less than £1m if primary and nursery contributions were combined. The County Council has advised that, since the determination of the earlier planning application for the site, the demand for school places in Watford has increased significantly and is now under severe pressure in Watford. The County Council has worked on education strategies to deal with existing and future demand requirements and has embarked on a substantial primary school expansion programme in the town and elsewhere in Hertfordshire to respond to this challenge.

As a result of this significant increase in demand for school places in Watford, the tariff based approach that is normally used to calculate financial contributions was considered by the County Council to be inappropriate. Instead, the County Council wished to see the provision of 1.43 forms of entry at primary level. Given the feasibility work that had previously been undertaken at Laurance Haines school, a 1FE expansion here was

expected to cost between £3.5 and £5m. This represents an increase in expected contributions from the applicant of between £2.5m and £4m, solely for education provision, compared to the usual 'toolkit' calculation. In addition, there is a requirement for further financial contributions in respect of youth, childcare and library facilities in the region of £105,000 in accordance with the Toolkit (exclusive of the contribution of £1,087,949 in respect of highway works referred to above). This would have resulted in total financial contributions to the County Council of circa £6,200,000, which is an increase of over £5,000,000 since the determination of the previous Health Campus application in 2010.

Further discussions with the County Council have provided greater clarity on both the mix of dwellings proposed and also the expected phased construction of those dwellings that would generate demand for school places. As a result, the County Council has adjusted its projected forecast of demand arising from the current planning application from 1.43 FE to 0.9FE at primary level. Nevertheless, the applicant has argued that such a significant increase in financial contributions associated with the scheme cannot be reasonably sought given the existing marginal viability of the project.

Having regard to the viability argument, there are two issues which have to be resolved:

- (a) the value of the financial contribution to be provided by the applicant to the County Council; and
- (b) the method of delivery for the required school places generated by the development.

(a) the value of the financial contribution

As referred to above, the applicant has produced viability evidence to assess the extent of financial contributions that could be achieved from the development, whilst still allowing a competitive return for the developer that would ensure that this strategic site could be brought forward in a timely fashion.

Arising from further discussions between the applicant and the County Council, the County Council has indicated that it would agree to a planning obligation that makes provision for a financial contribution to the County Council of £4m towards infrastructure costs, to be shared as the County Council considers appropriate across all services.

Clearly, a contribution of £4m is significantly lower than the £6.2m contribution that had previously been indicated by the County Council as being the required contribution. However, the County Council has determined that this is an acceptable figure, having regard to the viability argument and the importance of delivering the proposed development of the Health Campus.

(b) the method of delivery for the required school places generated by the development

Whilst the County Council has agreed a financial contribution payment with the applicant, it is also clear that the County Council is concerned as to how the projected requirement of primary school capacity will actually be provided.

From the evidence of the two feasibility reports commissioned by the applicant, the existing Laurance Haines school can be extended by up to 2FE, which would include the additional parcel of land that is allocated for expansion purposes in the illustrative masterplan. However, given the adjusted forecast from the County Council and the reduction in primary school places to 0.9FE, a 2FE expansion at Laurance Haines may not be required. The County Council has also previously expressed concerns about doubling the size of the existing school, as there are no existing 4FE schools in Hertfordshire; the largest being 3FE.

The County Council, in conjunction with the Borough Council, is considering various proposals for the provision of primary school places in Watford, not only in respect of the demand likely to be generated by the present development proposal but also to address the existing shortage of primary school places in the Borough. A number of sites are being reviewed by the County Council to see if they would be suitable for a new school. In addition, and since the report to the 18th September meeting of the Committee, the

applicant has initiated discussions with the County Council in respect of the construction of a school on that part of Farm Terrace Allotment (FTA) site not covered by the proposed hospital expansion.

At the present time of writing of this report, the FTA site has not been appropriated because of the quashing by the High Court of the Secretary of State's decision to approve the appropriation of the land, following a Judicial Review. There is, therefore, continued uncertainty over the availability of the FTA site and, consequently, the deliverability of a primary school on this site. Whilst the County Council has indicated this option as its preference for a new primary school, further work is currently being undertaken by the applicant to explore this option.

In conclusion on this element of the planning obligation, agreement has been reached with the applicant and the County Council that a global financial contribution £4m will be made to the County Council, and it will be for the County Council to determine how that sum is to be apportioned between the various service requirements. Given the ongoing discussions between the Borough Council, the applicant and the County Council, it is reasonable to conclude that an acceptable solution can be found with regard to the provision of additional primary school places, either by way of a new school or by expansion of existing provision, using the financial contribution secured through the planning obligation. The Borough Council has also agreed to set aside two areas of land, one within the application site and one at the Harwoods Adventure Playground, for use, if required, by the County Council in connection with the expansion of Laurance Haines school.

Fire hydrants

Provision for fire hydrants to serve the development, as required by the County Council's Fire and Rescue Service, has been included within the planning obligation.

Affordable housing strategy

Policy HS3 of the Council's adopted Core Strategy requires the provision of 35% affordable housing on major applications of ten residential units and above. The policy

also provides a tenure breakdown as a reflection of the current need within the Borough. Policy HS3 stipulates that, in accordance with the evidence gathered within the SHMA and Development Economics Study, the provision of affordable housing should be split into the following tenure mix:

Social Rent – 20%

Affordable Rent – 65%

Intermediate Affordable Housing (Shared Ownership) – 15%

A total of 681 dwellings are proposed within this application. This will result in the delivery of 238 affordable units for the Borough. The tenure split of these units as proposed by the applicant is directly in accordance with the requirements set out within Policy HS3.

The commitment to securing both the 35% provision and the identified tenure split directly in accordance with the policy requirement has been included in the planning obligation, and this will ensure the delivery by the applicant of the required affordable housing. In addition, provision is made for an Affordable Housing Delivery Strategy to outline the percentage, mix, tenure and distribution of the affordable units throughout the site within each development area. The planning obligation also makes provision for the transfer of the affordable units to one or more Registered Providers.

Given the size of this development, the level of residential units proposed and the pressures on the Borough in terms of the delivery of affordable housing and rising house prices, it is clearly very important that the required quantum and tenure split of affordable housing is both provided and maintained, notwithstanding the pressures on viability that have been argued. In this context, it is appropriate to consider that the provision of affordable housing should be given greater weight and precedence over the provision of other infrastructure requirements, such as youth and library facilities and highway improvements.

The NPPF places great weight on the delivery of housing, including affordable housing; in this instance, the planning obligation will require the applicant to meet the necessary provision of 35% on-site affordable dwellings. In considering the viability of a development scheme, it is often necessary to strike a balance between seeking overall financial contributions and delivering on-site infrastructure that has wider benefits. At present, the planning obligation provides for the full provision of 35% affordable housing; however, if additional financial contributions were to be required, this could affect the viability of the scheme. In such circumstances, it is often the case that the provision of affordable homes is reduced in order to redress the balance. It is appropriate, therefore, to attribute significant weight to the proposed provision within the planning obligation for affordable housing.

Provision or improvement of open space

The 18th September report to Committee highlighted that there would be significant losses on the site arising from the development proposal. These primarily related to the loss of the woodland on the former Willow Lane allotments and the loss of the part of Oxhey Park along the line of the Link Road. The report questioned the appropriateness of including shared surface roads and footpaths as 'open space' and concluded that more work was needed to address the question of the extent to which the development was able to provide adequate and high quality open space and green infrastructure within the site.

An updated Open Space Diagram has been provided by the applicant that attempts to deal with this issue, although it is noted that the drawing is referred to as "draft – work in progress". The Diagram includes a schedule of open space, subdivided into 'amenity green space' and 'shared surface and spaces'. So far as the current application site is concerned, the Diagram shows 3.22 ha of amenity green space and 2.66 ha of shared surface and spaces, making a total of 5.88 ha. The figures previously reported were 1.84 ha of amenity green space and 2.15 ha of shared surface and spaces, a total of 3.99 ha. However, the Diagram continues to include internal footpaths, roads and sustainable drainage features as part of the site's 'open space' on the basis of the applicant's argument that designating such areas as 'shared space' is acceptable

because, since cars should not take precedence over pedestrian users of these areas, they can therefore be used as external areas of amenity space.

Saved Policy L8 of the Watford District Plan 2000 requires open space provision at a ratio of at least 2.8 hectares of open space for every 1,000 persons (or 380 dwellings). This equates to a provision of 0.007 hectares per residential unit. 681 dwellings are proposed within this application, generating an open space requirement of 5.01ha of open space in order to comply with this policy. The total of open space provision as noted above is now 5.88 ha; although this exceeds the policy requirement it is open to question, as the 18th September report noted, how much of this provision is the type of open space referred to in Policy L8.

The applicant also draws attention to the Colne Valley and Lairage Land that lie directly adjacent to the development site, noting that these are existing open spaces that suffer from poor accessibility and, as a consequence, are not used to their full potential. It is argued that, because the proposed development will include an improved link under the Croxley Rail Link to the Ebury Way, this will enable improved access to and better use of the Colne Valley. The existing pedestrian route under the Croxley Rail Link, which provides access to the Lairage Land from Stripling Way, is being retained.

Notwithstanding the continued inclusion of shared surfaces and other landscape features in the open space calculations, it is nevertheless argued by the applicant that the overall provision of open space in the development is acceptable and that, with the improved access to the Colne Valley, which further supplements this provision of space, there is no longer a need for the planning obligation to include a financial contribution to offset any deficit in provision within the site.

The removal of river structures, a masterplan for the River Colne and biodiversity offsetting and ecological improvements

In the 18th September report to Committee, attention was drawn to the reference by the Environment Agency (EA) to the Water Framework Directive (WFD) (a European

Directive) and how its objectives will be achieved for the site. At present, the section of the River Colne running through and alongside the application site is deemed as being of 'moderate' ecological status and the EA considers that measures are required to ensure that the masterplan is compliant with the WFD and to improve the status of the river to that of 'good' by 2027.

These measures involved the removal of the weir and sluice in the side channel and the sluice in the main channel. By removing these structures, the impounding of water will be reduced and this will have the effect of improving the ease of passage of fish in the river as well as improving its resilience.

The EA has identified three structures that should be removed to ensure that the development is fully compliant with the objectives of the WFD and in order to maximise WFD outcomes on the site. These are:

- (1) the weir on the side channel (adjacent to west of Lakeside Development Area and the Croxley Rail Link);
- (2) the sluice on the side channel (adjacent to Riverside Park); and
- (3) the sluice on the main channel (to the rear of houses on Riverside Road).

It has been suggested that the removal of (1) and (2) above would result in increased water levels and an increase in flood risk to both the CRL and Health Campus projects. However, (3) is currently impounding water, causing water levels to rise further upstream. As such, the removal of all three structures would result in an improvement to overall levels, although (3) would require removal first.

Policy SE26 of the Watford District Plan 2000 states that 'The Council will support in principle initiatives that protect and enhance watercourses' and the NPPF requires EU Directives to be taken into account. The EA's concerns are, therefore, a material planning consideration which must be taken into account.

Of the three structures identified by the EA for removal, (2) and (3) are outside the application site. Consequently, as suggested in the 18th September report, the most appropriate way of dealing with all three structures is by means of a planning obligation, and this is the approach that is to be followed.

In respect of the biodiversity off-setting and ecological improvements in the river corridor, these will be undertaken as part of the river management works and the removal/clearing of rubbish from the banks and the river itself. These requirements can be controlled by means of a planning condition and need not, therefore, be included in the planning obligation. Appropriate conditions relating to biodiversity measures have been included in Annex A and Annex B.

Improvement and upgrading of sewer capacity

In the 18th September report, it was noted that Thames Water had “identified an inability of the existing waste water infrastructure to accommodate the needs of this application”.

An impact study has since been carried out which has investigated the potential effects of the development on the foul sewerage network. The study highlighted that the proposed development will have a detrimental effect on the existing foul sewerage system upstream of the development. It also identifies the location of the lack of capacity had proposed a solution to increase the capacity of the system. It is understood that this solution has been discussed and agreed by Thames Water.

The location of the proposed capacity improvement works is outside the application site, although it is understood to be on land that is owned by the Borough Council. There is no reason to suppose, therefore, that the works cannot be carried out. However, it will be necessary to ensure, by means of an appropriate planning condition, that these works are actually implemented. Such a condition has been included in Annex A.

As the improvement and upgrading of sewer capacity is now being addressed by means of a planning condition, this issue is not included in the planning obligation.

Conclusion

The planning merits of the proposed development of the Watford Health Campus were discussed at the 18th September meeting of the Development Control Committee when it was resolved that planning permission be granted, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the imposition of appropriate conditions.

Planning applications must be determined having regard to the provisions of the development plan and to any other material planning considerations. At the outset, there is a presumption in favour of the proposals, in the light of the provisions of Policy SPA3 of the Core Strategy, which is a key component of the development plan for Watford. In addition, the NPPF and NPPG are both material planning considerations which must be taken into account in determining this application. Both documents emphasise the need to deliver housing and draw attention to the need to have regard to the issue of viability in negotiations over planning obligations.

In the light of the viability evidence submitted by the applicant since the 18th September meeting, and the assessment of that evidence by Adams Integra, agreement has been reached between the applicant, the Borough Council and the County Council on the Heads of Terms of the planning obligation. Consequently, the final Heads of Terms for the planning obligation are now presented to the Committee for approval.

It is proposed that the measures for the upgrading of the sewerage infrastructure and the improvements to biodiversity will be secured through the imposition of planning conditions. These, and other appropriate conditions as previously outlined in the 18th September report, are set out in full in Annex A (in respect of the outline element of the development) and Annex B (in respect of the detailed element of the development).

HUMAN RIGHTS IMPLICATIONS

The grant of planning permission subject to the completion of a s.106 legal agreement and appropriate conditions will have an adverse impact on the human rights of the applicants to develop and use their land. This impact is considered justified in order to protect the human rights of third parties to use their land or enjoy their homes and in the wider public interest.

RECOMMENDATIONS

(A) That a planning obligation under s.106 of the Town and Country Planning Act 1990 be entered into on the following terms:

- Upgrading of the traffic signal controller at Junction 5 of the M1;
- Junction improvements at the Lower High Street/Dalton way junction;
- Provision and implementation of a framework travel plan;
- Implementation of a car parking management strategy;
- Provision of financial contributions of £4,000,000 to the County Council in respect of the following: traffic calming measures on roads surrounding the site; enhancement of public transport infrastructure; the enhancement of bus services; the provision of education, childcare, youth and library facilities;
- An affordable housing strategy for the delivery of 35% of the new dwellings as affordable housing and an affordable housing delivery strategy;
- The removal of river structures within the River Colne and the side channel;
- The provision of fire hydrants;
- The retention of land for the possible expansion of Laurance Haines School.

(B) That the planning permission be granted subject to conditions:

- (i) in respect of the outline element, as set out in Annex A; and
- (ii) in respect of the detailed element, as set out in Annex B.

Informatives

1. This planning permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial payments towards the provision or improvement of childcare, education, youth facilities, library facilities and sustainable transport measures for the Borough of Watford; and the provision of any fire hydrants that are necessary to serve the development, in accordance with the provisions of Supplementary Planning Guidance 10 (SPG10), Policies L8 and H10 of the Watford District Plan 2000 and Policies T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31. The planning obligation also includes provisions relating to the provision of 35% affordable housing and an affordable housing delivery strategy; traffic signal improvements at M1 J5; a package of transport measures including alterations to the Lower High Street/Dalton way junction; the implementation of a travel plan and the implementation of a car parking management strategy, the removal of river structures within the River Colne and the side channel; the provision of fire hydrants; and the retention of land for the possible expansion of Laurance Haines School.
2. For the avoidance of doubt, site preparation works shall not include the removal of trees and shrubs from the site or works comprising the erection of site hoarding for security and safety reasons.
3. All species of bat are European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Report prepared by: Matthew Taylor
Senior Planning Consultant, Aitchison Raffety
Email: Matthew.Taylor@argroup.co.uk
Telephone: 01604 880163

ANNEX A

Watford Health Campus – 14/00511/OUTM

Hybrid planning application for the development of a mixed-use health campus

Schedule of conditions

Outline Element

Masterplan for each Development Area

1. No reserved matters shall be submitted for any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a masterplan for the development area showing the following details has been submitted to and approved in writing by the Local Planning Authority:
 - (i) Vehicle routes including access to parking areas, servicing of buildings, and emergency vehicles;
 - (ii) Pedestrian and cycle routes;
 - (iii) Maximum building footprints;
 - (iv) Active building frontages;
 - (v) Location and size of green open space and hard landscaped open space;
 - (vi) Location and size of children's play facilities;
 - (vii) Linkages to adjoining development areas.

Reason: To ensure the proper planning of each development area and appropriate relationships to adjoining areas.

Phasing Plan for each Development Area

2. No reserved matters shall be submitted for any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a phasing plan showing how the development within the relevant development area will be phased and implemented has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall delineate each separate phase of development and provide details of start and indicative completion dates. Phase boundaries shall be contiguous with each other. For the avoidance of doubt, the phasing plan for the Riverside development area shall include the creation of the Colne Island open space and Ebury Way Link as approved under planning permission ref. 13/00971/FULM. The development shall only be carried out in accordance with the approved phasing plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is carried out in an appropriate sequence within each development area in the interests of proper planning.

Reserved Matters

3. No development shall commence within any phase of development within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the reserved matters of access, appearance, landscaping, layout and scale for the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To comply with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

Time Limit

4. Applications for approval of the reserved matters must be made not later than the expiration of ten years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Drawings

5. The reserved matters applications pursuant to this permission shall be made in accordance with the following approved drawings and substantially in accordance with the supporting documents:-

Parameter Plan: Development Areas and Land Uses – drawing no. A10336D0010 rev.P3

Parameter Plan: Pedestrian and Green Links – drawing no. A10336D0012 rev.P3

Parameter Plan: Vehicular Access – drawing no. A10336D0013 rev.P3

Parameter Plan: Maximum Building Heights – drawing no. A10336D0014 rev.P1

Parameter Sections: East-West Sections – drawing no. A10336D0015 rev.P2

Parameter Plan: North-South Sections West Side – drawing no. A10336D0016 rev.P2

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

Hours of Construction

6. 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

Construction Environmental Management Plan

7. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a Construction Environmental Management Plan (based upon the Environmental Management Plan dated 31st March 2014 in the Environmental Statement) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include (but not exclusively) details of the operation of the Considerate Contractors Scheme; a contact procedure for complaints; the routing of construction vehicles; the management of deliveries to avoid peak times; the management of contractors parking; hours of noisy operation; hours for deliveries; air, noise and dust monitoring around the boundaries of site; the siting and demarcation of compounds within the site; the siting and type of fencing to protect all trees, hedges and habitats to be retained and all watercourses; safe access to site offices; and wheel washing facilities at all exits from the site. The Plan as approved shall be implemented throughout the period of works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impacts of site preparation and construction activities on surrounding properties, the local environment and the local highway network during the time the development is being undertaken.

Land Contamination

8. No development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as

shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a scheme that includes the following components to deal with the risks associated with contamination of the relevant development area has been submitted to and approved in writing, by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

9. 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

10. No occupation of any building within any phase of the development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect the water environment by ensuring the remedial work for each phase of the development is complete and has been successful, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

Archaeological investigation

11. (i) No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until an Archaeological Written Scheme of Investigation for the relevant development area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions and:
1. the programme and methodology of site investigation and recording;
 2. the programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 3. the programme for post investigation assessment;
 4. provision to be made for analysis of the site investigation and recording;
 5. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 6. provision to be made for archive deposition of the analysis and records of the site investigation;
 7. nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- (ii) The development shall only be undertaken in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under part (i).
- (iii) No occupation of any building within any development area shall take place until the site investigation and post investigation assessment have been

completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (i) and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains on the site can be evaluated and recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

Site Waste Management Plan

12. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a Site Waste Management Plan (SWMP) (based upon the Design Stage SWMP dated 28th March 2014 in the Environmental Statement) for all aspects of waste management during site preparation and construction has been submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

Flood Risk

13. No works of development shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a scheme to address flood risk has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) prepared by AECOM dated March 2014. The scheme shall include the following mitigation measures detailed within the FRA:

1. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Details of how the scheme shall be maintained and managed after completion shall be included.
2. Finished floor levels set no lower than the 1 in 1000 year flood event design level.
3. Flood compensation works as determined by any buildings encroaching into the 100 year climate change design level.
4. Resilience measures as indicated to direct flood flows away from buildings by land shaping.
5. Providing safe dry access/egress to higher ground from any buildings within the 100 year climate change flood envelope.

Reason: To prevent an additional risk of flooding on site and elsewhere, in accordance with paragraph 102 of the National Planning Policy Framework and Policy SD2 Watford Local Plan Core Strategy 2006-31.

Built Footprint within Floodplain

14. No built footprint shall be constructed within the 100 year climate change baseline flood envelope with the Tributary flows and updated topographic survey data included (see drawing 60288684-INF-SK14 Rev 3.0 in Appendix 2 of the Flood Risk Assessment prepared by AECOM dated March 2014) until after the works to open up and improve the flow capacity of the Wighenhall Tributary Ditch have been completed and the completion of these tributary works has been demonstrated in writing to and been approved in writing by the Local Planning Authority.

Reason: To ensure that flood risk is not increased on the site and to the surrounding areas.

Bridge Design

15. The design of any new bridge over a designated 'main river' watercourse shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the bridge is free-spanning over the watercourse with the abutments set back a minimum of one metre from the top of the riverbank on the landward side and with a soffit level in excess of the 100 year climate change level with an appropriate freeboard. Any new bridge shall only be constructed in accordance with the approved details.

Reason: To ensure that any new bridge does not increase the risk of flooding on the site or to the surrounding area.

Surface Water Drainage

16. No infiltration of surface water drainage into the ground shall take place other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table.

Piling

17. Piling or any other foundation designs using penetrative methods shall not take place other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Some of the buildings' foundations may be partially below the water table and piling/foundation construction activities may disturb contamination, causing it to migrate into the groundwater.

Non Native Invasive Species Strategy

18. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a detailed method statement for the removal or long-term management/control of Japanese Knotweed and Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free from the seeds, roots or stems of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall only be carried out in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed and Himalayan Balsam, which are invasive non-native species found throughout the site, and pose a long term risk to biodiversity if they are not controlled, in accordance with Policy GI2 of the Watford Local Plan Core Strategy Policy 2006-31.

Services Strategy

19. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as

shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a Services Strategy, setting out all existing services in the relevant development area to be removed or diverted and all new services to be provided, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure these works do not have any adverse impacts on the local environment.

Sustainability Targets

20. All non-residential units within the development hereby permitted shall be constructed to achieve a minimum rating of 'Very Good' in accordance with the relevant BREEAM standard for the proposed uses(s) (or the equivalent standard in such measure of sustainability for design which may replace that scheme).

No development shall commence within any phase of development within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until an Interim (Design Stage) Certificate issued by or on behalf of the British Research Establishment to demonstrate that the shell and core design of the non-residential buildings or the non-residential elements of mixed-use buildings within the relevant phase will achieve a minimum BREEAM rating of 'Very Good' has been submitted to and approved in writing by the Local Planning Authority. This shall be supplemented by details of any measures that would need to be secured by the tenant fit out and a mechanism by which these will be secured. No non-residential unit shall be occupied until a Post-Completion Final Certificate to certify that the rating of 'Very Good' has been achieved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2013.

21. All residential units (Use Class C3) within the development hereby permitted shall be constructed to achieve a minimum of Code Level 4 in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme).
- (i) No residential development shall commence within each phase of each development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a design stage interim certificate issued by or on behalf of the British Research Establishment to demonstrate how the residential dwellings within the relevant phase will achieve a minimum of Code Level 4 has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) No later than 4 months after the first occupation of each building, the Final Code Certificate certifying that a minimum of Code Level 4 has been achieved for each of the dwellings within the building shall be submitted for the approval in writing of the Local Planning Authority.

Tree and shrub removal

22. No trees, scrub or hedges within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal will not harm nesting birds or any protected species.

Reason: To prevent harm to nesting birds and other protected species during the breeding season.

Tree Protection Measures

23. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until the fencing to protect all trees, hedges and habitats to be retained and all watercourses as approved as part of the Construction Environmental Management Plan (Condition 7) has been erected on the site. No works shall take place within the protected areas until a method statement detailing the works to be undertaken and the methods to be used have been submitted to and approved in writing by the Local Planning Authority. Works within the protected areas shall only be undertaken in accordance with the approved method statement.

Reason: To safeguard the health and long term retention of the existing trees, shrubs and hedges on the site which represent an important visual and ecological asset within the River Colne corridor.

Existing and Proposed Ground Levels

24. No development shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the existing and proposed ground levels and the finished ground floor levels of all the buildings, roads and footpaths within the relevant development area have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: To ensure an acceptable relationship between the proposed building and the adjoining highway and surrounding buildings.

Soft Landscaping Scheme

25. No building within any phase of development within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:
- (i) a landscape management plan for the long term maintenance of all soft landscaping and biodiversity measures within the site;
 - (ii) a phasing plan for the implementation of the soft landscaping scheme.

The soft landscaping scheme shall only be implemented in accordance with the approved details and shall be maintained in accordance with the approved management plan at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

External Lighting

26. No development shall commence until full details of the siting, height, design and type of all external lighting and details of ground lux levels have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise any light spillage towards the River Colne and to minimise any adverse impacts on wildlife. The external lighting shall only be installed in accordance with the approved details.

Reason: To ensure light pollution is minimised in the interests of the River Colne and local ecology and the visual impact of the development, in accordance with Policies GI3 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Access

27. No building within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' shall be occupied until all access measures approved as reserved matters have been completed in full for the relevant phase.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

Car Parking Provision

28. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) the location and layout of car parking spaces including spaces for people with disabilities;
- (ii) the allocation of car parking spaces including spaces for visitors;
- (iii) details of on-site parking controls and charges;
- (iv) a management plan for the enforcement of parking controls and charges;
- (v) the provision and location of charging points for electric vehicles.

No building shall be occupied within any phase until the approved car parking measures relevant to that phase have been provided in full, unless otherwise approved in writing by the Local Planning Authority. The spaces shall be retained at all times for the parking cars.

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.

Cycle Parking Provision

29. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) the location and size of secure and weatherproof cycle stores for residential and non-residential use;
- (ii) the number of cycles to be accommodated in each store and the type of racking system to be used;
- (iii) the residential flats and non-residential floorspace respectively served by each store;
- (iv) the number, type and location of cycle stands for general public use.

No building shall be occupied within any phase until the approved cycle parking measures relevant to that phase have been provided in full, unless otherwise approved in writing by the Local Planning Authority. The cycle stores shall be retained at all times for the parking of cycles and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policies T10 and T21 of the Watford District Plan 2000.

Bin Storage Provision

30. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) the location and size of secure and weatherproof bin stores for residential and non-residential use;
- (ii) the number and size of bins for waste, dry recycling and green waste to be accommodated in each store;
- (iii) the residential flats and non-residential floorspace respectively served by each store;
- (iv) details of collection routes, collection points and any other collection arrangements, as appropriate, for the emptying of bins;
- (iv) details of access routes, turning and manoeuvring space for refuse vehicles.

No building shall be occupied within any phase until the approved bin stores relevant to that phase have been provided in full, unless otherwise approved in writing by the Local Planning Authority. The bin stores shall be retained at all times for the storage of bins and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy SE7 of the Watford District Plan 2000.

Plant and Equipment

31. No plant or equipment shall be installed externally on any building or within any plant room or enclosure or within the site of any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until full details have been submitted to and approved in writing by the Local Planning Authority. These details shall include the type, size and design of the plant/equipment; its siting and height above ground level; measures to mitigate its visual impact; details of any noise or odours emitted by the plant/equipment; and measures to mitigate any impacts arising from noise or odours. All plant and equipment shall achieve a noise level of -10dB(A) compared

to background noise levels as recorded in the Environmental Statement. The plant/equipment shall only be installed in accordance with the approved details and shall be retained as such at all times.

Reason: In the interests of the residential occupiers of the site and the patients at the hospital.

Maximum Floorspace and Use

32. The maximum number of residential dwellings to be developed within the application site shall not exceed 681.

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

33. The maximum number of residential dwellings within any development area shall not exceed the number shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses'.

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

34. The maximum total gross external floorspace to be developed within the application site shall not exceed 104,449m² and the maximum gross external floorspace by use shall not exceed the following amounts:

Hospital (Class C2) - 25,960m²

Offices/laboratories (Class B1(a) and B1(b)) - 3,685m²

Retail/commercial (Classes A1-A5) - 5,620m²

Residential (Class C3) - 55,988m²

Hotel (Class C1) - 3,000m²

Business/commercial (Classes B1(c), B2 and B8) - 8,477m²

Leisure (Class D2) - 1,719m²

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

35. The maximum gross external floorspace for each use within any development area shall not exceed the amount shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses'. The floorspace within any development area shall only be used for the uses specified and shall not be used for any other purpose.

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

Design Standards

36. All residential units (Use Class C3) within the development hereby permitted shall be designed in accordance with the standards and guidelines contained in the Council's adopted Residential Design Guide 2014 (or any subsequent revision of this document), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the units provide satisfactory levels of accommodation and amenity for the future occupiers.

Open Space and Children's Play Facilities

37. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the public open space and children's play facilities for the relevant area have been submitted to and approved in writing. The details shall include the following:

- (i) The location and size of public open space.

- (ii) Details of the fencing, seating, litter bins and landscaping of the public open space.
- (iii) The location and size of children's play space.
- (iv) Details of the fencing, seating, litter bins, landscaping and play equipment for the children's play areas.

No buildings shall be occupied within each phase until the open space and children's play facilities relevant to that phase have been provided in full in accordance with the approved details.

Reason: To ensure adequate provision is made for open space and children's play facilities to serve the future occupiers of the development.

Biodiversity measures

38. No works of development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of measures to enhance the biodiversity of the development area including the river corridor have been submitted to and approved in writing by the Local Planning Authority. The range of measures to be considered shall include green roofs, brown roofs, green walls, bird and bat boxes and habitat creation in addition to the planting of native species. The details shall also include a management plan for the maintenance of the approved measures, as well as for any green infrastructure assets that are being retained and protected. No dwelling or unit shall be occupied until the approved measures have been installed as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity value of the site.

Travel Plan

39. No unit shall be occupied within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a detailed Travel Plan based upon the Framework Travel Plan (March 2014) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be operated as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote alternative modes of transport to the private car and minimise impacts on the local highway network and the wider environment.

Shopfronts

40. No use of any unit within Classes A1, A2, A3, A4, A5 and D2 shall commence until details of the shopfront to the unit have been submitted to and approved in writing by the Local Planning Authority and the shopfront has been installed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development.

Hours of Use

41. No use of any unit within Classes A4 and A5 shall take place before 0800 hours or after 2330 hours on any day.

Reason: In the interests of the residential occupiers of the site and the patients at the hospital.

Construction of Access Road

42. No dwelling or non-residential unit within any development area shall be occupied until the access road and bridge approved under planning permission ref. 13/00971/FULM have been completed in full.

Reason: To ensure adequate and safe access is available for vehicles, cyclists and pedestrians to each phase of the development.

Renewable Energy

43. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the low or zero carbon energy technologies to be used within the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, size and appearance any external plant and equipment. The technologies shall be installed as approved.

Reason: To ensure adequate measures are in place to reduce carbon emissions from the development and in the interests of the character and appearance of the development.

Internal Noise Levels

44. No development shall commence on any residential unit until details of the measures to be used to achieve internal noise levels that do not exceed the guidance levels given for residential rooms in BS8233:2014 have been submitted to and approved in writing by the Local Planning Authority. These measures shall include wall construction, windows, glazing and ventilation. No residential unit shall be occupied until the approved measures have been installed.

Reason: In the interests of the residential occupiers of the site and the patients at the hospital.

Sewerage infrastructure improvements

45. No discharge to the foul sewerage network from any of the buildings forming part of the development shall take place until a drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The strategy

shall specify, for each development area, such works (including any on-site or off-site infrastructure provision) as may be necessary in order to provide the required capacity in the sewerage network for that development area. No building in any development area shall be occupied, nor shall there be any discharge to the sewerage network from any such building, until the works specified in the approved drainage strategy relating to that development area have been completed.

Reason: To ensure that the necessary sewerage infrastructure is provided to serve the development.

Floorspace of Class A units

46. Of the retail/commercial floorspace referred to in Condition 34, not more than 2,125m² shall be contained within a single unit.

Reason: To ensure that the provision of retail/commercial floorspace on the site does not have a significant impact on the vitality and viability of the town centre or planned investment at Charter Place, in accordance with Policies SS1 and TLC1 of the Watford Local Plan Core Strategy 2006-31.

ANNEX B

Watford Health Campus – 14/00511/OUTM

Hybrid planning application for the development of a mixed-use health campus

Schedule of conditions

Detailed Element **Business Area South**

The following conditions relate to the detailed element of the application for Business Zone South as shown on drawing no. 1567-TP-01.

Time Limit

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.

Approved Drawings

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

1567-TP-01, 02, 03, 04, 05

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

Hours of Construction

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.

Construction Environmental Management Plan

4. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Construction Environmental Management Plan (based upon the Environmental Management Plan dated 31st March 2014 in the Environmental Statement) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include (but not exclusively) details of the operation of the Considerate Contractors Scheme; a contact procedure for complaints; the routing of construction vehicles; the management of deliveries to avoid peak times; the management of contractors parking; hours of noisy operation; hours for deliveries; air, noise and dust monitoring around the boundaries of site; the siting and demarcation of compounds within the site; the siting and type of fencing to protect all trees, hedges and habitats to be retained and all watercourses; safe access to site offices; and wheel washing facilities at all exits from the site. The Plan as approved shall be implemented throughout the period of works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impacts of site preparation and construction activities on surrounding properties, the local environment and the local highway network during the time the development is being undertaken.

Land Contamination

5. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing, by the Local Planning Authority:

(1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

6. 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

7. No occupation of any building (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect the water environment by ensuring the remedial work for each phase of the development is complete and has been successful, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

Archaeological investigation

8. (i) No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground

remediation and service diversions) or construction shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions and:

1. the programme and methodology of site investigation and recording;
 2. the programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 3. the programme for post investigation assessment;
 4. provision to be made for analysis of the site investigation and recording;
 5. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 6. provision to be made for archive deposition of the analysis and records of the site investigation;
 7. nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- (ii) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 6(i).
- (iii) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8(i) and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains on the site can be evaluated and recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

Site Waste Management Plan

9. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Site Waste Management Plan (SWMP) (based upon the Design Stage SWMP dated 28th March 2014 in the Environmental Statement) for all aspects of waste management during site preparation and construction has been submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

Flood Risk

10. No works of development shall commence until a scheme to address flood risk has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) prepared by AECOM dated March 2014. The scheme shall include the following mitigation measures detailed within the FRA:
 1. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site

following the corresponding rainfall event. Details of how the scheme shall be maintained and managed after completion shall be included.

2. Finished floor levels set no lower than the 1 in 1000 year flood event design level.
3. Flood compensation works as determined by any buildings encroaching into the 100 year climate change design level.
4. Resilience measures as indicated to direct flood flows away from buildings by land shaping.
5. Providing safe dry access/egress to higher ground from any buildings within the 100 year climate change flood envelope.

Reason: To prevent an additional risk of flooding on site and elsewhere, in accordance with paragraph 102 of the National Planning Policy Framework and Policy SD2 Watford Local Plan Core Strategy 2006-31.

Built Footprint within Floodplain

11. No built footprint shall be constructed within the 100 year climate change baseline flood envelope with the Tributary flows and updated topographic survey data included (see drawing 60288684-INF-SK14 Rev 3.0 in Appendix 2 of the Flood Risk Assessment prepared by AECOM dated March 2014) until after the works to open up and improve the flow capacity of the Wighenhall Tributary Ditch have been completed. Completion of these tributary works must be demonstrated to and approved in writing by the Local Planning Authority.

Reason: To ensure that flood risk is not increased on the site and to the surrounding areas.

Surface Water Drainage

12. No infiltration of surface water drainage into the ground is permitted other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table.

Piling

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Some of the buildings' foundations may be partially below the water table and piling/foundation construction activities may disturb contamination, causing it to migrate into the groundwater.

Non Native Invasive Species Strategy

14. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a detailed method statement for the removal or long-term management/control of Japanese Knotweed and Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that

will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stems of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall only be carried out in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed and Himalayan Balsam, which are invasive non-native species found throughout the site, and pose a long term risk to biodiversity if they are not controlled, in accordance with Policy GI2 of the Watford Local Plan Core Strategy Policy 2006-31.

Services Strategy

15. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Services Strategy, setting out all existing services on the site to be removed or diverted and all new services to be provided, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure these works do not have any adverse impacts on the local environment.

Sustainability Targets

16. No development shall commence until an Interim (Design Stage) Certificate issued by or on behalf of the British Research Establishment has been submitted to the Local Planning Authority to demonstrate that the shell and core design of the buildings will achieve a minimum BREEAM rating of 'Very Good'. This shall be supplemented by details of any measures that would need to be secured by the

tenant fit out and a mechanism by which these will be secured. No unit shall be occupied until a Post-Completion Final Certificate to certify that the rating of 'Very Good' has been achieved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2013.

Tree and shrub removal

17. No trees, scrub or hedges on the site shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal will not harm nesting birds or any protected species.

Reason: To prevent harm to nesting birds and other protected species during the breeding season.

Tree Protection Measures

18. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until the fencing to protect all trees, hedges and habitats to be retained and all watercourses as approved as part of the Construction Environmental Management Plan (Condition 4) has been erected on the site. No works shall take place within the protected areas until a method statement detailing the works to be undertaken and the methods to be used have been submitted to and approved in writing by the Local Planning Authority. Works within the protected areas shall only be undertaken in accordance with the approved method statement.

Reason: To safeguard the health and long term retention of the existing trees, shrubs and hedges on the site which represent an important visual and ecological asset within the River Colne corridor.

Existing and Proposed Ground Levels

19. No development shall commence until details of the existing and proposed ground levels across the site and the finished ground floor levels of all the buildings, roads and footpaths have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: To ensure an acceptable relationship between the proposed building and the adjoining highway and surrounding buildings.

External Materials

20. No development shall commence until details of the materials to be used for all the external finishes of the buildings, including all external walls, roofs, doors and windows, 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.

Hard Landscaping Scheme

21. No development shall commence until a hard landscaping scheme and details/samples of all materials to be used for all roads, footpaths, servicing areas and car parking areas have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved hard landscaping scheme has been implemented and the works have been carried out as approved.

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

Fencing and Boundary Treatments

22. No development shall commence until details of all means of enclosure and gates on the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. This shall include details of all retaining walls and structures within the site. No part of the development shall be occupied until the approved works have been carried out.

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

Soft Landscaping Scheme

23. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:
- (i) details of all existing trees, shrubs and hedges to be retained;
 - (ii) details of all new tree, shrub, hedge and other planting proposed within the site;
 - (iii) a schedule of planting including species, plant sizes and planting densities;
 - (iv) measures to enhance the biodiversity and ecological value of the site;
 - (v) a planting specification for all new planting;
 - (vi) a landscape management plan for the long term management and maintenance of all soft landscaping and biodiversity measures within the site;
 - (vii) a phasing plan for the implementation of the soft landscaping scheme.

The soft landscaping scheme shall only be implemented in accordance with the approved details and shall be maintained in accordance with the approved management plan at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

Ecological Enhancement Works

24. Prior to the commencement of the development hereby permitted a scheme to improve the biodiversity and habitat within the area shown on Plan 344-PA-061A shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for the implementation of the approved works and a future management strategy. The scheme shall then be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the ecological value of the site

External Lighting

25. No development shall commence until full details of the siting, height, design and type of all external lighting and details of ground lux levels have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise any light spillage towards the River Colne and wildlife area and to minimise any adverse impacts on wildlife. The external lighting shall only be installed in accordance with the approved details.

Reason: To ensure light pollution is minimised in the interests of the River Colne and local ecology and the visual impact of the development, in accordance with Policies GI3 and UD1 of the Watford Local Plan Core Strategy 2006-31.

New Access Junction

26. No part of the development shall be occupied until the new access junction with the Access Road, as shown in principle on the approved drawings, has been completed in full.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with saved Policies T21, T22 and T24 of the Watford District Plan 2000.

Car Parking Provision and Servicing

27. No part of the development shall be occupied until the car parking spaces, service yards and manoeuvring areas shown on the approved drawings have been laid out and constructed in full, unless otherwise approved in writing by the Local Planning Authority. The car parking spaces, service yards and manoeuvring areas shall be retained at all times and solely for these purposes.

Reason: To ensure adequate parking and servicing facilities are provided on the site and to prevent on-street parking and waiting of vehicles, in accordance with saved Policies T21, T22 and T24 of the Watford District Plan 2000.

Cycle Parking Provision

28. No part of the development shall be occupied until details of the siting, size, design and external materials of cycle stores for each of the proposed units (or communal stores to be shared by units) have been submitted to and approved in writing by the Local Planning Authority. The respective stores shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policies T10 and T21 of the Watford District Plan 2000.

Bin Storage Provision

29. No part of the development shall be occupied until details of the siting, size, design and external materials of bin stores (for waste and recycling) for each of the proposed units (or communal stores to be shared by units) have been submitted to and approved in writing by the Local Planning Authority. The respective stores shall be retained at all times for bin storage only and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy SE7 of the Watford District Plan 2000.

Plant and Equipment

30. No plant or equipment shall be installed externally on any building or within the site until full details have been submitted to and approved in writing by the Local Planning Authority. These details shall include the type, size and design of the plant/equipment; its siting and height above ground level; measures to mitigate its visual impact; details of any noise or odours emitted by the plant/equipment; and measures to mitigate any impacts arising from noise or odours. The plant/equipment shall only be installed in accordance with the approved details and shall be retained as such at all times.

Reason: In the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31

Specified Uses

31. The units hereby permitted shall only be used for purposes within Classes B1(b), B1(c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the units are used only for employment uses in accordance with the approved masterplan and to accord with the uses assessed in the Environmental Statement.

Trade Counters

32. In respect on any unit used for purposes within Class B8, no trade counter provided within that unit shall exceed 10% of the gross internal ground floor area of the unit and shall not exceed 40m² in any event.

Reason: To ensure the units are used only for employment uses in accordance with the approved masterplan.

Maximum Floorspace

33. The maximum floorspace that shall be provided within the approved buildings shall not exceed 6,950m² gross internal area (GIA).

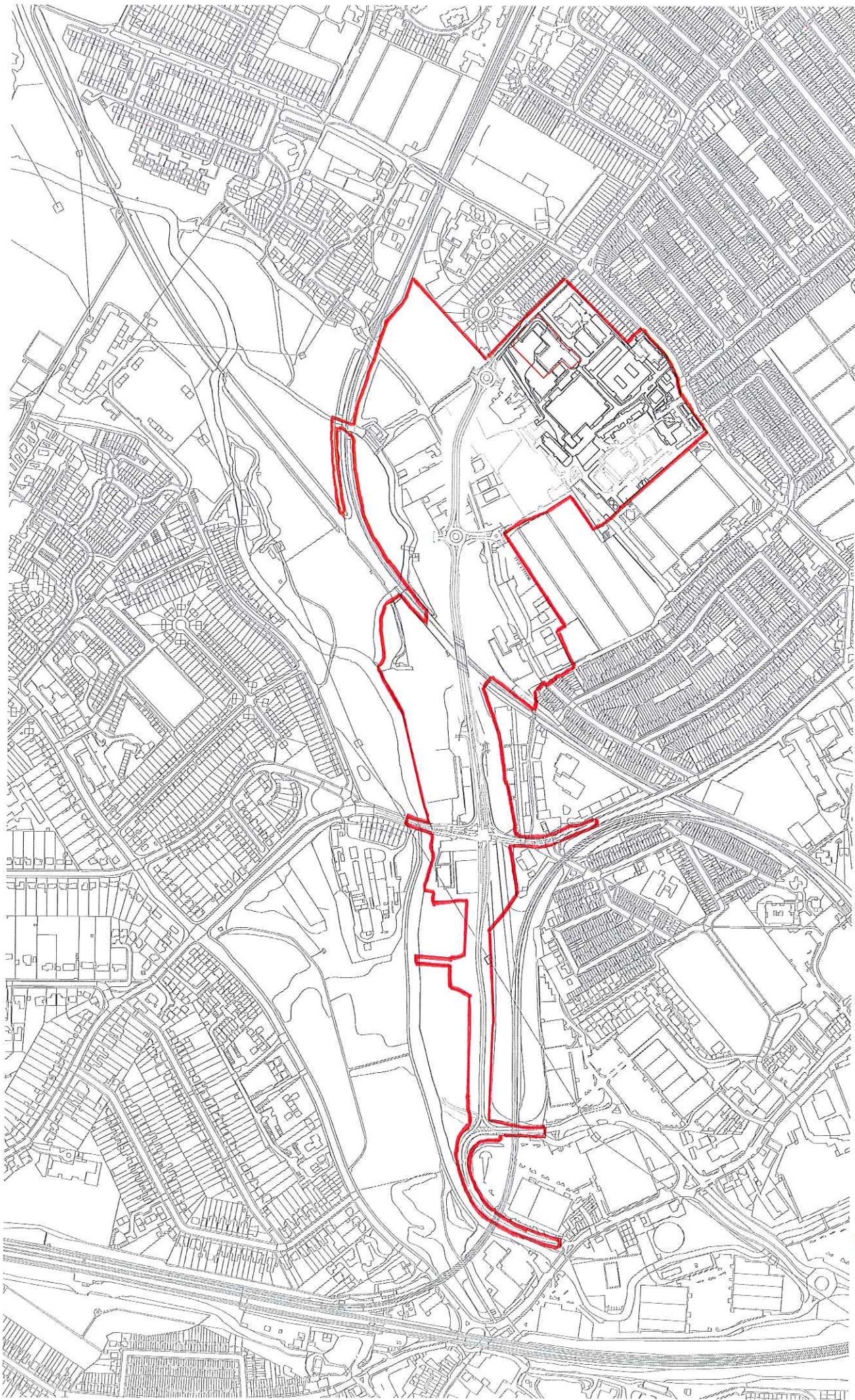
Reason: To accord with the level of floorspace assessed within the Environmental Statement.

Travel Plan

34. No unit shall be occupied until a detailed Travel Plan based upon the Framework Travel Plan (March 2014) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be operated as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote alternative modes of transport to the private car and minimise impacts on the local highway network and the wider environment.

This page is intentionally left blank



This page is intentionally left blank