



DEVELOPMENT CONTROL COMMITTEE

Thursday, 12th March, 2015

7.30 pm

Town Hall, Watford

Publication date: 4 March 2015

CONTACT

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

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

ACCESS

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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 19 February 2015 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. **ENFORCEMENT PLAN** (Pages 1 - 16)

That the Development Control Committee consider and approve the Planning Enforcement Plan 2015.

5. **LAND AT NORTH WESTERN AVENUE** (Pages 17 - 52)

An application for the development for 34 residential units (Class C3) with associated access, parking, amenity space and landscaping.

6. ST THOMAS UNITED REFORMED CHURCH, LANGLEY ROAD (Pages 53 - 90)

An application for the proposed demolition of the existing church building and redevelopment of the site by the construction of a new replacement church building and enabling a development comprising nine terraced four bedroom houses.

7. 52A - 56 HIGH STREET (Pages 91 - 112)

An application for the variation of Condition 11 (location of affordable housing) of planning permission ref. 13/00828/VAR for the redevelopment of the site to provide 4, 5 and 7-storey buildings comprising ground floor retail use and 56 flats and the variation of the Section 106 legal agreement to increase the number of affordable housing units from 17 to 45 and to reduce the sums payable to the Council towards the provision or improvement of open space and children's play space by £150,862.

8. MECCA BINGO, 19 KING STREET (Pages 113 - 156)

An application for the retention of the existing façade to King Street, demolition of the remaining building to the rear and erection of a part 4 storey, part 3 storey building to provide a ground floor Class A1/AA2 unit and 25 flats with 13 parking spaces.

Appendices to this report are to be considered as Part B in accordance with Paragraph 3, Part 1, Schedule 12A as they contain commercially sensitive information.

9. EXCLUSION OF PRESS AND PUBLIC

The Chair to move: that, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for items of business that may be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if a member of the public were present during consideration of the item there would be disclosure to them of exempt information as defined in Section 100 (1) of the Act for the reasons stated below in terms of Schedule 12A.

PART A

Report to: Development Control Committee
Date of meeting: 12th March 2015
Report of: Development Management Section Head
Title: Planning Enforcement Plan 2015

1.0 **SUMMARY**

1.1 The current Planning Enforcement Plan was approved in February 2006. This is a review of that plan that introduces changes to some of the procedures and timescales under which the enforcement service is operated. An up-to-date and clear enforcement plan is considered essential to set out how complaints regarding breaches of planning control will be investigated in an efficient and effective manner and to also maintain public confidence in the planning system.

2.0 **RECOMMENDATIONS**

2.1 That the Planning Enforcement Plan 2015 be approved.

Contact Officer:

For further information on this report please contact:

Paul Baxter, Major Cases and Enforcement Manager
telephone extension 8284; e-mail: paul.baxter@watford.gov.uk

Report approved by: Jane Custance, Head of Regeneration and Development

3.0 **PLANNING ENFORCEMENT PLAN 2015**

3.1 The practices and procedures in Development Management Section are regularly reviewed to ensure that the Section continues to provide an effective and efficient service. The current Planning Enforcement Policy was approved in February 2006 and it is now considered appropriate to review this plan. The purpose of the plan is to set out clearly, for the benefit of residents, developers and elected members how complaints regarding breaches of planning control will be investigated. Although the legislation and guidance relating to planning enforcement has remained largely unchanged, the procedures and timescales for investigation have been amended.

3.2 It is important to note that the planning enforcement service remains essentially a

reactive service, responding to complaints from the public, elected members and Council officers, and the enforcement plan reflects this. The Development Management Section does not have the resources to undertake a proactive service although that is not to say that proactive action is not undertaken from time to time. Where persistent issues arise, such as unauthorised estate agents' boards, proactive action will be considered as resources permit.

- 3.3 The planning enforcement service receives a large number of complaints every year. Many of these do not relate to planning matters and cannot be investigated by the enforcement team. The plan sets out, albeit not exhaustively, the matters that can and cannot be investigated and, in the case of the latter, where complaints should be directed.
- 3.4 In the proposed plan, the priority of cases has been reduced from 4 to 3 and the timescales for an initial site visit to be undertaken reduced. In the vast majority of cases, a site visit will be undertaken within 5 working days (the current is 10 days). This is considered important as it allows an initial assessment of the complaint to be undertaken as soon as reasonably practicable. A significant number of cases (some 40%) do not, in fact, involve a breach of planning control.
- 3.5 As with the current policy, the focus of enforcement action remains a negotiated resolution of breaches, wherever this is appropriate and reasonable, with formal enforcement action being a measure of last resort. This has continued to prove a successful strategy in past years, with the need to undertake formal enforcement action to resolve breaches being an infrequent occurrence.
- 3.6 The proposed plan introduces an new 8 week review of all complaints. In line with the majority of planning applications that have to be determined within 8 weeks, it is intended that the majority of enforcement complaints should also be resolved, where appropriate, within 8 weeks. This gives a clear timeframe for the resolution of complaints for the benefit of complainants, developers and officers.
- 3.7 In more serious or complex cases or where a negotiated resolution has not been possible, an expediency report will be prepared to determine whether further action is necessary to resolve the case and, if so, what this action should be. Where formal enforcement action is considered expedient, timescales are set out for the serving of notices. A further review of the case after 16 weeks is also introduced. This is to ensure that any formal action is undertaken in a timely manner.
- 3.8 Finally, the plan makes reference to the Proceeds of Crime Act 2002. This Act allows any proceeds acquired as a direct result of criminal activity to be recovered through a confiscation order. The failure to comply with an enforcement notice is a criminal offence and councils are increasingly using the powers under this Act to recover monies from offenders gained through breaches of planning control. As an example, all rent received from an unauthorised conversion of a property to flats or a HMO can be recovered. This is proving to be a significant incentive for developers to comply with enforcement notices.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that no financial implications have been identified in this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the policy

4.3 **Equality Issues**

4.3.1 An equality impact assessment has been undertaken. The Partnerships and Performance Section Head comments that whilst there might be some negative impacts on certain protected characteristics, measures can be put in place to mitigate them.

Appendices

Planning Enforcement Plan 2015

Background Papers

No papers were used in the preparation of this report.

File Reference

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Planning Enforcement Plan 2015

Watford Borough Council

Draft

1.0 Introduction

- 1.1 Most types of building works, changes of use, works to listed buildings, works to protected trees and advertisement signs require planning permission or some other form of consent. Some of these permissions are granted by Central Government (known as 'permitted development' or 'deemed consent') but most require an application to be made to the Local Planning Authority. Watford Borough Council is the Local Planning Authority for most types of development in Watford although in some specific cases this will be Hertfordshire County Council.
- 1.2 Applying for the correct approval before works are carried out allows the Council, other organisations (such as the Highway Authority, Environment Agency, etc.) and interested parties to assess the potential impacts of a scheme on neighbouring properties, the local area and the wider public interest. An application for approval can then either be granted (with or without amendments and subject to conditions) or refused. The requirement for approval by the Council before works are carried out is enshrined within the planning legislation.
- 1.3 If the correct approvals have not been obtained in advance of works being carried out or uses implemented, a 'breach' of planning control is said to have occurred. A breach also occurs when works have been carried out that do not accord with approved plans or when conditions attached to a planning permission or other consent have not been complied with.
- 1.4 The Council is committed to ensuring that the requirements of the planning process are followed by all. Effective and proportionate enforcement underpins the planning service in Watford and it is central to maintaining public confidence in the planning system and the quality of life for our residents and businesses.
- 1.5 The Government's policy on planning enforcement is set out in the National Planning Policy Framework at paragraph 207:

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

- 1.6 The purpose of this Planning Enforcement Plan is to set out how the Council will deal with alleged breaches of planning control and how it will make decisions regarding taking enforcement action to rectify

proven breaches. The Council will investigate all breaches reported to it (but not breaches reported anonymously) from local residents, Council members, other Council officers and arising from site inspections.

2.0 Principles of enforcement

2.1 It is important to know that many breaches of planning control are not a criminal offence, such as building works and changes of use. In these cases, only if there is a failure to comply with formal enforcement action to rectify the breach is a criminal offence committed. Some works are, however, a criminal offence and these include unauthorised works to listed buildings and protected trees and the display of advertisements. The nature of the breach and whether this constitutes a criminal offence will help determine the type of enforcement action the Council may take.

2.2 In all cases, enforcement action is discretionary and the Council must apply the following principles in dealing with all breaches of planning control:

Proportionality: Any action taken must be proportional to the breach that has occurred and the level of harm arising from the breach. This means it must be at a level that is necessary to remedy the breach. The purpose of enforcement action is to remedy the breach of planning control, not to punish the offender.

Expediency: Not all breaches of planning control will cause harm. Having regard to the circumstances of each case, the Council must consider whether it is expedient and necessary in the public interest to take formal enforcement action. The expediency of taking enforcement action will be determined having regard to the policies of the Council's development plan and all other relevant planning considerations, in the same way as applications for planning permission are determined.

Consistency: Whilst each case will be different in respect of its individual circumstances, the Council must seek to be consistent in its response to breaches of a similar nature.

Transparency: It is important that the way in which the Council deals with each case and the decisions it makes are clear and easily understood.

Equality: To ensure the way in which the Council deals with each case is not influenced by a person's age, disability, race, religion or belief, sex, sexual orientation, gender re-assignment, marital status or any other factor. All cases will be dealt with in an objective manner, which focuses on the breach of planning control.

- 2.3 Unlike the procedures for applying for planning permission or other consents, the enforcement process is confidential. This means that the Council will not reveal details of a complainant to any person, including the person the subject of a complaint, other local residents or Councillors. This is an important part of the process to ensure that every individual feels able to make a complaint regarding suspected breaches of planning control in confidence.
- 2.4 It is also important to understand that the Council will not normally investigate anonymous complaints unless it is evident that significant harm is being caused. This is to ensure that officers can seek further information from the complainant, where necessary, as part of their investigation. It is also important to know who the complainant is and where they live in order to assess the level of harm resulting from the breach and the appropriate course of action to take. It also allows the Council to advise the complainant of the outcome of the investigation. Any complaints that are considered to be of a malicious or vexatious nature will not be investigated.

3.0 Scope of enforcement powers

3.1 The planning legislation sets out the powers available to the Council to address breaches of planning control. The Council as the Local Planning Authority cannot operate outside of the powers it is given. It is common for the Council to receive complaints regarding a range of matters that it does not have the power to deal with as the Local Planning Authority. This is because they are not planning matters and are covered by other legislation. In some cases another department of the Council may be able to deal with these, in other cases the powers will be vested in another authority. Other issues will be purely civil matters. Some common examples of complaints which the Council as Local Planning Authority can and cannot deal with are given below:

3.2 Examples of matters Planning Enforcement can investigate

- Extensions to houses, including loft conversions.
- Erection of new buildings, including within garden areas.
- Change of use of buildings, including conversion of houses to flats or bedsits, and the use of residential property for commercial uses.
- Change of use of land, including for storage.
- Development not in accordance with planning permission, such as size, windows, materials.
- Advertisements (including signs, banners and fly-posting).
- Works to listed buildings.
- Felling and other works to protected trees.
- Failure to comply with a condition attached to a planning permission.

3.3 Examples of matters Planning Enforcement **cannot** investigate

- Boundary disputes and covenants on property. These are a civil matters and advice should be sought from a solicitor or the Citizens Advice Bureau.
- Noise, odours, bonfires. These are dealt with by Environmental Health at the Council.
- Damage to the highway, pavements or verges, broken street lights, and the siting of signs on the highway. These are matters dealt with by the Highways Department at Hertfordshire County Council.
- Vehicles, including service and delivery vehicles, obstructing the highway. Where related to a construction site, the site manager should be contacted.
- Parking issues and illegal parking. These are dealt with by the Parking Service at the Council.
- Dangerous structures. These are dealt with by Building Control at the Council.
- Internal works to buildings that are not listed buildings. These may be dealt with by Building Control at the Council but not in all cases.
- Felling and works to trees that are not within a conservation area and are not protected. The Council has no control over this.

3.4 Where complaints are received that relate to matters that Planning Enforcement cannot deal with, the complainant will be advised who to contact. This is important as other Council departments and other organisations will have their own procedures for logging and dealing with complaints.

4.0 **Enforcement procedure**

4.1 In all cases of an alleged breach of planning control, the case will be prioritised as set out in the table below. A site visit will be undertaken by one of the Council's enforcement officers to investigate the alleged breach and ascertain whether a breach has occurred.

Priority	Nature of alleged breach	Site visit
A	Works to a listed building, works to a tree in a conservation area and works to a protected tree. Any works causing significant and immediate harm.	As soon as reasonably practicable on the day the breach is reported and within 2 working days

B	All building and operational works, changes of use, development not in accordance with a planning permission or other consent.	Within 5 working days
C	Display of advertisements.	Within 10 working days

- 4.2 In most cases further research will also be required, such as investigating the planning history of the site and obtaining information from other Council departments. The Council also has the power to seek information from the developer by serving a Planning Contravention Notice. Failure to respond to a Planning Contravention Notice is a criminal offence.
- 4.3 In every case, both the complainant and the person the subject of the investigation will be advised of the officer's findings and whether or not a breach of planning control has occurred. Where a breach has occurred, the offending party will be advised of the exact nature of the breach identified and, where appropriate, be invited to remedy the breach voluntarily. Every case will be dealt with on its own merits; however, initially, in most cases, the Council will seek to resolve any breach through negotiation unless significant harm is being caused. The enforcement officer will seek either agreement with the offending party for remedial works to be undertaken together with a timescale for these works, or the submission of an application for planning permission or other consent to regularise the situation. The officer will confirm this in writing to the offending party and the complainant. In the majority of cases, this approach is successful in remedying breaches without the need for formal enforcement action.
- 4.4 Remedial works can take many forms and can include anything from the simple removal of a sign to the cessation of a use, the reduction in the size of an extension, building or structure or even the complete removal of an extension, building or structure.
- 4.5 Where an application is invited to regularise the situation, this may take the form of a retrospective application for planning permission or advertisement consent, as appropriate, to the Council or an application for a Certificate of Lawfulness, to establish the lawfulness of the use or works undertaken. Where such an application is invited, it should not be assumed that consent will automatically be forthcoming. Where consent is refused, the Council will take formal enforcement action to regularise the situation, whether or not any appeal is made against the refusal of consent.
- 4.6 In all cases where remedial works have been agreed, the case will be reviewed and a further site visit undertaken at the end of the agreed time period.

4.7 Where the breach of planning control is significant, or where there is no agreement with the offending party to remedy the breach voluntarily, or where the agreed remedial works have not been undertaken within the agreed timescale, formal enforcement action will be considered. In all cases, any formal enforcement action will need to be proportionate to the harm caused and expedient in the public interest. In cases where the harm arising is not considered to be significant, it may not be expedient for the Council to take formal enforcement action. In such cases, the case will be closed even if the breach has not been remedied.

4.8 All complaints regarding breaches of control will be dealt with in accordance with the following procedure:

- Complaint received in writing, by email or by phone. Details of complainant's name, address and contact details required (preferably email and phone).
- Complaint logged within 2 working days (case 'start date'). Priority level assigned. For Priority A cases this will normally be after an initial site visit which will be carried out as soon as reasonably practicable on the day the breach is reported.
- Acknowledgment to be sent to complainant when complaint logged to confirm timescales for site visit and 8 week review.
- Site visit to be undertaken in accordance with assigned priority level.
- Complainant advised within 5 working days of site visit whether breach of control found and of the next steps to be taken.
- Where no further action to be taken, case to be closed.
- Where a breach of control found, voluntary remediation to be sought with the offending party where appropriate. For minor breaches, remedy to be sought within 8 weeks of the case start date. Confirm works and timescale in writing with offending party.
- Where breach of control is unclear, further investigation to be carried out within 8 weeks of the case start date.
- Review of case after 8 weeks of the case start date if not already closed. Advise complainant of any timescale for remedial works, further investigation for formal action.
- Where formal enforcement action is to be considered, an expediency report to be prepared within 10 working days.

- Where it is found to be expedient to commence formal enforcement action, the Council will aim to serve the formal notice within 4 weeks.
- Further review of case after 16 weeks of the case start date.

4.9 Where an expediency report is to be prepared, this will assess the breach of planning control in the same way as an application for planning permission or other appropriate consent. The breach of control will be assessed against the relevant policies of the Council's development plan and any other relevant material considerations. Due regard will also be given to the context of the site and the impact on adjoining occupiers and the wider locality. This assessment will help to determine the level of harm arising from the breach of control and inform the expediency of taking formal enforcement action in any individual case. Where the level of harm is considered to be low, it is unlikely that it will be expedient to take formal enforcement action. In such cases, no further action will be taken by the Council. In some cases, the harm caused by the breach of control may relate to only one element of the development, in which case, the Council will take action against only this element and not the whole development. This is known as 'under enforcement'.

4.10 In cases where the harm arising from the breach is considered significant and it is considered expedient to take formal enforcement action, the Council will consider which of the following powers it should exercise:

Breach of Condition Notice: This is only appropriate where a condition on a planning permission or other consent has not been complied with. The offending party has no right of appeal against this notice.

Enforcement Notice: This is the normal method of remedying breaches of planning control. The Council may choose to 'under enforce' by specifying only those works required to address the harm caused. In all cases, the offending party has a right of appeal against an enforcement notice.

Listed Building Enforcement Notice: This is the equivalent of an enforcement notice but specifically in relation to breaches of planning control relating to listed buildings. In all cases, the offending party has a right of appeal against a listed building enforcement notice.

Stop Notice: This can be used in conjunction with an enforcement notice to stop any breach of control that is causing serious harm with immediate effect. This will only be used in the most serious cases.

Temporary Stop Notice: A temporary stop notice can be served before an enforcement notice has been served but can only be issued in respect of an activity or use of land and only has effect for a period of 28 days. It will be used only in cases where an activity is causing very significant harm and needs to be stopped with immediate effect.

Injunction: This involves seeking an order from the court preventing an activity or operation from taking place. As with a stop notice, this will only be used in the most serious cases. Failure to comply with a court injunction is a contempt of court.

Direct action: In cases where an enforcement notice has not been complied with, the Council can exercise its powers to enter buildings and land to undertake remedial works itself to secure compliance with the notice.

- 4.11 Failure to comply with a breach of condition notice, enforcement notice, listed building enforcement notice, stop notice or temporary stop notice served by the Council is a criminal offence for which the offending party will be liable for prosecution. In all cases where the Council decides to prosecute an offender it will also consider seeking a confiscation order under the Proceeds of Crime Act 2002. A confiscation order would allow the Council to recover the benefits arising from the offender's criminal conduct.
- 4.12 Where formal enforcement action is taken by the Council, complainants will be advised that this will often take several months to resolve. The correct legal procedures must be followed in all cases and this may allow the offending party to appeal against any action taken by the Council. In all cases, a reasonable length of time, depending on the remedial works required, must be given for compliance. In exceptional cases, breaches of planning control may take several years to be fully resolved.

5.0 Breaches of planning control that constitute a criminal offence

- 5.1 Most breaches of planning control do not constitute a criminal offence and, where expedient, the Council's powers are limited to serving formal notices to remedy the breach. Only when an offender fails to comply with a formal notice (subject to any appeal), is a criminal offence committed and the offender may then be prosecuted by the Council.
- 5.2 Some breaches of planning control do, however, constitute a criminal offence and these include:
- i) Works to listed buildings.
 - ii) Failure to comply with a condition on a listed building consent.
 - iii) Works to trees protected by a tree preservation order.
 - iv) The display of advertisements.

In each case, the offending party is liable to prosecution by the Council although the Council will still consider whether a prosecution is expedient. In the case of an authorised advertisement, the offending party will be given a limited period of time (usually 48 hours) to remove the advertisement. In the case of a protected tree that has been felled, no remediation is possible and the Council will normally consider it expedient to prosecute the offending party.

6.0 Other powers available to the Council

6.1 In addition to the general powers of enforcement relating to breaches of planning control, the Council does have additional powers that it can use in cases where amenity is affected.

- Discontinuance Notice. This can be used to require the cessation or limitation of uses or the removal or alteration of buildings on land, whether lawful or not.
- Revocation or Modification Order. This can be used to eliminate or alter a planning permission insofar as it has not been carried out.
- Section 215 Notice. This can be used to require land to be cleaned up where a build up of rubbish or materials or unkempt land affects the amenity of an area.
- A High Hedges Remedial Notice. This can be used where a high hedge is affecting the amenity of an adjoining property. This can only be served where a formal application is made by the complainant to the Council for consideration.

7.0 Immunity from enforcement action

7.1 Under the planning legislation, breaches of planning control can become immune from enforcement action, and therefore lawful, if they have been in existence for certain periods of time without any formal enforcement action being taken against them. The relevant time periods are:

- 4 years for buildings and operational development.
- 4 years for the change of use of a building to a single dwelling.
- 10 years for all other breaches of planning control, including other changes of use and breaches of planning conditions.

In such cases, the Council cannot use its enforcement powers no matter whether harm has been caused or not. However, where there is evidence that the breach has been deliberately concealed in order to

become immune from enforcement action, the Council may apply for a planning enforcement order, which overrides these time limits and gives the Council a further year to take enforcement action.

8.0 Monitoring and Review

- 8.1 This plan will be periodically reviewed and updated in response to new legislation, guidance or other relevant information. The operation of the enforcement team will also be kept under review and where necessary changes will be introduced to this plan to reflect new procedures. Any updated plan will be brought to the Development Control Committee for approval.
- 8.2 The performance of the enforcement team against the targets in this plan will be monitored on a quarterly basis.

9.0 Equalities Impact Assessment

- 9.1 This plan has been the subject of an equalities impact assessment. This has concluded that whilst the plan may have some potential impacts on certain protected characteristics, specifically race and disability, these can be mitigated through ensuring all information relating to planning enforcement is clear, easy to understand and accessible.
- 9.2 In order to monitor any potential impacts on people with protected characteristics, equality monitoring forms will be sent out to all complainants and persons the subject of investigation upon the conclusion of each investigation.

10.0 Complaints

- 10.1 If any person, whether a complainant or a person the subject of an investigation, is aggrieved at the way an enforcement case has been dealt with, they can write to the Development Management Section Head setting out their complaint at the address below:

Regeneration and Development
Watford Borough Council
Town Hall
Watford
WD17 3EX

Email: developmentcontrol@watford.gov.uk

The complaint will then be dealt with in accordance with the Council's complaints procedure.

- 10.2 In the event that the person remains aggrieved and is not satisfied with the Council's response, they may make a complaint to the Local Government Ombudsman. Information regarding this will be provided as part of the Council's complaints procedure.

Draft

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee:	12th March 2015
Site address:	Land at North Western Avenue, Leggatts Green
Reference Number:	14/01230/FULM
Description of Development:	Development for 34 residential units (Class C3) with associated access, parking, amenity space and landscaping.
Applicant:	Taylor Wimpey North Thames
Date received:	26th August 2014
13 week date (major):	25th November 2014
Ward:	Leggatts

SUMMARY

This application is for the creation of 34 new dwellings on an area of open space adjoining the existing Leggatts Green estate. It comprises three 4 storey blocks with a central access off the existing estate road and parking to the rear. The development of this area of open space is contrary to adopted policy which seeks to retain and enhance open space within the Borough, unless the loss can be offset through an improvement in the remaining open space. Any loss of open space must be considered on a case-by-case basis. In this case, the development of this open space will facilitate the provision of enhanced facilities for the Everett Rovers Football Club who occupy the adjoining playing fields. This will take the form of a formal car park for their use and a permanent building providing secure storage facilities and toilets. The club will also be offered a 30 year lease of the playing fields which will allow them to apply for grant funding towards an aspiration to build a larger changing room facility in due course.

Overall, this is considered to be sufficient justification to allow the loss of open space on the site.

The scale, design and materials of the proposed blocks of flats will be the same as the existing 4 storey blocks adjoining the site within the recently completed estate. As such, the new development will appear as an integral part of the existing development. The siting and design of the blocks will ensure they 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 43 on-site parking spaces for the 34 flats proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the local development plan and is considered to be acceptable.

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

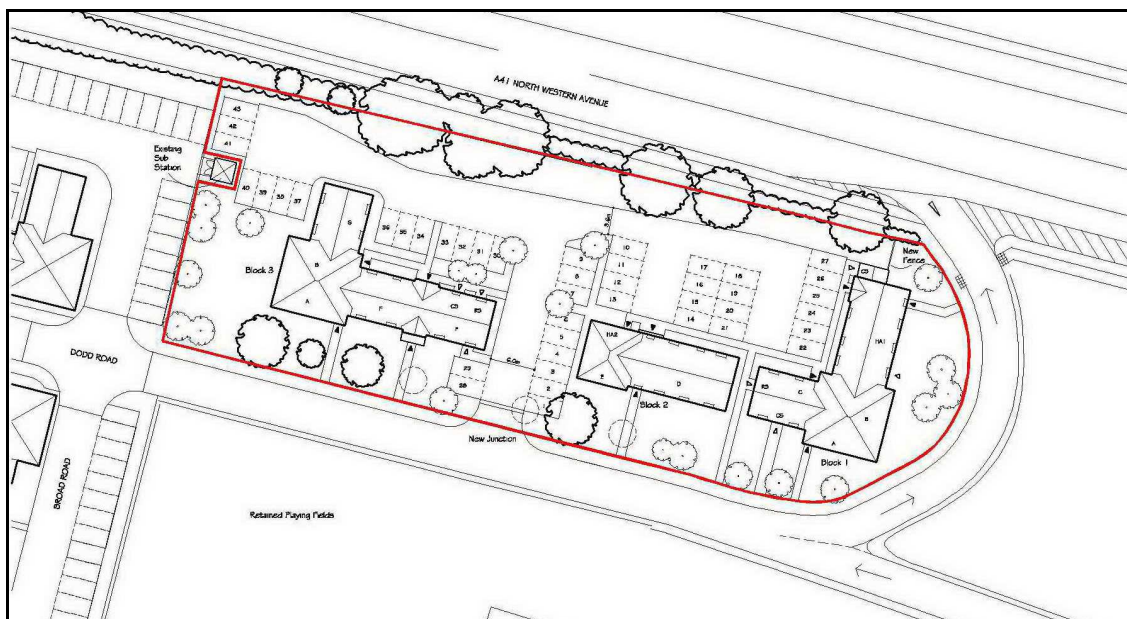
Site and surroundings

The application site comprises a lozenge shaped area of land (0.34 hectare) adjoining the north-eastern corner of the recently completed Leggatts Green estate on the former West Herts College site. It comprises part of an area of designated open space that includes the adjoining playing fields to the south, currently occupied by Everett Rovers Football Club. The boundaries of the site are formed by North Western Avenue to the north and the existing estate road to the east and south. To the west it adjoins the development of Leggatts Green.

Prior to the development of Leggatts Green, the site was grassed open space. During the development, it was used as the main construction compound and for contractors' car parking. The current state of the land includes a car park at its eastern end with a temporary hardcore surface that previously formed the contractors' car park. The remainder of the site has been raised in level through the depositing of spoil on the land and has been seeded with grass.

Proposed development

Full planning permission is sought for the erection of three 4 storey blocks on the site to provide 34 flats, comprising 18 x 1 bed and 16 x 2 bed units. A central access from the estate road along the southern boundary leads to parking courts providing 43 parking spaces for residents and visitors. Bin and cycle stores are also provided.



Site layout

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 a decision 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 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
GI1	Green Infrastructure
GI2	Biodiversity

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 60 properties in Dodd Road, Broad Road and Leggatts Rise. Twenty four replies have been received raising the following objections to the proposal:

- Inadequate car parking for existing development. One space per flat is not enough. No space for visitors. Many cars parked on estate roads causing obstruction and danger.
- Parking is limited when the sports fields are in use. Already park all along the roads and on A41. Existing car park will be lost (accommodating 25 cars). Where will football club park? Parking facilities should be increased.
- Told by Taylor Wimpey there would be no further development of this site. Will have to endure more noise, dust and disturbance.
- Loss of outlook and natural light to properties in Broad Road.
- Loss of outlook, light and privacy to flats in Moore Court.
- Site will become overdeveloped and overcrowded.
- Development will ruin open green outlook of the playing fields and alter the character of the development.

A letter of support for the application has also been received from Everett Rovers Football Club.

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

Sport England

Summary: No objection is made to this planning application as a statutory consultee. Consideration should be given to the implications of this proposal for car parking which serves the adjoining playing field and if necessary mitigation measures should be secured through any planning permission.

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England

Essentially Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies:

	Sport England Policy: Summary of Exceptions
E1	As assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport.
E2	The development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches.
E3	The development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch.

E4	Playing field loss would be replaced, equivalent or better in terms of quantity, quality and accessibility.
E5	The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.

A residential development is proposed on a linear area of open space between North Western Avenue (A41) and Leggatts Green. The playing fields to the south are divorced from the open space by the Leggatts Green road. Before the area to the west was recently developed for housing, this open space formed part of the former West Herts College's playing fields although this area has always been divorced from the main body of playing fields to the south by a road. In recent years, the application site has been used as a construction compound and car park associated with the adjoining residential development. The site has not been used in the past for marking out playing pitches. Due to the linear nature of the site, the potential for marking out the area for playing pitches would be very limited due to insufficient space for accommodating pitches e.g. it would not be possible to accommodate the dimensions of the smallest mini football pitch. Furthermore, the close proximity to North Western Avenue would make the site unsuitable for being used for playing pitches due to the safety hazards associated with stray balls.

In conclusion, the proposed development is considered to accord with exception E3 as the area affected would be incapable of forming a playing pitch or part of one and no existing pitches would be affected. This being the case, Sport England does not wish to raise an objection to this application.

It has been noted that there is a small informal gravel car park at the eastern end of the application site. The status of this car park is unclear in terms of whether it is permanent or temporary and whether or not it was provided for meeting the parking requirements of users of the playing field or alternatively for supporting

the construction of the residential development. If the car park was provided to help meet the parking needs generated by formal users of the playing field during peak periods then its loss may have an impact in terms of displacing parking elsewhere which may have residential amenity and highway safety implications. The Council is therefore requested to ensure that the parking implications for formal users of the playing field are taken into account when assessing the acceptability of redeveloping this parking area as this may have an impact on the accessibility of the site for the clubs/teams that use the playing field. If necessary, alternative parking mitigation measures should be secured through any planning permission or this area of the site should be maintained for parking provision.

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)

Access: On the application form, the applicant states that there is a new or altered vehicle access to or from the public highway. However, the Design and Access Statement and proposed layout plan show the proposed access is located on Dodd Road, which it is a private road. Hertfordshire County Council as Highway Authority has no jurisdiction over this stretch of the highway.

The existing access to the proposed site will be via existing access junctions with the A41 to the north and Leggatts Way to the west. The Highway Authority considers the existing accesses will not be affected and are suitable to serve the proposed site.

Car Parking Layout: The submitted "1408/P/02" drawing shows that all of the parking spaces can be easily accessed by a standard vehicle without generating conflicts with vehicles turning into parking bays and entering and leaving parking spaces in forward gear. The car parking layout is considered acceptable by the Highway Authority.

Trip Rate: The applicant has used TRICS to calculate trips rates for the proposal. I have checked the figures and trip rate and the Highway Authority confirms TRICS rate is acceptable.

Highway Impact: 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.

Planning Obligation: The proposal results in 34 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 £23,304 and subject to the conditions set out above.

Conclusion: The proposals are not considered to significantly impact upon the highway safety or capacity. Therefore, the proposed is considered acceptable to the Highway Authority.

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 to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

Car parking: The current site provides some car parking for the sports/football pitches at the side as well as the nearby Mosque. I have spoken with the local Police Neighbourhood Team and they confirm that parking by users of these sports pitches as well as attendees at the nearby Mosque does cause problems for residents. I would therefore encourage that replacement provision of parking is made to alleviate any nuisance to local residents.

Arboricultural Officer

The proposals indicate the loss of three trees (all purple leaved plum). These are not particularly significant trees and are easily replaced by new planting.

Providing the tree protection methods and construction within root protection areas are carried out in accordance with the method statement within ACD's report (Arboricultural Impact Assessment & Method Statement) the trees shown for retention should not be adversely affected by the proposals. A detailed landscaping scheme should be submitted and approved prior to work commencing on site.

Design and Conservation Team

The current design is not acceptable as it does not meet the criteria set out in the adopted Core Strategy at UD1 (Delivering High Quality Design). Poor quality of design that fails to create a development with a sense of place and fails to respect wider character of the area.

i) Local Character

Maximum of three storeys are acceptable in this suburban location, which is out of centre. General arrangement of housing in the wider area is two storey, but three would be acceptable here. The approved four storey blocks of flats nearby appear inappropriate for their location and the mistake of allowing them should not be perpetuated. There was at least an argument to be made with the other

four storey buildings that they were shielding the rest of the development to the south from the A41 road, but as there are just playing fields to the south of the new site, the argument is not relevant here.

ii) Layout

Development layout should be altered to facilitate a better relationship between the proposed new housing and the existing surroundings. The layout should form a strong perimeter block fronting onto the local roads, which can be broken up as is appropriate for this more suburban location with well landscaped parking in bays off the southern road and immediately behind the new blocks of flats. A simplified access road layout and parking allows the creation of a larger and better landscaped buffer to the north. The existing tree belt should be extended to better protect the new residents from the impact of the A41 road, with a decent sized communal amenity space between the tree belt and the parking area.

iii) Landscape and parking

A hedge interspersed with trees should mark the western boundary to the adjacent car parking areas, to screen the parking from the views of residents in the new development. Parking along the southern boundary should sit within a strong landscaped strip, with good additional tree planting. The eastern edge should also be subject to a hedge interspersed with trees. Both the eastern and western edges should have new pedestrian/cycle access points with dropped kerbs, to facilitate movements through to rear entrances and cycle stores. Cycle stores and bin stores should be integrated into the ground floor elements of the new blocks.

iv) Design of the blocks

The new three storey residential blocks could be continuous but it may be more appropriate to break up the massing for this suburban location, with the road access through to the rear parking carried under second floor residential. To break up the long extent of the new block the building should be intelligently

designed and well detailed. A modern architectural style which could respond to the setting on the edge of the playing fields would be more appropriate here and would be more likely to be approved than the bland neo-traditional style currently proposed (the proportions of the roof form to the elevation as shown destroys any relationship these so called modern vernacular buildings have to the originals on which they are based. The site is separate from the development completed recently to the west, so it does not need to simplistically follow its design.

If any new garden boundaries are created onto the public realm, these should involve hedges or natural trellising systems rather than close boarded fencing.

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 designated as open space and as a wildlife corridor on the Proposals Map of the Watford District Plan 2000.

Open space

Policy GI1 of the Core Strategy states that the Council will seek a net gain in the quality and quantity of green infrastructure as well as recognising the benefits of existing green infrastructure and seeking to enhance and improve it. New development should contribute to the delivery of new green infrastructure and the

management of a linked network of enhanced open spaces and corridors. The policy also provides that, in some instances, an improvement in the overall quality of green infrastructure may make it acceptable for minor open space loss, and that this should be considered on a case-by-case basis.

In this case, the main value of the wider area of open space is as playing fields. These are currently occupied by Everett Rovers Football Club who have been at the site for the past 17 years. However, the club has no permanent facilities on the site. Secure storage for the club takes the form of 6 shipping containers placed on the site. The club also has use of the former contractors' car park (approximately 25 spaces) from the development of the adjoining Leggatts Green estate, although this is currently unauthorised and is inadequate for the demand generated by the club. This results in the estate road alongside the playing fields being heavily parked on days when the club trains or plays matches. Local residents have also reported cars parking on the A41.

As noted by Sport England, the estate road formed many years ago to serve the former college has separated the application site from the playing fields and this is of insufficient size to be used as playing fields. When not in use by Everett Rovers Football Club, the playing fields provide a significant area of general open green space for local residents to use.

In order to mitigate the loss of the open space to facilitate the proposed development, it is proposed to improve the facilities for the football club in the following way:

- i) The applicants will offer the club a 30 year lease on the use of the playing fields. This security of tenure will enable the club to apply for grant funding from organisations such as the Football Association and Sport England to improve their facilities. To date this has not been possible as the club have used the playing fields under a series of short term leases.

- ii) The formation of a new permanent car park for a minimum of 50 spaces on the adjoining 'island' of open land to the east. This will replace the existing temporary car park and should provide sufficient spaces to prevent parking on the estate roads and the A41.

- iii) Provision for the construction of a new, permanent building to provide secure storage facilities and toilets for the use of the club. This will initially take the form of a payment to the Council, to be held on behalf of the club, of £84,000 (calculated by using the standard open space contribution of £2,472 per dwelling, as set out in SPG 10). This sum will be sufficient to provide a basic storage/toilet facility (provisionally costed by Taylor Wimpey at £45,000). This will enable the existing shipping containers to be removed from the site and provide toilet facilities for players and spectators that currently do not exist.

The provision of these new facilities will need to be secured through a Section 106 planning obligation. The car park is to be provided by Taylor Wimpey prior to the first occupation of the proposed flats. With regard to the permanent building, it is the club's aspiration to provide a larger clubhouse building comprising 4 team changing rooms, an officials' changing room, toilets, storage and a small function room for club and community use. At this stage, therefore, and at the request of the club, it is not proposed to require Taylor Wimpey to provide a storage/toilet block but for the Council to hold the sum of £84,000 on behalf of the club. The club can then apply for grant funding from other organisations towards a larger clubhouse facility. In the event that the club are able to secure sufficient additional funding and planning permission for a clubhouse facility, the Council will pass the £84,000 to the club towards the provision of this facility. In the event that the club are not able to secure both sufficient funding and planning permission for a clubhouse, then either i) the club or the Council will use the £84,000 to provide a storage/toilet building, or ii) Taylor Wimpey will provide the building and the £84,000 will be returned to them.

These measures will significantly improve the facilities for the football club, thereby enhancing the use of the playing fields, and will address issues of car parking which have been raised by virtually all objectors. This is also a matter raised by Sport England in its comments. Overall, it is considered that these improved, permanent facilities are sufficient to allow the loss of open space on the application site in this case.

Biodiversity

Although the site forms part of a larger wildlife corridor, along with the adjoining playing fields, it has no formal wildlife designation and no inherent wildlife value, other than the line of hedging and trees along the northern boundary. The wildlife corridor designation principally relates to the open nature of the area that allows wildlife to pass through. The existing hedging and trees along the northern boundary are to be retained. Where appropriate, this can be enhanced as part of a landscaping scheme for the site.

Housing policies

Subject to the loss of open space being justified, the principle of new residential dwellings on this site, adjoining the existing Leggatts Green development, is acceptable.

The proposal will provide a mix of one and two bedroom flats suitable for 2 and 3 persons which is acceptable. Most of the proposed flats exceed the Council's internal space guidelines as set out in the Residential Design Guide (2014). Where there is a shortfall, this is small (3m²) and is limited to only two of the 2 bed flats. All of the flats have acceptable internal layouts. The table below sets out the minimum requirements:-

Number of bedrooms	Minimum floor area RDG (2014)	Floor area provided in scheme
1 bedroom	37m ²	44-45m ²
2 bedrooms	61m ²	58-67m ²

All of the flats are dual aspect and will provide a good level of residential amenity in terms of outlook, privacy and natural light for future occupiers. Due to the proximity of the site to North Western Avenue, there is a potential for road traffic noise to impact on the proposed flats. In order to assess this impact, an acoustic assessment has been submitted with the application. This assesses the recorded noise environment and the predicted indoor noise levels against the target indoor ambient noise levels for dwellings as set out in *BS 8233:2014 Guidance on sound insulation and noise reduction for buildings*. This has been undertaken for both daytime and night-time periods and for living rooms, dining rooms and bedrooms. The report predicts that all of the windows on the rear and side facing elevations of the blocks will require mitigation to achieve the required indoor ambient noise levels. Those windows on the front of the blocks, facing the playing fields, will not require mitigation. The conclusion of the report is that the use of enhanced thermal double glazing and acoustic trickle ventilators will enable the target indoor ambient noise levels to be achieved. These measures can be secured by condition.

As the proposal is for more than 9 dwellings, there is a requirement to provide 35% affordable housing, which can be secured by a Section 106 planning obligation. In this case, it is the applicant's intention that some of the affordable units would be provided within the existing Leggatts Green development as part of the proposed conversion of the vacant commercial units at Dodd Road (the subject of application ref. 14/01231/FULM considered by the Committee on 6th November). As this site is also within the applicant's ownership, this is acceptable in principle. Provision for this can be included within the planning obligation.

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 new buildings will be of the same style, design and materials as the adjoining blocks at Moore Court, Blake Court and Stubbs Court so that they will be read as an integral part of the overall development. Whilst the comments of the Council's Design and Conservation team are noted, it is considered in this case that the proposed blocks of flats should read as part of the existing Leggatts Green estate rather than as a separate, adjoining development. As the blocks will face onto the existing playing fields and back onto the A41, the scale of the proposed blocks at 4 storeys is considered entirely appropriate for this site.



Street scene

Impact on neighbouring properties

The nearest properties to the site within the existing Leggatts Green development are at Moore Court, adjoining the site to the west. This comprises a 4 storey block of flats, identical to the proposed block on the western part of the site. This block has habitable room windows facing the site at all 4 floor levels. At its closest point, the proposed western block is 24.5m from Moore Court and this increases to 27.5m where the block steps back from the boundary. The distance of 27.5m meets the minimum distance set out in the Residential Design Guide. The distance of 24.5m is clearly below this figure although does exceed the minimum distance of 22m for buildings within new developments. Where the distance of only 24.5m is achieved, the facing windows comprise a secondary living room window in the proposed block and a bedroom window in Moore Court

at each floor level. These windows face each other across the vehicular entrance to the rear car park of Moore Court. Given the windows concerned and the different use of the rooms to which they relate, it is not considered that this relationship will give rise to any significant overlooking or loss of privacy to the flats in Moore Court.

The siting of the proposed block in relation to Moore Court is sufficient to ensure the flats in Moore Court will not experience any adverse loss of outlook. With regard to natural light, the proposed block is sited due east of Moore Court and will therefore have no adverse impact on sunlight to Moore Court. The proposed block will also not infringe the British Research Establishment's 25° rule guideline (as set out in the Residential Design Guide), thereby ensuring it will not give rise to any loss of natural daylight to Moore Court.

Transportation, access and parking

The site will be accessed from North Western Avenue in the same way as the existing Leggatts Green development. 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 the existing estate road, with a turning head provided at the new access to the site. Two bin stores are provided as part of the development, each located at ground floor level within one of the blocks. 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 43 parking spaces for the scheme accords with the Council's maximum standards, which would allow a maximum of 46.5 spaces to be provided. This provision is acceptable. The development also incorporates 3 secure communal cycle stores accommodating 34 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 £23,250 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 £6,753
- Primary education £16,689
- Nursery education £3,753

- Childcare £1,092
- Youth £214
- Libraries £3,051

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 pursuant to policies L8 and L9 of the Watford District Plan 2000.

iii) Sustainable transport

- Sustainable transport £23,250

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

Consideration of objections received

Objections	Officer's response
<p>Inadequate car parking for existing development. One space per flat is not enough. No space for visitors. Many cars parked on estate roads causing obstruction and danger.</p>	<p>The proposed development will not change or make any worse the current situation within the estate.</p>

<p>Parking is limited when the sports fields are in use. Already park all along the roads and on A41.</p> <p>Existing car park will be lost (accommodating 25 cars). Where will football club park? Parking facilities should be increased.</p>	<p>A new larger car park is proposed to mitigate this loss and help address the issue of cars parking on the estate road and A41.</p>
<p>Told by Taylor Wimpey there would be no further development of this site. Will have to endure more noise, dust and disturbance.</p>	<p>Any comments made by Taylor Wimpey to residents are not a material planning consideration. To address the issue of general disturbance associated with construction works, it is proposed to allow construction works only to take place Monday to Friday.</p>
<p>Loss of outlook and natural light to properties in Broad Road.</p>	<p>The proposed development will not have any adverse impacts on properties in Broad Road.</p>
<p>Loss of outlook, light and privacy to flats in Moore Court.</p>	<p>The proposed development will have some impacts on properties in Moore Court but these are not considered to be significant enough to merit a refusal of permission. Although the view from some of the flats will change, the relationship between Moore Court and the proposed new block is acceptable.</p>
<p>Site will become overdeveloped and overcrowded.</p>	<p>The proposed development will not alter the density of development within the existing estate.</p>

Development will ruin open green outlook of the playing fields and alter the character of the development.	The proposed development will result in a loss of open space, as discussed in the report. However, the playing fields will be unaffected and constitute a very significant area of open space.
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Conclusion

The development of this area of open space is contrary to adopted policy which seeks to retain and enhance open space within the Borough, unless the loss can be off-set through an improvement in the remaining open space. Any loss of open space must be considered on a case-by-case basis. In this case, the development of this open space will facilitate the provision of enhanced facilities for the Everett Rovers Football Club who occupy the adjoining playing fields. This will take the form of a formal car park for their use and by enabling the provision of a permanent building providing secure storage facilities and toilets. The club will also be offered a 30 year lease on the use of the playing fields, which will enable them to apply for grant funding from other organisations. Overall, this package of measures is considered to be sufficient justification to allow the loss of open space on the site.

The scale, design and materials of the proposed blocks of flats will be the same as the existing 4 storey blocks adjoining the site within the recently completed estate. As such, the new development will appear as an integral part of the existing development. The siting and design of the blocks will ensure they 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 43 on-site parking spaces for the 34 flats proposed, which is in

accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the local development plan and is considered to be acceptable.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATION

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

Section 106 Heads of Terms

- i) To secure financial payments to the County Council prior to the commencement of development of:
 - a) £23,250 (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) £6,753 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £16,689 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £3,753 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £1,092 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £214 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £3,051 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- iii) To secure 11 of the units as affordable housing (3 x 1 bed and 3 x 2 bed as affordable rent, 3 x 2 bed as social rent and 2 x 1 bed as shared ownership), in accordance with Policy HS3 of the Core Strategy.
 - iv) To secure the provision of fire hydrants, as required by the County Council, in accordance with Policy H10 of the Watford District Plan 2000.
 - v) For Taylor Wimpey to offer Everett Rovers Football Club a 30 year lease on the use of the playing fields on fair and reasonable terms, prior to the commencement of development.

- vi) For Taylor Wimpey to pay to the Council the sum of £84,000 towards the provision of a storage/toilet building or suitable alternative facility for the use of Everett Rovers Football Club, prior to the commencement of development.

- vii) For Taylor Wimpey to seek to secure planning permission for and to construct a car park for a minimum of 50 spaces for the use of Everett Rovers Football Club, prior to the first occupation of the development.

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/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23

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, or at any time on Saturdays, Sundays and Public Holidays.

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

4. No development 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 development shall commence until the tree protection measures shown on drawing no. TWNT19251-03 (ACD) have been installed. These measures shall be retained at all times during construction works.

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

6. The development shall only be carried out in accordance with the Arboricultural Impact Assessment and Method Statement by ACD dated 14.06.2014. For the avoidance of doubt, the areas of roadway and car parking adjacent to trees T108 and T112 respectively, as shown on drawing no. TWNT19251-03 (ACD), shall be constructed using a no-dig method.

Reason: To safeguard the health and vitality of the existing trees which represent an important visual amenity, in accordance with Policy SE37 of the Watford District Plan 2000.

7. No development shall commence until a noise mitigation scheme for the proposed dwellings, based upon the recommendations of the Acoustic Assessment Report by MLM dated 18th August 2014, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the approved mitigation measures have been installed in full.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

8. No development 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.

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

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

10. No dwelling 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.

11. No dwelling shall be occupied until full details of a hard landscaping scheme, including details of 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.

12. No dwelling shall be occupied until the respective bin stores and the cycle stores, as shown on the approved drawings, have been constructed. These shall be retained as such at all times 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.

13. No dwelling shall be occupied until the 43 car parking spaces, as shown on the approved drawings, have been constructed in full. These spaces shall be retained for the parking of cars at all times.

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

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/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23

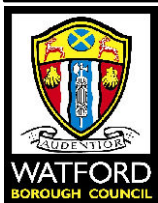
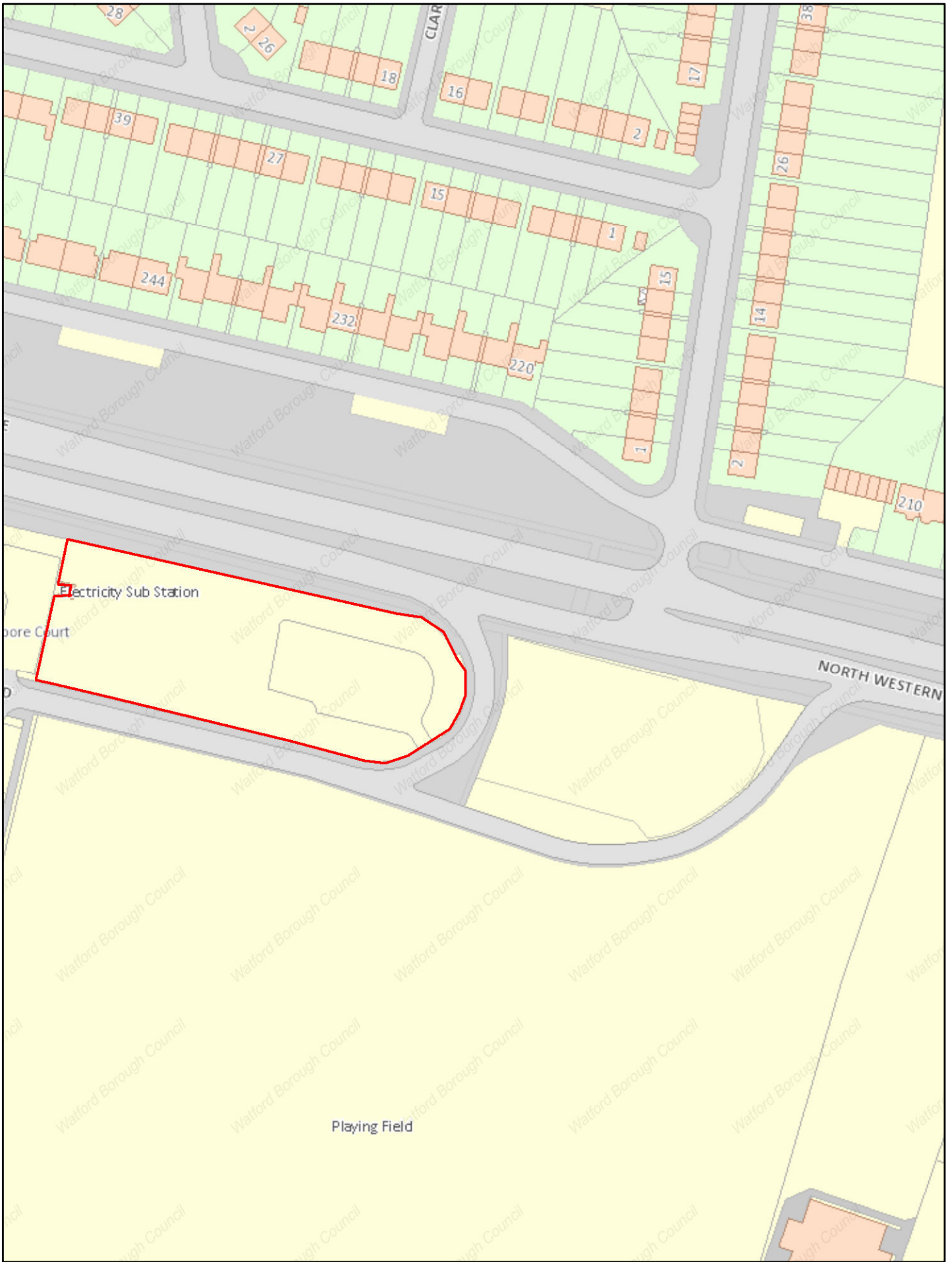
(B) In the event that an acceptable planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 has not been completed by 27th March 2015 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for the 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) 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.
 5. The proposal will result in the loss of open space without any replacement provision or any improvement in the overall quality of green infrastructure or the playing fields adjoining the site and, as such, is contrary to Policy GI1 of the Watford Local Plan Core Strategy 2006-31.
-

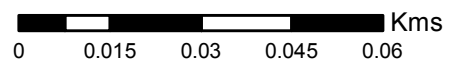
Case Officer: **Paul Baxter**
Email: **paul.baxter@watford.gov.uk**
Tel: **01923 278284**

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Land off North Western Avenue

Date: 04/03/2015



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **12th March 2015**
Site address: **St Thomas United Reformed Church,
Langley Road**
Reference Number: **14/01763/FUL**
Description of Development: **Proposed demolition of existing church
building and redevelopment of the site by
the construction of a new replacement
church building and enabling
development comprising nine terraced
four bedroom houses.**
Applicant: **St Thomas's United Reformed Church**
Date received: **12th December 2014**
13 week date (major): **13th March 2015**
Ward: **Nascot**

SUMMARY

The application relates to St. Thomas's United Reformed Church which is situated in Langley Road at its junction with Stratford Road. The site is located within a designated Conservation Area, although the church was built in the 1970s and has a modern appearance. In terms of its scale and bulk, and in regard to both the overall and detailed design, the current church building differs greatly from the other buildings in the area. In particular, the building lacks sufficient fenestration and detailing and hence it presents a rather bleak appearance in the street scene. Further, despite its relative young age, the building suffers from serious structural defects, with water penetration through breached valley roofs at numerous points. The building also lacks appropriate thermal insulation, thereby requiring unwarranted degree of heating, and is therefore highly unsustainable.

The proposed development will include the demolition of the existing building and the redevelopment of the site to provide a terrace of nine houses and a new church building. The proposed houses will be 3-storeys with accommodation within the roof-space. The housing scheme will incorporate an imaginative modern design whilst taking cues from the traditional local features such as gable end pitched roof configuration.

The church building will also be three storeys but with higher floor to ceiling height, and therefore it will appear as the dominant element in the development. Considerable thought has been given to providing a highly innovative and imaginative design for the church building. Externally, well detailed elevations include a stained glass window to the west, additional fenestration on the prominent street elevations and the configuration of the roof format. A particular element of the design is the quasi spire-like scroll structure which will act as a landmark feature at the corner of Langley Road and Stratford Road. Internally, the new church building will provide a worship area, meeting rooms, a café and a multi-use hall. All parts of the building have been designed to be fully accessible to people with impaired mobility or pram users.

The proposed houses are of a high quality of design, set back from the road and benefitting from front and rear gardens. All the houses will be generous in terms of their overall and individual room sizes, and, being double aspect, they benefit from a sufficient amount of natural light and outlook.

The proposal will provide car parking spaces to the rear of the houses with direct vehicular access from Langley Road. The vehicular access will be formed in the middle of the terrace of houses. Two car parking spaces will be allocated for each house and 35 parking spaces will be allocated to the proposed church building. It is considered that the proposal will have no adverse impact upon the free and safe flow of traffic in the locality.

The scheme has been subject to lengthy negotiations with the applicant over several months and has been revised as a result of officers' recommendations on a number of occasions. Given the appearance and poor structural condition of the existing building, it fails to make a positive contribution to the character and appearance of the conservation area and there is no objection in principle to its demolition. In contrast, the proposed development is considered to be of very high quality, highly innovative and imaginative in design, and as a result is considered to enhance considerably the character and appearance of this part of the conservation area. The proposed development responds well to the specific site and location constraints by creating a building of iconic characteristics that fits both with the site and its surroundings.

The proposal will provide additional high quality residential accommodation in a sustainable location as well as providing a new church building which is designed in a way which will enable it to be capable of hosting a variety of community uses. The proposed mixed use development is welcomed in this location. Given its configuration, layout, bulk, scale and location, it will not have an adverse impact on the amenities of adjoining residential occupiers in terms of loss light or overlooking.

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

BACKGROUND

Site and surroundings

The site comprises a large church, built in 1970s. It is located on the north side of Langley Road at its junction with Stratford Road. The church has a modern design. It is built in brick with shallow pitched roofs incorporating a series of ridges and gullies perpendicular to the road. The elevation is articulated with projections and set backs. However, due to the scarcity of fenestration and other detailing, the building presents a rather bleak frontage to the street scene.

A notable feature of the site is the garden wall which forms the boundary of the site along Stratford Road and partially on Langley Road. This is the original boundary wall of the houses which were demolished to give way to the church. The wall makes a positive contribution to the character of the area, which forms part of the designated Nascot Conservation Area.

Car parking associated with the church is located towards the rear of the church through a vehicular access road on the flank elevation of the church from Langley Road. There are some further car-parking spaces to the front of the church.

To the east of the site there is a relatively new housing development. This block (Elton Park) was built a decade later than the church, creating modestly sized houses with a new access road. Further, directly opposite the site, there is a more recent redevelopment, constructed at a higher density with three storey high buildings. To the north of the site (at the rear) there is a large detached house. This house and two other houses on the north west side of Stratford Road are locally listed.

Apart from the church building which dominates the surroundings, the other notable building here is the public house across the road. This building has a traditional design and displays interesting features. However, its appearance and character is somewhat adversely affected by the car parking spaces to the front and the display of advertising.

The site benefits from a number of mature trees both to the front and to the rear. Most of these trees are subject to Tree Preservation Orders.

The building is not listed, although it is located in the Nascot Conservation Area, and the site also falls within a designated Controlled Parking Zone.

Proposed development

Full planning permission is sought for the demolition of the existing building and the redevelopment of the site to provide nine terraced houses and a new multi-purpose church with community facilities. The proposal includes 18 parking spaces for the housing development and 35 spaces for the replaced church. Cycle parking for the church is provided to the north of the car park area.



Site layout plan

The main pedestrian access to the church is on the front elevation of the building to Langley Road. A secondary access, for use in association with vehicles such as wedding cars and hearses, is proposed from Stratford Road. The main car park for the church is

from Langley Road, off the shared access which also serves the parking area for the nine dwellings.

The proposed church will provide a total of 746 sq m of new floor space. The church building will also serve as a community centre, accommodating existing community uses, with the following facilities provided:

- Worship area
- Vestry
- Kitchen
- Café
- Four meeting rooms
- WCs and changing facilities
- Multi-purpose hall/gym
- Plant room

The proposed church building has been carefully designed to accommodate the existing uses in a more efficient manner. The main area currently used by the community is the gym, hall and gallery hall. A 137m² hall with sprung timber flooring is proposed as an integral part of the new development. The first floor is dedicated to the hall users and incorporates male and female changing rooms, showers and WCs together with hall storage.

The church worship space is designed to accommodate a maximum of 160 seats. This is comparable to the existing church worship space. Moreover, this space can be flexible for alternative uses if so required as bi-fold doors/screens will separate the meeting room and the worship space which can be opened up to create a larger space if required.

A rear garden entrance to the church is proposed from the car park, with access along a path leading to the main building entrance. A private church garden, including a memorial garden, is retained at the rear of the building. A footpath continues around the building

through a landscaped garden area to the front pedestrian entrance to the rear of the church building.

The existing historic boundary wall in Stratford Road will be retained, with a pedestrian gateway provided. The wall will also be retained around the corner of Stratford Road and Langley Road with a new low brick wall along the Langley Road frontage.

The dwellings are proposed as three storey terraced houses with accommodation in the roof space. They all benefit from the front and rear private garden areas (65m²). A pedestrian access into each is provided from Langley Road with a new low brick wall along the Langley Road frontage. The houses are also accessible through the rear from the car park area. Bin storage for each house is provided to the front area. Each of the houses will have cycle storage.

Many of the existing trees will be retained but some will be removed.

Planning history

None relevant.

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
- Section 12 Conserving and enhancing the historic environment

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

No relevant policies.

Hertfordshire Minerals Local Plan (saved policies)

No relevant policies.

Watford Local Plan Core Strategy 2006-31

- 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
- TLC1 Location of facilities

Watford District Plan 2000

- CS3 Loss of community facilities
- SE7 Waste Storage and Recycling in New Development
- SE22 Noise
- SE23 Light Pollution
- SE37 Protection of Trees
- SE39 Tree Provision in New Development
- T10 Cycle Parking Standards

T21	Access and Servicing
T24	Residential Development
H10	Planning Agreements for Educational and Community Facilities
U17	Setting of Conservation Areas
L8	Open Space Provision in Housing Development
L9	Children's Play Space
U18	Design in Conservation Areas
U19	Small Scale Developments in Conservation Area

Supplementary Planning Documents

Nascot Conservation Area Character Appraisal (2010)

Watford Character of Area Study (2011)

Conservation Areas Management Plan (2013)

Residential Design Guide (2014)

CONSULTATIONS

Neighbour consultations

Letters were sent to 73 properties in Langley Road, Stratford Road, Park Road, Lorane Court and Elton Park. Nine representations have been received raising the following comments:

- Six representations (from addresses in Mildred Avenue, Grandfield Gardens resident, Trowley Rise, Middle Ope, Watford Road and Diamond Road) raise objection to the loss of the existing church and the community facilities which it currently provides.
- One representation (from a resident in Stratford Road) supports the principle of the development and suggests that St Thomas's facilities as well as the building itself are outdated and quite unsightly and that the building is detrimental to the general appearance of the area. The proposed plans are considered to improve upon the

appearance. The main concern relates to the noise pollution from the users of the site which on occasions is detrimental to the amenities of the occupiers of the neighbouring properties and it is hoped this will be addressed in the new design.

- One representation (from a resident in Langley Road) suggests that there are insufficient car parking spaces for the residents and expresses concern that parking will overspill into the car parking set aside for the church.
- One representation (from a resident in Langley Road) which questions the design principles behind the scroll feature and suggesting that such a feature may take up too much space. It is also questioned whether the building will be built to last or whether, as with the current building, it will have a short lifespan.

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. Upon completion of the development and the/altered access brought into use, all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary. Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.
2. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. Reason: In the interests of highway safety and so that there shall be no adverse effect upon the free and safe flow of traffic along the highway in the vicinity of the site.

3. The development shall not begin until details of the layout and construction of the access to Langley Road have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

Planning Obligation

The applicant should be made aware that if planning permission is granted for this development of 9 4-bedroom Houses it will attract a financial contribution of £13,500 (additional 9 “4-bed” house X 1500=13,500) toward but not limited to sustainable transport measures identified in the Southwest Hertfordshire Transport Plan. This has been derived from the document “Planning Obligations guidance- toolkit for Hertfordshire”.

Access

A Transport Statement was submitted in support of this planning application. The existing site has one access point from Langley Road. The proposal is to create a new entrance from Langley Road and close the existing access. The applicant states the proposed access would have a width of 5.0m and it is not clear whether this would be shared surface. Hertfordshire County Council has no objection to the development, but a number of issues with the proposed site access layout still need to be addressed (see condition 3).

Parking

The proposed car parking will comprise 18 spaces for the housing units, 9 allocated and 9 visitor parking, and 35 spaces for the church including 2 disabled bays. The parking and access arrangements as shown on drawing number 101P are acceptable. There is sufficient turning space and vehicles will be able to enter and leave the site in a forward gear. The LPA as parking authority will determine the appropriate level of parking for this proposal. However the Highway Authority considers that the proposed level of parking should prevent any overspill onto the surrounding highway.

Conclusion

The proposals are not considered to result in any severe adverse impact on the public highway and are considered acceptable to the Highway Authority.

Arboricultural Officer

The proposals indicate the loss of eleven trees, four of which are subject to TPO No 27: eight of the eleven trees are on the Langley Road frontage. Of these trees there are two beech shown for removal (trees T7 and T10 on survey, T16 and T14 of the TPO) both of which score above the benchmark score (15) in the amenity evaluation for making an order on a tree and as such efforts to retain them should be made. The other non-protected trees and two protected hornbeam along this frontage could be lost with a much less significant effect upon the treescape.

To achieve the retention of these two trees some of the proposed dwellings would need to be moved back to get them outside the root protection areas of the trees and some alteration to the front boundary treatment may be necessary to accommodate further trunk expansion; this may need to take the form of a fence/railings rather than the wall as at present. It may also be necessary to prune both trees back on the building side to provide clearance.

Should permission be granted for this the details set out in the submitted arboricultural method statement regarding tree protection and no-dig construction should be made a condition of the permission as should a condition requiring a detailed landscaping scheme to be submitted and approved prior to work commencing on site.

Conservation and Design

The information received initially with the application was felt to be insufficient to allow the scheme to be determined given its position within the conservation area and the more adventurous nature of the architecture. Although additional details were submitted in February 2015, there are still concerns regarding the level of information provided regarding viability and the cost of the scheme.

The new building continues to provide facilities for worship alongside more general facilities which would be available for community uses (albeit a smaller amount of floor space overall but the new facilities should be better quality) which will allow the existing users to continue to use facilities in this location (it would be useful to find a way of ensuring that existing users are able to access the new facilities).

Church building

This building will sit in a prominent position within the street scene and it is important to ensure that it meets the tests for new buildings in conservation areas in terms of the design and deliverability of a scheme of sufficient quality. The existing church building has limited value in terms of the conservation area and there is no objection to its loss. There is no requirement for the new building to follow a vernacular style on this site and a modern design, providing the massing and scale is appropriate, is acceptable in principle as a design approach for the site.

The design of the new building is contemporary and includes a prominent feature on the corner of Langley Road and Stratford Road which provides a landmark in the street scene; the scale and massing of the proposed building is acceptable in this location. The detailed design has been the subject of extensive pre-application discussion and further details were requested during the course of the application. The design has been considered by English Heritage at both pre-application and application stage. The conservation team and English Heritage are now broadly happy with the design of the new building subject to conditions relating to details and materials:

- Details have been supplied in relation to the construction of the scroll feature and this should be adhered to in the build phase in particular the direction and bond detailing of the tiles; we will require samples of the actual materials proposed in terms of the tiles and the capping material. No details relating to the stained glass windows on the scroll have been supplied and this should be required via a condition along with materials samples.

- We will need samples of actual materials for the main building – windows (including ventilation louvers) , wall and roof materials – note in my opinion the product referred to on the detailed drawing submitted (Schuco) lacks some robustness which I think the building needs.
- We will need design details and samples of materials proposed for the stained glass feature on the main building.

Residential units

The design approach adopted for this part of the scheme is acceptable as is the massing and scale of the units. The contemporary design used is robust and of good quality; the detailing shown on the more recently submitted drawings satisfies earlier concerns on this matter (it will still be necessary to condition the materials). There is still some concern regarding the details of the roof lights and this will have to be dealt with by condition.

Matters requiring conditions:

- Details of the roof lights;
- Sample materials for all external treatments.

Landscape and car parking

This part of the application is not as well developed as the buildings and further information is required on a number of matters:

- Requirement to retain TPO trees along the Langley Road frontage and the effect that this may have on the boundary treatment for example which should really be tied up prior to determination rather than through a condition and the plans will have to change.
- We need details of the proposed design and materials for the covered cycle storage area and covered walkway to the rear of the scheme in the car park and other features such as bin stores.
- We need details and materials regarding all elements of the landscape, hard and soft, for the whole scheme – I would like to see some materials other than black top on the car park area. This could be done through a condition.

- We need to have brick samples and details of the railings on the front wall on Langley Road – church building and residential units – I would really like to have details of the new wall and the part to be demolished on the corner of Langley Road/ Stratford Road and where the new pedestrian access point is to be from Stratford Road.

Conclusion

The scheme as submitted including the additional detailed drawings is broadly acceptable and is considered to preserve/enhance the character and appearance of the conservation area in which it sits. The architectural style is more contemporary than the surrounding area but this approach is considered acceptable on this site which does not currently contain buildings which contribute to that character. On this basis if we can sufficiently manage the requirements for additional information either prior to the committee meeting or through condition the application is acceptable.

The use of a s106 agreement to ensure the delivery of the Church building as well as the residential is helpful and will avoid any part of the site remaining empty for an extended period.

English Heritage

No principle objection raised, but agree with the comments of the Council's Conservation and Design team.

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.

In assessing the proposed development, the main issues to be considered are as follows:

- the acceptability of the proposal in land use terms;
- whether the proposal is for sustainable development;
- whether the proposal is considered acceptable in design and whether it will preserve and enhance the character of the Conservation Area;
- the impact on trees;
- the impact on the highway matters;
- the impact on the amenities of adjoining occupiers;
- addressing the impact of the development on local public infrastructure.

So far as the National Planning Policy Framework (NPPF) is concerned, the most relevant policies are those contained in paragraphs 56 to 64. Paragraph 56 explains that “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 57 notes that “it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes” and paragraph 58 advises that planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 59 points out that “design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”. Paragraph 60 also makes clear that “planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”. Paragraph 63 adds that “in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”.

Finally, at paragraph 64, it is emphasised that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Land use

The proposal will result in the replacement of the existing church, which also provides other community facilities, with a smaller church. Policy CS3 of the Watford District Plan 2000 states that “the council will not permit development resulting in the loss or downgrading of existing community facilities unless:

- a) demand for such a facility is no longer sufficient to warrant its retention in its existing use, or as an alternative community facility; or
- b) appropriate alternative accommodation is provided with comparable access to passenger transport.”

However, whilst the proposed church building will be smaller in size than the existing building, it has been designed in a manner which demonstrates that the opportunities for community uses currently offered by the building will not significantly be diminished.

The church worship space is designed to accommodate a maximum of 160 seats. This is comparable to the existing church worship space. Moreover, this space can be flexible for alternative uses if so required as bi-fold doors/screens will separate the meeting room and the worship space which can be opened up to create a larger space if required.

The use of the building is designed as a flexible space to accommodate future changes in community groups that may wish to use the space. There are meeting rooms on each floor of the building, of varying sizes. Therefore, although the building has been reduced in size, the space has been more efficiently designed to allow the same community uses to use the facilities and to allow for a degree of flexibility. It is understood that all of the current users can be accommodated within the proposed building with an agreed timetable of activities to be scheduled.

Policy HS1 of the Watford Local Plan Core Strategy 2006-31 advises that factors that will support residential allocation in the “site allocations document” and which will also be considered in determining applications on windfall sites will include, inter alia, consistency with the spatial strategy, previously developed land, close to good public transport, walking and cycle network routes, and location within the town centre or at other strategically located sites. The policy further advises that factors that will go against residential allocation will include not previously developed land, land at risk of flooding, existing employment land, open space or other community facilities for which there is still an identified need, land with high biodiversity, landscape or cultural heritage significance, and no access to reliable integrated public transport links.

The proposal complies with the provisions of Policy HS1 in that the site occupies previously developed land close to the town centre, and close to good public transport routes.

The proposal will provide 9 dwellings each containing 5 bedrooms. Hence the proposal will comply with the Core Strategy Policy HS2 which, overall, requires the provision of mix of dwellings units but with an emphasis on the provision of houses outside the town centre and key strategic sites. The proposed development therefore accords with this policy. The proposed dwellings will comprise large family sized housing with appropriate level of amenity space and generous internal floor space. The provision of front gardens to create buffer zone between the public realm and houses is particularly welcomed. All houses benefit from sizable floorspace and spacious room sizes with sufficient amenity space, in accordance with the Residential Design Guide. Being dual aspect, all habitable rooms will receive adequate levels of daylight and sunlight. However, some of the houses (those closest to the proposed church) will be overshadowed by the existing trees which will require some pollarding and thinning to ensure that adequate light reaches these houses. This issue is discussed further below, in the section which considers the impact of the development on the trees on the site.

The proposal will provide a mixed-use development of residential, place of worship and community use. National and local planning policies generally encourage mixed-use developments which can provide associated environmental benefits, especially in instances where they will reduce the need to travel and car dependency, and promote urban regeneration and social cohesion. The notion here is that mixed-use developments which combine homes and community facilities will help to reduce the need to travel greater distances for services. Appropriate mixed-use developments are more sustainable than developments consisting of a single use and can help to create more healthy urban centres.

Given the proposal will provide a mixed use scheme, both elements of which are appropriate and policy-compliant, the proposal in land use term is welcomed.

Sustainability

The thrust of the NPPF is to create a presumption in favour of sustainable development. There is a host of policies in adopted and emerging plans which require developments to incorporate sustainable measures. Policy SD1 of the Core Strategy states that the Council will apply the principles of the Hertfordshire Building Futures Guide and will expect all new development to comply with the updated national standards on sustainable development, as delivered through the revised standards on Code for Sustainable Homes and BREEAM standards for Commercial Buildings.

The applicant has submitted a detailed assessment of the proposed development which demonstrates that, in terms of thermal efficiency, the proposal will be highly sustainable.

Design, layout and impact on heritage assets

The proposal is located within Conservation Area and close to some locally listed buildings. Hence, any development on the site should respond to the historic and architectural character and value of the area to ensure that the proposal will preserve or enhance the character and appearance of the conservation area.

The conservation area within vicinity of the site is generally characterised by relatively large dwellings within generous plots. The area outside the conservation area also displays a similar character. Langley Road was once occupied by a large dwellings set within large plots of land. However, the street has been extensively redeveloped and there is now a wide variety of house styles and development types along the street including large flat developments, terraces of houses, detached and semi-detached properties and some commercial activity.

Nevertheless, the locally listed buildings nearby and the quality of the conservation area here represent some of the finest buildings in terms of their architects and any scheme here should provide high quality design standards.

The proposal involves the demolition of the existing 1970s building. This building, with its atypical design, does not possess any architectural merit and has less than a neutral impact on the character and appearance of the conservation area. Further, it appears that the condition of the existing building is far from ideal and that its layout does not suitably cater for the appropriate functioning of the church or community uses. Therefore the principle of development subject to appropriate replacement development is acceptable.

The scheme has adopted a modern approach to the development. Whilst it has taken cues from the existing vernacular architecture of the area, it has provided an imaginative and innovative design for both the housing as well as the new church building.



Street scene to Langley Road

The scheme has been subject to lengthy negotiations with the applicant over several months and has been revised in accordance with advice given by officers on a number of occasions. The strategy of adopting a modern approach for both the new church and the housing scheme is considered acceptable. In terms of its scale the church will be the dominant element of the development. This is considered to be an appropriate concept. Given the scale of the existing building and the context, it is considered that the site is capable of accommodating the scale and mass of the scheme as proposed.

The housing element will be three storeys high, incorporating pitched roofs with the ridges perpendicular to the road. The church building will also be three storeys but with higher floor to ceiling height, and therefore it will appear dominant. Considerable thought has been given to provide a highly innovative and imaginative design for the church building. Externally, well detailed elevations include a stained glass window to the west, additional fenestration with coloured glass on the prominent street elevations and the configuration of the roof format. A particular element of the design is the quasi-spire like scroll structure which will act as a landmark feature at the corner of Langley Road and Stratford Road.



View from Langley Road

The Conservation Areas Management Plan draws attention to the significance of boundary walls in the Nascot Conservation Area. The Plan supports the retention of these boundary walls where possible, especially where they are constructed of high quality materials. In paragraph 3.3.2 it states that “where historic walls have been lost over time, opportunities for constructing new walls of appropriate materials should be promoted by the Council”. The proposal includes the retention of the existing historic boundary wall in

Stratford Road where a new pedestrian gateway is to be provided. The wall will also be retained around the corner of Stratford Road and into Langley Road where the brick piers will be retained but the existing wall will be lowered and topped by railings, to allow views of the new church building. In addition, a new brick wall is to be provided along the frontage of the houses in Langley Road. The proposal therefore accords with the provisions of the Conservation Areas Management Plan.

The proposed development is considered to be of very good quality, highly innovative and imaginative in design which will add to the robust mix of building types in the area and which will considerably enhance the character and appearance of this part of the conservation area.

Careful thought has been given to the internal layout in association with function of the church services and other community uses envisaged for the building.

From a conservation and design point of view, there is no objection in principle to the proposed development, despite a concern that the scheme may prove to be prohibitively expensive and hence the design and use of materials may be compromised. There is also a concern that the scheme currently lacks sufficient detailing in respect of a number of features. However, all these details are matters that can be secured by means of conditions attached to any planning permission that may be granted, and the lack of such details at this stage would not be sufficient grounds on which to withhold planning permission. However, if at any stage the applicant brings forward proposals to use materials which are not of sufficient quality, it remains open to the Council to refuse to discharge the relevant planning conditions.

Impact on trees

The application is accompanied by a detailed tree survey which assesses the condition of the trees on the site and provides details as to how the existing trees which are to be retained will be preserved during and after construction period. The application also includes details of hard and soft landscaping – including replacement tree planting in the car parking areas – as an integral part of overall design.

The submitted plans indicate that the proposal will result in the loss of a number of trees. The Council's Arboricultural Officer has raised some concerns over the loss of two trees on the Langley Road frontage. As a result, the applicant has revised the proposals in this area and the two trees that were to be removed will now be retained.

The Arboricultural Officer has also suggested that the details set out in the submitted arboricultural method statement regarding tree protection and no-dig construction should be made a condition of the permission as should a condition requiring a detailed landscaping scheme to be submitted and approved prior to work commencing on site. This will also enable consideration to be given to the details of the pollarding and thinning of the existing trees that will be required in order to ensure that adequate light reaches the houses closest to the church.

Highway matters

The proposed development is located in a sustainable location with relatively good access to public transport as well as range of services. At present the site has a vehicular access to Langley Road. The proposal will create one new access point to Langley Road and the existing ones will be closed. Hertfordshire County Council as the Highway Authority has been consulted and has commented that, given there is already an access to the road, there is no objection to the formation of new access. The proposed new vehicular access is located more or less in the centre of the terrace of houses and is designed as a shared surface with a width of 5.0 m. The proposed layout shows that the access can meet the necessary standards for sight lines, visibility and radii to enable vehicles to enter and leave the site safely. It has been also demonstrated that the site boundaries of the proposed houses flanking the access road to the front will not exceed 0.6m high. The details of boundary treatment as well as the details of the access, including the materials to be used, can be subject to conditions.

The proposal provides two car parking spaces for each house which is within the maximum provision that is permitted under Policy T22 and Appendix 2 of the Watford District Plan 2000 (WDP2000) and is acceptable for a development in this location.

Also proposed is a car park of 35 spaces for the church/community use building. Appendix 2 of the WDP2000 advises that, for miscellaneous cultural buildings, a maximum of 2 space should be provided per 30m² gross floor area plus 1 space per full-time staff member or equivalent. The proposed provision of 35 spaces will be somewhat above the maximum level of provision which is calculated to be 24 (based on a gross floor area of 716 square metres). However, this is the same number of spaces as the existing provision on the site, and the car park will be to the rear of the site where it has little impact on the character and appearance of the conservation area. Moreover, the Highway Authority is satisfied that the proposed parking and access arrangements are acceptable, with vehicles able to enter and leave the site in a forward gear. The Highway Authority also considers that the proposed level of parking should prevent any overspill onto the surrounding highway and, overall, the proposals are acceptable from a highway point of view.

The proposal also includes the provision of cycle storage for both the church and the houses.

Impact on the amenities of adjoining occupiers

The proposed development will generally have a narrower depth than the existing building, but the housing element will be built closer to the buildings at Elton Park. Currently the vehicular access separates the church building from 13-18 Elton Park which is the nearest block. The proposed end house will be built on this access-way and therefore will have some impact on this existing residential block. However, the proposed housing element will extend only marginally beyond the rear elevation of the Elton Park development. Further, the building will maintain a distance of 1.5m (at the rear) from the boundary with this immediate neighbour. This neighbouring building (13-18 Elton Park) is also set away from its own boundary by 1 metre. Therefore, there will be a gap of 2.5m

between the buildings. Given this distance, whilst the proposed housing element will marginally extend beyond rear of the adjoining block, it will not have a significant impact on the amenities of the adjoining occupiers.

There is no window to the flank elevation of the proposed end house adjacent to Elton Park. To prevent any window being formed on this elevation, a condition can be imposed which will remove the right to form windows or other openings on this elevation. This will ensure that the proposal will not result in any loss of privacy to the occupiers of the adjoining premises.

Concern has been raised with regards to the potential noise element from the uses associated with the church or other community users. However, given that the floorspace of the replacement building is smaller than the existing church facilities, there is no reason to suppose that the noise associated with activities on the site would be an issue. Moreover, the new building will have a better level of insulation than the existing church, which has the potential further to reduce the noise emanating from users of the building.

It is therefore considered that subject to conditions the proposal will not have a significant impact on the amenities of the adjoining occupiers.

Impact on local social infrastructure

The principle behind the use of planning obligations is that developments will create additional demand for services. Primarily, such services should be provided on site. However, unlike larger developments which can often accommodate some provision of 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. 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.

However, in this case the proposal will provide a significant, high quality multi-purpose community facility on site. Given such significant contribution to the local community, and bearing in mind the extent of the proposed development, it is considered that such “in-kind on site community service provision” obviates the need for any additional financial contribution to be sought from the developer.

However, it is important to ensure that the community facility will be delivered and to avoid a situation where, for example, the housing element is sold to a separate housing developer and is constructed but the church and the community facilities are never provided. Further, it has been suggested that the proposed community building will be so prohibitively expensive that it may not be delivered in the quality and in the way in which it has been designed and that, as a result, the quality of both the design and the materials of construction may be compromised. Given these potential scenarios, it is critically important for the Council to ensure that the community facility as proposed is actually provided. This can be secured by a unilateral undertaking given by the applicant which contains a covenant on the part of the applicant that none of the houses can be occupied until the church building and community facilities have been provided and are available for use. The applicant has already indicated a willingness to provide such a unilateral undertaking, which is an enforceable s.106 planning obligation.

Comments on the representations received

The comments and concerns raised by the residents have been outlined above. Many of the comments have been addressed within the body of the report. However, the issues are further considered below.

Objections	Officer's response
The proposal will result in the loss of community facility enjoyed by many.	As has been explained above the proposed replacement community building, whilst smaller in scale than the existing building, has been designed to use the space available for effectively and efficiently so as to cater for a more flexible community use.
Noise from the activities associated with the use will be problematic and will be detrimental to the amenities of the occupiers of the neighbouring properties.	It is not envisaged that the noise associated with the activities of the site could become more problematic. In any event the proposed building will have a better insulation system which is likely to reduce the noise emanating from the site.
Car parking will be problem.	The proposal will provide the same number of parking spaces for the church as currently exist and two spaces for each house. The Highway Authority is satisfied that the proposed level of parking should prevent any overspill onto the surrounding highway.
The building has an unusual design and may not be of sufficient quality to last for a long period.	Planning conditions will ensure that appropriate quality materials are used in the construction of the new church. Any changes to the design or materials will require the approval of the Council.

Conclusion

There is no objection to the proposed redevelopment of St Thomas' Church in Langley Road. The existing building, with its atypical design, is not of any significant architectural value and has a neutral impact on the character and appearance of the conservation area.

The principal of new houses along the street frontage is acceptable and the quantum of development is compatible with the character of the area. The strategy to adopt a modern design is appreciated and welcomed. The scheme demonstrates a sustainable development of high quality and design.

The proposal will considerably enhance the character and appearance of the conservation area whilst providing some additional housing. The proposal will also largely maintain the range of community activities that currently takes place in the existing building.

Human Rights Implications

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

RECOMMENDATIONS

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

Section 106 Heads of Terms

- i) The applicant not to occupy nor cause nor permit the occupation of any of the nine terraced four bedroom houses forming part of the development until the replacement church building has been completed and is available for use.

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 development shall commence until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of contractors parking, the delivery and storage of materials, plant and equipment, measures to mitigate noise and dust, 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.

4. Notwithstanding the annotations on the drawings hereby approved, and in particular with regards to the colour and bonding of the tiles on the scroll, no development shall commence until full details and samples of the materials to be used for all the external surfaces of the buildings, including walls, roofs, doors, windows (including those with coloured and stained glass), roof lights, guttering and down pipes 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: In the interests of the visual appearance of the site and its impact on the character of the surrounding area, in accordance with Policies UD1 and UD2 of the Watford Local Plan: Core Strategy 2006 – 2013 (Adopted January 2013).

5. No development shall commence until full details of the design and materials of the covered walkway, the bicycle storage facilities, and refuse and re-cycling storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any part of the development and shall be retained thereafter.

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

6. No development shall commence until details (and samples where requested) of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site, and in particular the boundary treatment to Stratford Road and Langley Road, have been submitted to and approved in writing by the Local Planning Authority. All means of enclosure shall be provided as approved prior to the first occupation of any part of the development and shall be retained thereafter.

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

7. 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 door, window or any other openings other than those indicated on the approved drawings specified in Condition 11 shall be formed on the side and rear elevations of any of the buildings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to advice given in the residential design guide adopted 2008 and the overall objective expressed in UD1 of Watford Local Plan Core Strategy 2006-2031 and the Residential Design Guide adopted 2014.

8. 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, F and G of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers in accordance UD1 of Watford Local Plan Core Strategy 2006-2031 and the Residential Design Guide adopted 2014.

9. No development shall commence until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the implementation of the arboricultural method statement, including tree protection methods and areas of non-dig construction, as set out to in the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy dated 2 September 2014. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained thereafter at all times. The soft landscaping 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, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site in accordance with policy UD1 of Watford Local Plan Core Strategy 2006-203.

10. No external lighting shall be installed on the site except in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and to protect the residential amenities of the occupiers of neighbouring properties.

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

1067/001p, 002p, 003p, 004p, 101p, 102p, 103p, 104p, 105p, 106p, 107p, 108p, 109p, 110p, 111p, 112p, 113p, 114p, 115p and 116p.

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

12. On completion of the development and when the new access to Langley Road has been brought into use, all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway, verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

13. No development shall commence until details of the layout and construction of the access to Langley Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the construction of the church building and ensure its availability for use before the occupation of any of the new houses.
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

1067/001p, 002p, 003p, 004p, 101p, 102p, 103p, 104p, 105p, 106p, 107p, 108p, 109p, 110p, 111p, 112p, 113p, 114p, 115p and 116p

Documents

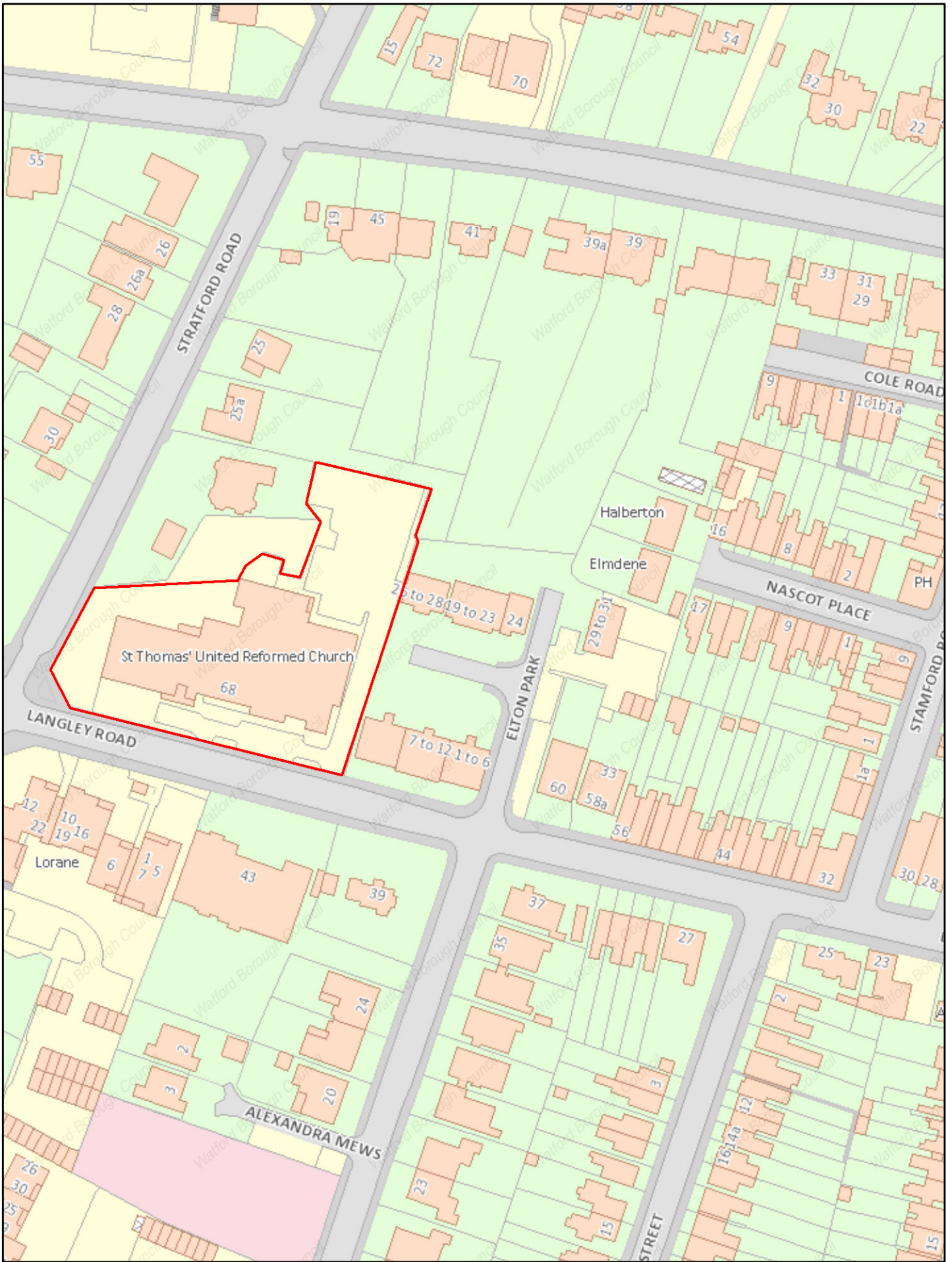
Heritage statement; Infrastructure statement with viability statement; Planning statement; Design and Access Statement; Arboricultural statement; Energy statement; Travel plan

(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 27th March 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 reason:

1. The proposal fails to ensure the provision of replacement community facilities and, as such, is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policies CS3 and H10 of the Watford District Plan 2000.
-

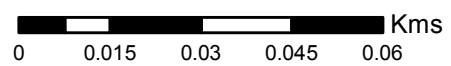
Case Officer: **Habib Neshat**
Email: **habib.neshat@watford.gov.uk**
Tel: **01923 278285**

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St Thomas UR Church

Date: 03/03/2015



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **12th March 2015**

Site address: **52A-56 High Street**

Reference Number : **14/01617/VAR**

Description of Development: **Variation of Condition 11 (location of affordable housing) of planning permission ref. 13/00828/VAR for the redevelopment of the site to provide 4, 5 and 7-storey buildings comprising ground floor retail use and 56 flats and the variation of the Section 106 legal agreement to increase the number of affordable housing units from 17 to 45 and to reduce the sums payable to the Council towards the provision or improvement of open space and children's playspace by £150,862.**

Applicant: **Home Group Ltd**

Date received: **8th December 2014**

8 week date(minor): **9th March 2015**

Ward: **Central**

SUMMARY

On 22nd April 2010, planning permission was granted for the redevelopment of the site to provide retail use at ground floor and 56 flats with undercroft and basement car parking (ref. 10/00121/EXT). A subsequent application for a minor material amendment to this permission to delete the basement car park and replace the projecting balconies with juliette balconies was approved on 1st October 2013 (ref. 13/00828/VAR).

The current application seeks to remove condition 11 of planning permission ref. 13/00828/VAR, which restricts the location of affordable housing units within the development. The applicant is also seeking to vary the Section 106 legal agreement associated with this application to increase the number of affordable housing units from 17 to 45 and to reduce the payment to the Council towards the provision or improvement of open space and children's playspace by £150,862 in order to facilitate this. The reason for the changes proposed to the Section 106 legal agreement are that the applicant is a Registered Provider of affordable housing who has purchased the site. They wish to maximise the number of affordable housing units on the site by reducing costs, including the Section 106 obligations relating to the commuted sums towards open space and children's playspace (to be reduced from £175,862 to £25,000), and to use this money to help lever in significant additional grant funding of £1.4 million. In respect of Condition 11, this condition was imposed having regard to the Town Centre Study 2005 which was never formally adopted by the Council and therefore carries little weight. Also, by significantly increasing the number of affordable units in the scheme, the location of the units will be in conflict with this condition.

In respect of the payment of commuted sums towards the provision or improvement of open space and children's playspace, the nearest locations to the site where these monies could be spent are Watford Fields, Waterfields Recreation Ground and Cassiobury Park. The play area at Watford Fields was significantly improved 2 years ago and Waterfields has had £380,000 spent on improvements in the past year. Cassiobury Park gained Green Flag status for the eighth year running in 2014 and has also recently been awarded a grant of £4.542 million from the Heritage Lottery Fund and Big Lottery Fund for further, significant improvements, part of a £6.5 million package of improvements. In light of this, it is considered that the benefits of an additional 28 affordable housing units in the development will significantly outweigh the loss of monies towards further open space and children's playspace improvements in this case.

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

BACKGROUND

Background to proposals for minor material amendments

The submitted application is for a minor material amendment to the extant planning permission ref. 13/00828/VAR to remove Condition 11 which restricts the location of the affordable housing units in the development. The application is made under s.73 of the Town and Country Planning Act 1990 as amended (the Act). This will allow a new planning permission, incorporating the proposed amendments, to be granted. The applicant is also seeking a variation of the Section 106 legal agreement attached to this permission. This element falls under s.106A of the Act.

The Government introduced a streamlined procedure for making minor material amendments to extant planning permissions on 1st October 2009 as part of a package of measures to introduce greater flexibility into the procedures for amending planning permissions. Guidance from the Department of Communities and Local Government in the determination of such applications requires local planning authorities to take a 'positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly'. The development would have been judged to be acceptable at an earlier date, and this therefore acts as a material consideration to be taken into account in the determination of this application under Section 38(6) of the Planning and Compulsory Purchase Act 2004. However, local planning authorities are also required to take into account any changes in national, regional and local planning policy made since the determination of the original planning permission. In the case of this application, since October 2013 when the current planning permission was granted, there have been no significant changes in policy at national, regional and local level relevant to this application. There have also been no changes to the physical context of the site or to any other material planning considerations.

If an application for a minor material amendment is granted, the result will be a new planning permission but subject to the same time limit for commencement as the original permission. The original permission will continue to exist, until it expires, regardless of the decision taken on the new application.

Site and surroundings

The application site is located on the western side of the High Street between the junctions with Clarendon Road to the north and Market Street to the south. To the rear (west) of the site is Wellstones. The total land area is approximately 1500m²; the site is irregular in shape with a frontage to the High Street of 15m and a rear boundary to Wellstones of 25m. It includes land to the rear of Nos. 50-52 and 58, High Street, which is currently used for car parking, storage and refuse areas.

The application site currently comprises a three-storey neo-classical building with a symmetrical brick front and is a Locally Listed Building, originally known as the 'Clock House'. The upper storeys have slightly curved segmental central and outer bays, and there is raised detail in brick columns between the bays and tall, small pane windows. There is a store building to the rear and car parking beyond this. Rear access is provided from Wellstones.

The site adjoins 58, High Street to its south-east which is a Grade II Listed Building. The adjoining property to the north-west, 50-52, High Street, is a Locally Listed Building.

Proposed development

The application comprises two elements:

1. An application under s.73 of the Act for the removal of Condition 11 which states:

“No affordable housing units shall be located on the first and second floors of the rear building in any of the units numbered 1.1 to 1.6 inclusive or 2.1 to 2.6 inclusive which face north-east or south-west, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that this part of the development is adaptable and does not prejudice the redevelopment of Key Development Site RA1 (known as 'Exchange Square' in the Town Centre Study 2005)."

2. An application under s.106A of the Act to vary Clauses 3(c)(i) and (ii) of the Section 106 unilateral undertaking to reduce the total sum payable to the Council towards the provision or improvement of open space and children's playspace from £175,862 to £25,000. Clause 3(c)(i) requires the payment of £138,432 towards open space and Clause 3(c)(ii) requires the payment of £37,430 towards children's playspace.

All other aspects of the scheme remain unchanged.

Planning history

06/01335/FULM – Full planning permission granted on 18th May 2007 for the redevelopment of the existing buildings to provide 4, 5 and 7 storey buildings comprising ground floor retail use, 56 flats and 42 parking spaces in an undercroft and basement.

10/00121/EXT – Full planning permission granted on 4th June 2010 for the renewal of planning permission ref. 06/01335/FULM for a further period of 5 years.

13/00712/NONMAT – A non-material amendment was granted to planning permission ref. 10/00121/EXT to add a new condition (13) to list the approved drawings.

13/00828/VAR – Planning permission was granted on 1st October 2013 for the variation of Condition 13 of planning permission ref. 10/00121/EXT for the redevelopment of the site to provide 4, 5 and 7 storey buildings comprising ground floor retail use and 56 flats without the provision of basement car parking and with the projecting balconies replaced by juliette balconies.

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
- 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
H10	Educational and Community Facilities
L8	Public Open Space
L9	Children's Play Space

Supplementary Planning Guidance Notes and Supplementary Planning Documents

SPG10 Open Space Provision

Residential Design Guide (2014)

CONSULTATIONS

Neighbour consultations

None.

Advertisements in local paper/ site notices

A site notice was placed outside the site on 17th December 2014 and a public notice was published in the Watford Observer on 2nd January 2015.

Consultations

No further consultations were undertaken in respect of this application.

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 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*.

Condition 11

This condition was imposed having regard to the Town Centre Study 2005. This study proposed a development of the so called ‘Exchange Square’ on land in The Wellstones to the rear of the site. This envisaged a decked podium with car parking underneath and retail and commercial units facing onto the podium. In this scenario, units 1.1 to 1.6 and 2.1 to 2.6 (12 in total) would potentially have been lost to commercial uses. There was a concern at the time that if these units were used to provide the affordable housing within the approved scheme, these would be lost in the event of the development of ‘Exchange Square’ as set out in the Town Centre Study.

This situation has now changed significantly. Firstly, the Town Centre Study was never formally adopted by the Council as supplementary planning guidance to the Watford District Plan 2000 or as a supplementary planning document to the Core Strategy. It can therefore be given very little weight in the determination of planning applications. In a recent appeal decision on a site at 1 The Wellstones, where the Town Centre Study was cited in the reason for refusal, the Inspector stated “...*the TCS [Town Centre Study] does not have the status of a development plan or supplementary planning document.*” and consequently gave it little weight. He also noted “...*the absence of evidence that the Exchange Square development is progressing.*” Policy SPA1: Town Centre of the Core Strategy identifies Charter Place for redevelopment but leaves the identification of other sites for retail development for site allocation and town centre documents. A new strategy for the town centre is due to be prepared during the course of this year.

Secondly, the site has been acquired by Home Group, a registered provider of affordable housing. They wish to increase the number of affordable housing units to 45 which means that some of the units listed in Condition 11 will have to be affordable and therefore in conflict with this condition.

Having regard to these factors, it is not considered that there is any justification for retaining Condition 11 which can therefore be removed in its entirety.

Section 106 payments

The request for the reduction in the open space and children's playspace payments to £25,000 is in order to help facilitate financially the provision of 28 additional affordable housing units. The existing planning permission requires the provision of 17 affordable housing units. As these are a planning policy requirement, Home Group cannot apply for any grant funding towards the provision of these units. In order to be able to apply for grant funding, Home Group must be able to demonstrate the provision of additional units over and above the planning policy requirement. This requires the input of additional capital from either their own reserves and/or from cost savings from the development itself. If this can be achieved, significant grant funding can be levered in. The financial viability of this is, however, a complex balancing exercise. The increase in affordable units results in a loss of sales capital and a loss of rental income compared with market units. The grant achieved has to be able to compensate for these losses.

Furthermore, as a registered provider, Home Group also has to comply with strict financial restrictions set out by the Homes and Communities Agency (HCA). These take the form of various loan covenants which dictate minimum levels of financial performance for any borrowing in order to safeguard the borrowing capacity and management of existing loan portfolios of the organisation. Two relevant requirements for this project are the total capitalised cost percentage of market value (82%) and a minimum sales margin of 19%.

Home Group had originally aspired to develop all 56 units as affordable housing but this cannot be achieved in this case within the financial restrictions set by the HCA. They have therefore proposed the option of 45 affordable units with the additional provision of 16 rented units and 12 shared ownership units. This option is secured with a grant of £1.4m which is levered in to the development and complies with the financial requirements of the HCA.

The gain of 28 additional affordable housing units is a significant planning benefit for the town. This benefit needs to be balanced against the loss of s.106 monies towards open space and children's playspace provision. The nearest locations to the site where these monies could be spent are Watford Fields (735m), Waterfields Recreation Ground (810m) and Cassiobury Park (890m). Watford Fields play area was completely refurbished and expanded 2 years ago. No further improvements are planned. Waterfields Recreation Ground has also been significantly improved in the past year with £180,000 spent on the new play area and £200,000 spent on the park in landscape improvements. Both of these used existing Section 106 monies. Cassiobury Park gained Green Flag status for the eighth year running in 2014 and has also recently been awarded a grant of £4.542 million from the Heritage Lottery Fund and Big Lottery Fund for further, significant improvements as part of a package totalling £6.5 million. In light of these very recent improvements to Watford Fields and Waterfields and the imminent substantial improvements to Cassiobury Park, it is considered that in this case, the benefits of 28 additional affordable housing units on the site will significantly outweigh the loss of £150,862 towards open space and children's playspace.

Conclusion

Condition 11 of the existing planning permission was imposed having regard to the Town Centre Study 2005. However, this was never formally adopted by the Council as supplementary guidance and therefore can be given little weight in the determination of the application. Also, by significantly increasing the number of affordable units in the scheme, the location of the units will inevitably be in conflict with this condition. The reduction in the section 106 payments towards open space and children's playspace by

£150,862 will contribute towards a financial package that includes £1.4 million in grant in order to provide an additional 28 affordable housing units in the development, taking the total to 45 affordable housing units. Overall, having regard to all the relevant considerations for this application, it is considered that the benefits of the 28 additional affordable housing units on the site will significantly outweigh the loss of £150,862 for further open space and children's playspace provision.

HUMAN RIGHTS IMPLICATIONS

The grant of permission, subject to a planning obligation and conditions, will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to protect the human rights of third parties and to accord with the policies of the local plan. With appropriate conditions, it is not considered that any impacts on third parties will be sufficient to override the human rights of the applicant in this instance.

RECOMMENDATIONS

- (A) That conditional planning permission be granted subject to the completion of a planning obligation under section 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 Council of:
 - a) £25,000 (index linked) towards the provision and improvement of public open space and children's playspace in accordance with Policies L8 and L9 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Core Strategy 2006-31;

- b) £2,000 towards the variation of the relevant Traffic Regulation Order to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.
- ii) To secure financial payments to the County Council of:
- a) £25,750 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31;
 - b) £16,905 (index linked) towards the provision of secondary education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - c) £33,343 (index linked) towards the provision of primary education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - d) £7,865 (index linked) towards the provision of nursery education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - e) £2,302 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
 - f) £511 (index linked) towards the provision of youth facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;

- g) £5,835 (index linked) towards the provision of library facilities in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
- iii) To secure the provision of fire hydrants as required by the County Council.
- iv) To secure the provision of 45 affordable housing units of which 29 shall be affordable rented (14 x 1 bed and 15 x 2 bed) and 16 shall be for intermediate tenures (4 x 1 bed and 12 x 2 bed).

Conditions

1. The development to which this permission relates shall be commenced before 4th June 2015.

Reason: To accord with the time period for commencement of planning permission ref. 10/00121/EXT dated 4th June 2010.

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. Demolition of the existing buildings shall only take place in accordance with the Demolition Method Statement, Demolition Plan and Façade Retention Statement dated 19th September 2012, unless otherwise agreed in writing by the Local Planning Authority. No construction shall commence until a Construction Environmental Management Plan has been submitted to and

approved by the Local Planning Authority. This Plan shall include details of phasing of construction, 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, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

4. No construction shall commence until the programme of archaeological work set out in the Archaeological Project Design by The Heritage Network dated November 2012 has been undertaken. No part of the development shall be occupied or brought into use until the approved scheme of investigation for archaeological works has been implemented in full. Any evidence, reports or archive generated as a result of the programme of archaeological work shall be deposited within six months of the completion of the work with the historic environment record maintained by the Hertfordshire County Council (with copies provided to the Watford Museum) or such other public depository as shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that any archaeological remains are properly recorded in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

5. The development shall only be carried out in accordance with the detailed works for the retention, renovation and refurbishment of the façade of the existing building on the High Street frontage, as contained in the Façade Retention Statement dated 19th December 2012 and the Schedule of Works dated 15th May 2013, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the building makes a positive contribution to the character and appearance of the area in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. The development shall only be carried out using the following external materials, as shown on drawing nos. 1416-7-2A, 1416-7-3A, 1416-7-4A, 1416-7-5A and 1416-7-6A (W. Griffiths & Glass), unless otherwise agreed in writing by the Local Planning Authority:

PermaRock Metallocryl Render in colours Silver and Copper

Metsa Thermowood timber cladding

Trespa Meteor laminated panels in colour Spring Green (A3723)

Euroclad Vieo metal cladding system

Windows and external doors - powder coated aluminium

External stair - galvanised metal with perforated infill panels

Balconies - translucent structural glass balcony panels in clear glass and orange tinted glass with brushed stainless steel handrails and patch fittings

Reason: To ensure that the development utilises 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 Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

7. The development shall only be constructed in accordance with the threshold levels shown on drawing no.988_1-10 (W Griffiths), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development maintains a satisfactory relationship between the development and existing properties in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. The development shall only be carried out in accordance with the hard and soft landscaping scheme shown on drawing nos. 988_1-9 and 988_7-4 Rev.C (W Griffiths) and detailed in the email dated 27th June 2013 from Chris Griffiths, unless otherwise approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been implemented and the works carried out shall thereafter be retained as approved at all times.

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.

9. The development shall not be occupied until the cycle store on the fifth floor has been constructed and Code Streetpods have been installed to accommodate 18 cycles, unless any alternative arrangements shall have been approved in writing by the Local Authority. The cycle store shall be retained at all times.

Reason: To ensure adequate cycle provision is made for the occupiers of the development, in accordance with Policy T10 of the Watford District Plan 2000.

10. No part of the development hereby permitted shall be occupied until the refuse, recycling and cycle storage areas shall have been provided as approved, and all these areas shall thereafter be retained solely for these purposes.

Reason: To ensure adequate facilities are provided for future occupiers of the development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

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

988-1-1B, 2E, 3E, 4E, 5E, 6E, 7E, and 8F; 988-2-1D, 2D, 3F, 4F and 5F; 1416-7-2A, 1416-7-3A, 1416-7-4A, 1416-7-5A and 1416-7-6A (W. Griffiths & Glass); 988-1-9 and 988-7-4 Rev.C (W Griffiths); 988-1-10 (W Griffiths).

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

Informative

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, children's play space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits. The agreement also requires the provision of necessary fire hydrants to serve the development and the provision of 17 affordable housing units.

Drawing numbers

988-1-2E, 988-1-3E, 988-1-4E, 988-1-5E, 988-1-6E, 988-1-7E, 988-1-8F, 988-2-1D, 988-2-3F, 988-2-4F, 988-2-5F; 1416-7-2A, 1416-7-3A, 1416-7-4A, 1416-7-5A and 1416-7-6A (W. Griffiths & Glass); 988-1-9 and 988-7-4 Rev.C (W Griffiths); 988-1-10 (W Griffiths).

(B) In the event that no section 106 planning obligation is completed by 27th March 2015 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development 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 Policies L8 and L9 of the Watford District Plan 2000.
2. 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 T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed development fails to contribute to the provision or improvement of education and community facilities (youth facilities, childcare, libraries and healthcare) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000.
4. The proposed development fails to make the required affordable housing contribution pursuant to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
5. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to Policy T24 of the Watford District Plan 2000.

6. 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 Policy H10 of the Watford District Plan 2000.

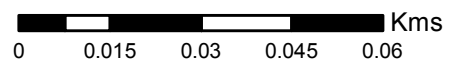
Case Officer: **Paul Baxter**
Email: **paul.baxter@watford.gov.uk**
Tel: **01923 278284**

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52A-56 High Street

Date: 04/03/2015



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee **12th March 2015**

Site address: **Mecca Bingo, 19, King Street**

Reference Number : **14/01574/FULM**

Description of Development: **Retention of existing façade to King Street, demolition of remaining building to rear and erection of a part 4 storey, part 3 storey building to provide a ground floor Class A1/A2 unit and 25 flats with 13 parking spaces.**

Applicant: **Heronlea Group**

Date received: **29th October 2014**

13 week date(major): **28th January 2015**

Ward: **Central**

SUMMARY

This application was originally presented to the Committee on 19th February 2015 when a decision was deferred to allow further information to be provided regarding the viability appraisal accompanying the application and the findings of the independent consultant instructed by the Council to assess this. Some additional information has been provided in this report but, due to the commercially confidential nature of this information, full copies of the applicant's viability appraisal and the independent consultant's report on this are provided under Part B as confidential items.

The site is located in the Town Centre SPA in the Core Strategy and within a Secondary Retail Frontage on the Proposals Map of the Watford District Plan 2000. It is also sited within the High Street/King Street Conservation Area and the building itself is locally listed.

The proposal will result in the loss of the majority of the locally listed building and thereby substantial harm to this asset. However, the architectural interest of the building is confined to the prominent Art Deco façade on King Street, which is to be retained, and some of the original internal features and fittings that still remain, albeit these have been heavily altered over the years. The façade plays an important role within the street scene and the conservation area and has a positive effect in enhancing the conservation area. In contrast, the rear element of the building fronting Granville Road is architecturally very poor and has a negative impact on the conservation area. The scale and design of the scheme will reflect the scale of the existing building and draw upon and complement the Art Deco façade. Overall, therefore, the loss of the rear element of the building and its replacement with a sympathetic new build will maintain the architectural value of the building and enhance the character and appearance of the conservation area.

The new building will have an acceptable relationship with the houses to the rear on Granville Road and Smith Street and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the larger scale Art Deco façade on King Street and the domestic scale residential properties in Granville Road. A new active street frontage will also be created to Granville Road.

The application is accompanied by a viability appraisal which seeks to demonstrate that it is not viable for the scheme to provide 35% affordable housing, as required by the Council's adopted policies. The submitted viability appraisal has been assessed by external consultants on behalf of the Council and it has been agreed between the parties that the maximum that the scheme can support is four affordable housing units. The applicant has agreed that this level of provision, and the usual s.106 planning obligation contributions, can be secured by means of a unilateral undertaking.

The Development Management Section Head therefore recommends that, subject to the provision of four units of affordable housing provision and the full s.106 contributions in accordance with the Council's policies, planning permission be granted subject to appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

The site is located on the southern side of King Street at the junction with Granville Road. It is roughly rectangular in shape with a site area of 0.10 hectare. It is currently occupied by the Mecca Bingo building, which has recently closed down. The building is locally listed and was originally constructed in 1913 as a cinema. In the 1930s the existing Art Deco façade was installed as part of a comprehensive refurbishment of the building. The site is also sited within the High Street/King Street Conservation Area. This encompasses the commercial buildings fronting King Street and High Street and the adjoining residential roads of Granville Road, The Crescent, Smith Street and Cambridge Road.

Proposed development

The application proposes the retention of the existing Art Deco façade on King Street, the demolition of the remainder of the building and the erection of a part 4 storey, part 3 storey building attached to the rear. The ground floor of the retained frontage is to be used for Class A1 (shops) or Class A2 (financial and professional services) purposes with the upper floors converted into 6 flats (2 on each floor). The new building will comprise 19 flats to give a total of 25 flats in the scheme. The 4 storey element will include an undercroft parking area for 13 cars and a communal bin store. A small communal amenity area and a cycle store are also proposed.

Planning history

The building was constructed in 1913 as Watford's first large cinema and it opened in December 1913 as the Central Hall Cinema. It was refaced in its current Art Deco style in the 1930s as part of a comprehensive renovation. It ceased use as a cinema in 1968 and subsequently became a bingo hall. This use has now also ceased and the building is vacant.

The High Street/King Street Conservation Area was designated in 2006. This included the application property as a Locally Listed Building. In April 2013 the building was made the subject of an Article 4 Direction to restrict permitted development rights relating to the painting of the exterior of the building.

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
- TLC1 Retail and Commercial Leisure Development
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix
- HS3 Affordable Housing
- 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
- S7 Secondary Retail Frontage
- L8 Open Space Provision in Housing Development
- L9 Children's Playspace
- U15 Buildings of Local Interest
- U18 Design in Conservation Areas
- U20 Demolition in Conservation Areas
- U24 Shopfronts

Supplementary Planning Guidance and Supplementary Planning Documents

SPG10 Open Space Provision

Locally Listed Buildings in Watford (2010)

Watford Character of Area Study (2011)

High Street/King Street Conservation Area Character Appraisal (2013)

Shopfront Design Guide (2013)

Residential Design Guide (2014)

CONSULTATIONS

Neighbour consultations

Letters were sent to 46 properties in King Street, Granville Road, The Crescent and Smith Street. Four replies have been received, two raising the following objections to the proposal:

- Overlooking of gardens in Smith Street, loss of light.
- No need for car parking provision, will cause congestion and overcrowding in the area.
- Unclear where bin storage to be located. Should be at front or side, not rear.

Of the other two letters, one raises no objections and one is in general support of the application, although commenting that the building could have been retained if a cinema operator had been sought.

Following publication of the agenda for Committee on 19th February, one of the objectors (2, Smith Street) submitted further comments on the report, which were reported verbally to the Committee. These comments focused on the fact that the minimum back-to-back distance of 27.5m between new and existing development as set out in the Residential Design Guide was not adhered to. This is discussed in detail below under the heading 'Impact on adjoining properties.' The objector does not agree with the statements and conclusions made in the report. In particular, they comment that the rear garden of 2,

Smith Street is not currently overlooked and their garden area will experience a loss of privacy as a result of the development. They have also, subsequently, submitted a photograph of the existing garden area taken from a first floor window.

Advertisements in local paper/site notices

A public notice was published in the Watford Observer on 7th November 2014. Two site notices were placed outside the site on 11th November 2014, one on each road frontage.

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. 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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

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

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. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

Hertfordshire County Council (Highway Authority)

The Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Conditions:

1. 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.
2. The development shall not begin until details of the disposal of surface water from the drives and 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.
3. The development shall not begin until details of the layout and construction of the access to The Crescent (sic) have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The development shall not be brought into use until the accesses have been laid out and constructed in accordance with the approved details.
4. 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 the Highway Authority prior to commencement of the development.
5. 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.

Access and parking:

The parking and access arrangements as shown on drawing title "Landscape Plan" are acceptable. There is sufficient turning space and vehicles will be able to enter and leave the site in a forward gear. The LPA as Parking Authority will determine the appropriate level of parking for the proposed, however, the Highway Authority considers the proposed level of parking should prevent any overspill onto the surrounding highway network. The existing on street parking restrictions will prevent any overspill onto the surrounding highway network.

Planning obligations:

The site has been vacant for many years therefore we can assume the trips generated by this proposal will be new to this area of the road network. The applicant should be made aware that if planning permission is granted for this development of 25 flats it will attract a financial contribution of £10,500 (12 1-bed flats @ £375=£4,500; 11 2-bed flats @ £500=£5,500; Two 3-bed flats @ £750=£1,500) but not limited to sustainable transport measures identified in the Southwest Hertfordshire Transport Plan and/or implementation of the Clarendon Road Urban Realm project and/or Real Time Passenger Information screens at nearby bus stops. These charges have been derived from the document "Planning Obligations Guidance - Toolkit for Hertfordshire".

Conclusion:

The proposals are not considered to result in any severe adverse impact on the public highway and are considered acceptable to the Highway Authority.

Hertfordshire County Council (Development Services)

The following contributions are sought, based upon the County Council's Planning Obligations Toolkit:

Primary education	£12,680
Secondary education	£8,670
Nursery education	£2,977

Childcare	£885
Youth facilities	£253
Libraries	£2,515

Fire hydrant provision to serve the development is also sought.

Note: These contributions are based on the proposed provision of 4 affordable housing units being for affordable rent. The application proposes these units to be for shared ownership. As such, the figures included in the recommendation are slightly different from these figures.

Hertfordshire Constabulary (Crime Prevention Design Advisor)

Detailed comments have been made, not all of which are planning matters. Comments can be summarised as follows:

Secured by Design part 2 physical security

To alleviate my concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. National sustained research proves that Secured by Design housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage.

Parking

Underground/basement car parking *will* be problematic if not adequately secured and users will feel vulnerable. The plans HL-005 and HL-006 appears to show this as open, although plan HL-008 (elevations) appears to show it gated? If the undercroft parking area were not secured with access control and was left open, I would wish to formerly object as security for the development would be compromised. The site is a town centre location and the development opposite in Granville Road, has its rear parking area secured by full height electronically controlled gates.

a) A barrier arm would not be sufficient and the entrance exit should be controlled by a visually permeable roller shutter or similar. The bottom metre of the shutter could be solid laths to prevent litter and leaves being blown into the parking area, whilst above this it could be visually permeable. The shutters should start to close within 5 seconds of vehicles leaving or entering the parking area, so as to prevent unauthorised persons tailgating into the parking area or on foot sneaking into the parking area when a vehicle leaves. The sensor that detects motion to close the gate should also be mounted on the inside of the gates to prevent tampering by offenders.

b) Painting the walls and ceiling white of the underground car parking area can greatly aid lighting and help make residents feel safe. Lighting levels should be to the appropriate British Standard.

Pedestrian path to rear amenity/parking area

On the southern boundary with the next door dwelling is a footpath that is shown open on plans HL-005 (Landscape plan) & HL-008 (elevations) and gives access to the private rear amenity and parking area for the proposed development. This must be gated and locked to prevent access by offenders. If it were left open I would wish to formerly object as security for the development would be compromised.

Planning Policy

This is a locally listed building and sits within a conservation area. There has been pre-application advice on this scheme which suggested that the most significant part of the locally listed building was the front section and that any scheme which involved the demolition of the rear sections rather than conversion should not exceed the envelope of the existing building on the site.

The principle of the land use proposed is acceptable although I would question whether an A1 use is realistic in this location and whether an A3 use would be more suitable.

Massing

Although the proposed scheme does exceed the building envelope of the existing building in some places I think this is acceptable in terms of the surrounding buildings – the overall height is not exceeded apart from the land adjoining the residential properties on Granville Road; here the existing building was significantly lower than these residential properties and the height of the proposed building here is acceptable.

Layout

In principle the layout proposed is acceptable; however, the arrangement does mean that the elevation to Granville Road is rather bland and not really good enough for a ground floor elevation on a residential street. Some effort needs to be made to improve this with additional windows and improved design of the doors and gates. This could include a window onto the staircase accessing the residential units in the converted section of the development.

Elevations

Generally acceptable subject to design details:

- Windows at ground floor of converted building – these need to follow the art deco style of the upper floors;
- Windows on the elevation of the new section – again need to respond better to the art deco style in terms of shape and proportion – ladder style would be better as well – vertical emphasis. I would prefer to see metal windows.
- Balconies – pick up the motif on the windows of the main building and building this into a balcony design – nearly got it but not quite.
- Doors – converted building – doors need to follow an Art deco style which matches the windows.
- Granville Road elevation – entrance to car park – should be metal railing style gates – pick up art deco motifs.
- Granville Road – doors to residential – need to be art deco style.

In general there is a great deal of good strong design in the existing building which should be incorporated into the design details of the proposed new building for it to be acceptable in terms of the locally listed building and the conservation area. If the applicant can make these changes and provide some of the design details we need up front this scheme could be acceptable. I would prefer to have as much as possible in terms of detailed design of windows/doors/balconies and all materials prior to approving a scheme here; it is a sensitive location and we need to justify the loss of part of the heritage asset.

Note: various amendments to the design of the scheme have been made to address these comments.

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 a Secondary Retail Frontage within the defined Town Centre. 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.

Principle of development

The site is within the wider Town Centre SPA in the Core Strategy and within a Secondary Retail Frontage in the Watford District Plan 2000. Within the wider town centre area an element of new residential development is considered appropriate and is expected (Policy SS1). King Street contains a number of mixed town centre uses including restaurants and offices with residential flats and other commercial uses above, typical of a secondary frontage location. The retention of the façade to King Street and its conversion to a Class A1/A2 use at ground floor with flats above is appropriate and acceptable in this location. The loss of the leisure use is regrettable but the former cinema use ceased in 1968 and the recent bingo hall use has also now closed. A new multi-screen cinema (together with another leisure use, unknown at present) will be provided as part of the Charter Place redevelopment, due to commence in 2015, and this will provide enhanced leisure facilities within the town centre. Furthermore, the nature and form of the existing building makes it unsuitable for conversion to other uses. Granville Road is wholly residential and it is acceptable for the main residential element of the development to be located on this frontage.

Shopping policies

Saved Policy S7 of the Watford District Plan refers to secondary retail frontages in the town centre. This seeks to retain the general retail character of the frontage while permitting an adequate number of non-retail units. In this case, the building has never been in retail use. The proposed new ground floor unit, proposed for either Class A1 or A2 uses, is appropriate for a secondary frontage and accords with the aims of this policy.

Layout and design

The development of the site is informed by the dual frontage onto King Street and Granville Road and the retention of the existing Art Deco façade to King Street. With regard to the façade, there would appear to be no photographs to confirm the original ground level frontage following the installation of the Art Deco façade in the 1930s. The current frontage comprises three largely altered central doors accessed via three steps

with blank tiled walls either side. The left hand side incorporates a solid fire exit door. The proposal incorporates three glazed central doors with flush access and will introduce new glazed shopfronts to either side. The detailed design of these doors and windows has not been agreed at this stage and will, to some extent, be dependant on the requirements of any future occupier of the unit. Appropriate detailed designs and materials can be secured by condition.

The residential element behind the retained façade steps down and reflects the existing step in the building's roofline. This element is 4 storeys and is appropriate to the scale of the façade. The building then steps down to 3 storeys towards the southern boundary where it adjoins the existing 2 storey houses on Granville Road. This ensures the building provides an appropriate transition between the larger scale commercial façade and the domestic scale houses of Granville Road.

The new building maintains the strong building line on Granville Road which also allows the incorporation of new paving and tree planting along this frontage. It also removes the open parking/servicing area that currently exists adjacent to 14 Granville Road which is unsightly and detracts from the street scene and is also a potential location for anti-social behaviour.

The design approach adopted for the building is contemporary but draws upon both the Art Deco style of the retained façade and the Victorian houses on Granville Road. The 4 storey element is finished in white render to complement the white painted façade and incorporates metal balconies that echo the Art Deco styling. The 3 storey element incorporates projecting bays with dormer windows above and is to be finished in brick. This continues the rhythm of bay windows evident within the road and the facing brickwork which is characteristic of the residential streets within the conservation area. The detailed design, particularly of the windows, has been amended following submission to address the comments of the Urban Design and Conservation Manager.

Overall, the scale and design of the building and use of materials will ensure a high quality development that achieves the aspirations of the Core Strategy and will complement and respect both the retained façade and the wider area. The impact of the proposal on the building and the conservation area are considered in more detail below.

Heritage assets

The existing building is locally listed and was constructed in 1913 as Watford's first large cinema, opening in December 1913 as the Central Hall Cinema. It was refaced in its current Art Deco style in the 1930s as part of a comprehensive renovation. The principal architect was George Coles (FRIBA) with the interior design by Theodore Komisarjevsky, who undertook a number of cinema refurbishments at the time, at least one of which is now a listed building. This gives the building its historic and architectural interest. In terms of its landmark and streetscape quality, its scale and design contributes to the distinctiveness and legibility of the locality and adds structure and variety to King Street at this prominent corner. It is significant that the description in the local listing focuses solely on the Art Deco façade with no mention of the rear of the building that fronts Granville Road. This comprises a plain grey rendered finish with no windows or decoration with later additions in brick and modern air conditioning plant and equipment.

The High Street/King Street Conservation Area was designated in 2006. The Conservation Area Character Appraisal (2013) summarises the special interest of the conservation area as follows:

‘This is an area of the town centre retaining strong elements of the early layout of the town and its 18th and 19th century evolution. The scale and mix of buildings and building periods, including the town's only concentration of 16th and 17th century buildings and some notable late 19th / early 20th century components, are consistent with these origins. The area includes a significant number of Nationally and Locally Listed Buildings. These give structure to the streetscape and have notable historical and architectural interest. The area contains “High Street” land uses, which are compatible with the nature and scale of these older buildings, as well as a substantial element of terraced or semi-detached housing of a comparable scale’.

The proposal needs to be considered having regard to the impact it will have on the locally listed building and the conservation area.

i) Locally Listed Building

All of the building with the exception of the façade to King Street is to be demolished. The proposal will, therefore, potentially cause significant harm to this asset. However, it is notable that the local interest of the building resides almost solely with the distinctive Art Deco façade, which accounts for its primary architectural interest and its strong landmark role within the locality. The main element of the building sited behind the King Street façade is in stark contrast to the façade and is of no architectural interest. It contributes little, if anything, to the local interest of the building other than the fact that it forms part of the original cinema building. Although there are some internal features remaining from the refurbishment by Komisarjevsky they are not of such interest to merit the building being listed and, being internal, do not contribute to the wider area. The retention of the Art Deco façade will ensure the primary interest of the building is retained. The loss of the remainder of the building is considered to have a moderate adverse impact on the local interest of the building. The internal features can be recorded (and potentially removed, if appropriate) as part of an historic building survey of the building before it is demolished, which can be secured by condition. It would also be appropriate in the circumstances to secure a method statement for the demolition of the building, to ensure the façade can be adequately protected and retained, and a scheme for the refurbishment of the façade.

ii) High Street/King Street Conservation Area

The conservation area contains a number of listed and locally listed buildings which make a significant contribution to its special interest. Most of these are located on the High Street and King Street frontages where they form an important role in the structure of the area and the quality of the streetscape. This includes the application property. The conservation area is divided into four character areas, reflecting the activities/functions carried out and their physical characteristics. The site is within a character area comprising larger scale commercial and leisure uses fronting King Street that adjoins the

predominantly two storey residential character area that includes Granville Road and Smith Street. The main role of the application building within the conservation area is the landmark value of the large scale Art Deco frontage to King Street. The remainder of the building fronting Granville Road is of very poor quality and appearance with unsightly modern additions, air conditioning plant and equipment and service area. Overall, this element of the building has a negative effect on the conservation area in stark contrast to the positive effect of the main façade. The demolition of the rear element of the building and its replacement with a new building of high quality design and materials, complementing in scale and design both the Art Deco façade and the Victorian houses on Granville Road, is considered to enhance the character and appearance of the conservation area.

Housing policies

Policy HS1 of the Core Strategy gives criteria for the allocation of housing sites and for the consideration of windfall sites such as this. Criteria that support residential use include, inter alia, consistency with the spatial strategy; previously developed land; close to good public transport, walking and cycle network routes; and location within the town centre or at other strategically located sites. The proposal accords with these criteria.

Policy HS2 seeks the provision of a mix of housing types, sizes and tenures. Higher density developments including flats should be focused around the town centre and other key strategic sites. The proposal will provide 25 flats comprising a mix of one, two and three bedroom units. This provides a good mix of flat sizes within the scheme and is acceptable in this location. All of the flats will exceed the minimum flat sizes set out in the Residential Design Guide:

	RDG minimum standard	Proposed flat sizes
1 bedroom	37m ²	49.6-57.2m ²
2 bedroom	61m ²	64.8-77.7m ²
3 bedroom	74m ²	78.5m ²

All of the room sizes will meet or exceed the minimum room sizes. All of the flats will have their main living/dining areas facing either east or west and this will ensure that all the flats will receive good levels of daylight and sunlight as well as having good levels of outlook. In terms of privacy, the east elevation of the building will be sited 21m from the main rear elevations of properties in Smith Street. This is significantly less than the minimum distance of 27.5m given in the Residential Design Guide. However, this needs to be considered in the context of the site and adjacent development.

With regard to the 4 storey element occupying the northern and central parts of the site, the east elevation faces the rear elevation of a recently constructed two storey block of flats at the rear of 19, King Street. The western facing rear elevation of this block does not contain any windows and, as such, there will be no loss of privacy to the proposed flats. The 3 storey element occupies the southern part of the site. This aligns very closely with the main rear elevations of the adjoining houses in Granville Road, sited 22.5m from the main rear elevations of houses in Smith Street. The relationship between the proposed flats and the existing houses in Smith Street is therefore very similar to that between the existing houses in Granville Road and Smith Street. As such, the flats will enjoy a similar level of privacy. Furthermore, existing trees along this boundary, both within the site and outside the site, are to be retained and enhanced with new tree planting, acting as a further screen to any overlooking. Overall, the proposed flats will have a good level of amenity and are considered acceptable.

Policy HS3 of the Core Strategy requires all developments of 10 or more residential units to provide 35% of the units as affordable housing. For this application, 9 affordable units are required to satisfy this policy. Policy HS3 adds that only in exceptional circumstances will the Council consider a lower level of affordable housing provision, where the developer can demonstrate exceptional planning, or other constraints on the development of the site through the submission of a development viability assessment. The application as submitted includes only 4 affordable housing units and the applicant has sought to justify this position by the submission of a viability appraisal. This viability appraisal has been assessed by external independent consultants on behalf of the Council, and this

appraisal was undertaken using the approved RICS publication “Financial Viability in Planning” July 2012. The application includes a number of abnormal costs due to the retention of the front façade and the need to support it during demolition of the rear element. Thus, the demolition proposed in this case is a highly technical operation and more expensive than a standard demolition. Also included are repairs to the facade, replacement windows, new art deco features for the building and improvements to the fabric of the front facade to allow for modern insulation. As demonstrated in the viability appraisal, and agreed by the Council’s independent consultant, the abnormals and associated consultants fees equate to over £1 million.

Having regard to these abnormal costs and all other costs associated with the development, the price paid by the applicant for the site and the calculated gross development value of the scheme, the recommendation of the independent consultant is that the maximum that the scheme can support is four affordable housing units (16%), all of which are proposed to be shared ownership. Based upon this level of affordable housing provision, the surplus generated by the scheme (after having taken into account the applicant’s profit level of 20% of gross development value) is only £1,725. If the full, policy compliant level of affordable housing (comprising 9 units with 2 units for social rent, 6 units for affordable rent and 1 unit for shared ownership) were to be provided, the independent consultant calculates that the scheme would generate a deficit of £839,871 and would not be viable to proceed.

The applicant’s submitted viability appraisal and the report of the Council’s appointed independent consultant are available as confidential Part B items.

Impacts on adjoining properties

The proposed development will potentially impact on properties in Smith Street (nos. 1-3, inclusive) which adjoin the eastern boundary of the site and on 14 Granville Road, which adjoins the southern boundary.

i) 1-3 (inclusive) Smith Street

The main rear elevations of these properties are sited 13m from the eastern boundary of the site. At present, the existing building partially adjoins this boundary (to the rear of 1 Smith Street) with the remainder of the boundary adjoining the single storey extensions that include large air conditioning plant and equipment on the roof. The proposed 3 storey element of the new building will be sited to the rear of these properties, set in 8m from the boundary and extending to the southern boundary. The existing building is large and unsightly as is the air conditioning plant and equipment. The proposed building will change the outlook from these properties but it is considered that this will result in a significant improvement. In terms of natural light, the proposed building is set far enough away from these properties (21m) to ensure that the proposal will have no adverse impact on daylight and sunlight to these properties.

The only potential adverse impact relates to overlooking and a loss of privacy. The proposed building will introduce habitable room windows in its eastern elevation overlooking these properties at a distance of 21m. This is less than the minimum distance of 27.5m for facing habitable room windows set out in the Residential Design Guide. However, it should be noted that the back-to-back distance between the existing properties on Granville Road and Smith Street is only 22m, so the proposal follows the existing pattern of development and will result in similar levels of privacy. Several factors will help to mitigate any loss of privacy. Firstly only one window on each of the first and second floors will serve living rooms. The other two windows on each floor will serve bedrooms, which will, in practice, give rise to a lower degree of overlooking. Secondly, two existing small holly trees on the boundary will be retained and two new holly trees are proposed to be planted, to provide some evergreen screening. Overall, it is considered that the level of overlooking to properties in Smith Street will be acceptable in this location.

ii) 14 Granville Road

This property adjoins the southern boundary of the site. It is a semi-detached house with a typical Victorian L-shaped footprint incorporating an outrigger. It incorporates two windows on the main rear facing elevation adjacent to the outrigger, one each at ground and first

floor levels. These would typically serve a second reception room at ground floor and a bedroom at first floor (although the actual layout of no.14 is not known). The proposed 3 storey element of the new building is sited approximately 1m from the southern boundary and 2m from the flank elevation of no.14 and extends to the depth of the outrigger. This relationship is very similar to the relationship that exists between the existing houses. The main difference is that the outriggers on the existing houses are 2 storeys with a pitched roof and the new building is 3 storeys with a flat roof. This will mean that the proposed building will have a slightly greater impact on the outlook and natural light to the two habitable room windows than would normally be the case. However, the main habitable room windows are located at the front and rear of the house and will be unaffected by the proposal. On balance, having regard to the typical relationship between houses on Granville Road, it is not considered that the adverse impact of the proposal on the two rear facing windows in no.14 would merit a refusal of planning permission.

Flood risk and drainage

The site is located within Flood Zone 1 and is at low risk of flooding. A sustainable surface water drainage scheme to reduce and/or attenuate surface water flows in to the public sewer system, in accordance with the advice from Thames Water, can be secured by condition.

Transport, access and parking

The site is in a highly accessible location within the town centre with good access to bus services within the High Street and to High Street Station, only 375m to the south-east. The full range of town centre shops, services and facilities are within a short walking distance of the site, including the main entrance to the *intu Watford* centre at the eastern end of King Street.

The existing access to the site, adjacent to 14 Granville Road, is to be closed and a new access created 17m to the north. This will serve the undercroft car park. This arrangement will not result in the overall loss of any on-street parking space. The residential units will be serviced from Granville Road as are the existing houses on this road. A new bin store is to be located on this frontage, integrated within the building, to ensure easy access both

for residents and for collection purposes. The small retail unit on King Street can be serviced from either road.

The proposal incorporates 13 parking spaces for the proposed 25 flats. This is an acceptable level of provision within this town centre location where the maximum provision would be 25 spaces and where car-free development is considered acceptable. Provision is also made for 30 cycle spaces. Details of the proposed cycle store can be secured by condition.

As the site is located within a controlled parking zone, the development will need to be excluded from the CPZ to ensure 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 can be secured by a s.106 planning obligation. The closure of the existing access point on Granville Road and the formation of a new access point will also require the remarking of permit holder parking bays outside the site, in order to ensure no loss of on-street parking capacity. The applicant has agreed to a payment of £1,500 to cover the cost of this work.

The application proposal is also required to make a payment towards the provision or improvement of sustainable transport measures, in accordance with Policies T5 and INF1 of the Core Strategy and the County Council's Planning Obligations Toolkit. Based upon the Toolkit, the required contribution for this scheme is £11,500. This can be secured by a s.106 planning obligation.

Sustainability, energy and waste

The site is sited within a special policy area (SPA 1: Town Centre) and the expectation is that all new residential development should achieve Code Level 4 of the Code for Sustainable Homes. A design stage certificate can be secured by condition to demonstrate how the residential element of the scheme can achieve Code Level 4 prior to the commencement of development. A post-construction certificate to confirm that this level has been achieved can also be secured by condition.

The Code for Sustainable Homes has waste management as an integral component and bin stores are provided as part of the development for waste and recycling bin provision. 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.

Planning obligations

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, 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.

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

- Primary education £12,876
- Secondary education £8,802
- Nursery education £3,069
- Childcare £901
- Youth £261
- Libraries £2,671

ii) Open space and children's playspace

The site is located in an area where there is not a deficit in open space, although it is not within 200m of an existing children's play space. The following contributions are therefore sought in accordance with SPG10.

- Open space £30,900
- Children's play space £12,805

iii) Sustainable transport

- Sustainable transport £11,500

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. The obligation will also include the provision of four units of affordable housing, as discussed above.

Government amendments to Planning Policy Guidance

On 28 November 2014, the Government announced (by way of a Written Statement to Parliament) that it was making changes to national policy with regard to Section 106 planning obligations, because of the disproportionate burden of developer contributions on small-scale developers. The Written Statement announced that, for sites of 10 units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. The Written

Statement also announced that a financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes.

Consequential amendments relating to these changes in 'policy' were made to the national Planning Policy Guidance (PPG), although it is relevant to note that no changes have been made to the National Planning Policy Framework (NPPF), despite the Government announcement referring to changes in national 'policy'. Thus, there is a deal of uncertainty as to whether the changes are, in effect, to policy or to guidance: this is potentially an important distinction, as it could affect the weight to be attached to the changes where they constitute material planning considerations.

So far as the current planning application is concerned, the change relating to vacant building credit is potentially a material planning consideration. The applicant is of the view that this amendment to the PPG means that no affordable housing contribution is required as part of the proposed development. However, interpretation of this change is not that straightforward. The revised PPG refers to "affordable housing contributions" rather than affordable housing. Watford does not seek financial contributions towards affordable housing but instead requires the provision of units of affordable housing on a development site. It is possible to argue, therefore, that the vacant building credit does not apply to Watford. The Department of Communities and Local Government has said, in writing, that it intends the vacant building credit to apply "to both financial contributions and the provision of units". Whilst that may be the Department's intention, the wording of the guidance in the PPG clearly gives scope for an alternative interpretation. As the Supreme Court held in *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13, "policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context". The Supreme Court also held that policy-makers cannot make their policy "mean whatever they would like it to mean".

The PPG, as amended, says that:

“Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floorspace.”

Paragraph: 022 Reference ID: 23b-022-20141128

The context of this amendment is clearly the offer of a “financial” credit; consequently, the references to “contributions” ought to be regarded equally as financial contributions. Accordingly, it is open to the Council to construe the amended PPG guidance on vacant building credit as applying only to financial contributions and not to the provision of affordable housing units themselves. On this interpretation, the amendment to PPG does not apply to sites in Watford as the Council does not seek financial affordable housing contributions. The amendment is not, therefore, a material planning consideration in this case and no weight should be attached to it.

Notwithstanding the interpretation to be placed on the wording of the PPG amendment in relation to vacant building credit, there is a broader question to consider regarding the relationship between the provisions of the development plan and any other material considerations. Under section 38(6) of the Planning and Compulsory Purchase Act 2004 an application for planning permission must be determined, “in accordance with the policies of a development plan unless material considerations indicate otherwise”. The Courts have held that the section 38(6) obligation “requires the decision maker not merely to have regard to the plan but to offer it priority” (*R (on the application of Ash Parish Council v Guildford Borough Council* [2014] EWHC 3864 (Admin)). In *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2013] EWHC 11, the Court held that:

the section (section 38(6)) requires not a simple weighing-up of the requirement of the plan against the material considerations but an exercise that recognises that while material considerations may outweigh the requirements of a development plan, the starting point is the plan which receives priority. The scales do not start off in an even balance.

In *Ash Parish Council* the Court also pointed out that:

Although the NPPF is a material consideration it is not of equal legal force to the policies in the Development Plan: see *Sea and Land Power Energy Ltd v Secretary of State for Communities and Local Government* [2012] EWHC 1419 and *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 at [46]:

“All of this, one has to remember, sits within the statutory framework for the making of decisions on applications for planning permission, in which those decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Government policy in the NPPF does not, and could not, modify that statutory framework, but operates within it – as paragraph 12 of the NPPF acknowledges.”

It is clear, therefore, that priority in the decision making process is to be given to the development plan. Moreover, if the NPPF is not of equal legal force to policies in the development plan then the guidance in the PPG must be even less so.

It is also well established law that the weight to be given to a material consideration is a matter for the decision maker not the Court, unless the decision maker has behaved irrationally (*Tesco Stores v Secretary of State for the Environment* [1995] 1 WLR 759 *per* Lord Hoffmann at 780).

The Council is entitled, therefore, to place greater weight on the provisions of the development plan than on the guidance in the PPG. The Council's adopted Core Strategy is up to date, has been the subject of examination in public and has been found to be sound and in conformity with the NPPF. The development plan also includes the "saved" policies from the Watford District Plan 2000, which are referred to in Appendix D of the Core Strategy. Consequently, the absence of a planning obligation in this case would be contrary to:

- (i) saved Policies L8 and L9 of the Watford District Plan 2000;
- (ii) Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31;
- (iii) Policy INF1 of the Watford Local Plan Core Strategy 2006-31
- (iv) saved Policy H10 of the Watford District Plan 2000; and
- (v) Policy HS3 of the Watford Local Plan Core Strategy 2006-31.

For the reasons set out above, these development plan policies, both individually and collectively, should be given greater weight than other material considerations to be found in the amended PPG.

Consideration of objections received

Objections	Officer's response
Overlooking of gardens in Smith Street, loss of light.	This is discussed in the report.
No need for car parking provision, will cause congestion and overcrowding in the area.	There is no objection to the provision of limited car parking in this location.
Unclear where bin storage to be located. Should be at front or side, not rear.	The bin storage is on the Granville Road frontage.

Conclusion

There is no objection in principle to the development of a new commercial unit at ground floor level on King Street and residential flats on the remainder of the site.

The proposal will result in the loss of the majority of the locally listed building and thereby substantial harm to this asset. However, the architectural interest of the building is confined to the prominent Art Deco façade on King Street, which is to be retained, and some of the original internal features and fittings that still remain, albeit these have been heavily altered over the years. The façade plays an important role within the street scene and the conservation area and has a positive effect in enhancing the conservation area. In contrast, the rear element of the building fronting Granville Road is architecturally very poor and has a negative impact on the conservation area. The scale and design of the scheme will reflect the scale of the existing building and draw upon and compliment the Art Deco façade. Overall, therefore, the loss of the rear element of the building and its replacement with a sympathetic new build will maintain the architectural value of the building and enhance the character and appearance of the conservation area.

The new building will have an acceptable relationship with the houses to the rear on Granville Road and Smith Street and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the larger scale Art Deco façade on King Street and the domestic scale, residential properties in Granville Road. A new active street frontage will also be created to Granville Road.

Following the assessment of the applicant's viability appraisal, the recommendation of the independent consultant appointed by the Council to assess this is that the proposed development can only support 4 units of affordable housing (16%) if the scheme is to remain viable.

HUMAN RIGHTS IMPLICATIONS

The grant of permission, subject to a planning obligation and conditions, will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to protect the human rights of third parties and to accord with the policies of the development plan. With appropriate conditions, it is not considered that any impacts on third parties will be sufficient to override the human rights of the applicant in this instance.

RECOMMENDATIONS

- (A) That planning permission be granted subject to the completion of a planning obligation under section 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 Council of:
 - a) £30,900 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
 - b) £12,805 (index linked) towards the provision and improvement of children's play space in the Borough in accordance with Policy L9 of the Watford District Plan 2000;
 - c) £2,000 towards the variation of the relevant Traffic Regulation Order to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.

- d) £1,500 towards the remarking of parking bays on Granville Road outside the application site.
- ii) To secure financial payments to the County Council of:
- a) £11,500(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 Core Strategy 2013;
 - b) £12,876 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £8,802 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £3,069 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £901 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £261 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £2,671 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- 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.

- iv) To secure 4 flats as affordable housing for intermediate/shared ownership by tenure, in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2013.

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:-

HL-001, 002, 003, 004(V2), 005(V2), 006(V2), 007, 008(V2), 009, 010

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

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

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

4. No demolition works shall commence until a detailed method statement for the retention of the existing façade and central tower has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall only be undertaken in accordance with the approved method statement.

Reason: The building is of local interest and plays an important role within the conservation area, in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

5. No demolition works shall commence until an historic building record has been made of the building. This shall include a written and photographic record of the building internally and externally. Copies of the completed record shall be deposited with the Historic Environment Record maintained by Hertfordshire County Council and with the Watford Museum and with such other public depository as shall be agreed in writing with the local planning authority.

Reason: To ensure a record is made of this building of local interest, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

6. No construction works shall commence until a detailed method statement for the refurbishment of the retained façade and central tower has been submitted to and approved in writing by the Local Planning Authority. No part of the building shall be occupied until the approved works have been completed in full.

Reason: The building is of local interest and plays an important role within the conservation area, in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

7. No construction works shall commence until a design stage certificate to demonstrate that the proposal will achieve Code Level 4 of the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until a post-completion certificate, to certify that Code Level 4 standard 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.

8. 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. Any piling shall only be undertaken in accordance with the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

9. No construction works shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building 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.

10. No construction works shall commence until details of the materials to be used for all the external finishes of the new building, including all external walls, roofs, doors, windows, balconies and dormer 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.

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

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

12. No part of the development shall be occupied until the hard landscaping works and boundary treatments as shown on approved drawing no. HL-005(V2) have been carried out in full, unless otherwise agreed in writing by the Local Planning Authority. The works shall be retained 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.

13. The approved soft landscaping works as shown on approved drawing no. HL-005(V2) shall be carried out not later than the first available planting and seeding season after completion of the development. Any 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, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

14. No part of the development shall be occupied until the new vehicular access on Granville Road to serve the residential car parking has been completed in full, as shown in principle on drawing nos. HL-005(V2) and HL-006(V2).

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.

15. No part of the development shall be occupied until the existing vehicular access adjacent to 14 Granville Road has been closed off and the adjacent footways and kerbs reinstated.

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.

16. No gate shall be installed at the entrance to the residential car parking area except in accordance with such details and specifications of the gate, including the operating mechanism and noise levels during operation, as have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the operation of the gate or barrier does not give rise to noise nuisance to the residential occupiers.

17. No part of the development shall be occupied until the 13 car parking spaces shown on the approved drawings (unless otherwise approved in writing by the Local Planning Authority) have been laid out and constructed in full. These spaces shall be retained at all times 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.

18. No part of the development shall be occupied until the bin store has been provided in accordance with the approved drawings (unless otherwise approved in writing by the Local Planning Authority). The store 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.

19. No part of the development shall be occupied until the cycle store shown on the approved drawings, for a minimum of 25 cycles and utilising two Broxap Apollo Junior Cycle Shelters, has been constructed. This shall be retained at all times.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site, 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.

20. The ground floor commercial unit fronting King Street shall only be used for purposes within Class A1 (shops) or Class A2 (financial and professional services) of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site is within a designated secondary shopping frontage on the Proposals Map of the Watford District Plan 2000 and to accord with Policy S7 of the Watford District Plan 2000.

21. No shop front shall be installed on the ground floor commercial unit fronting King Street unless the details of the design and materials have been submitted to and approved in writing by the Local Planning Authority. The shopfront shall only be installed in accordance with the approved details and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the locally listed building and the conservation area, in accordance with policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31 and Policy U24 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 public open space, children's play space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits and for the remarking of parking bays on Granville Road. The agreement also requires the provision of necessary fire hydrants to serve the development and the provision of four affordable housing units.
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.
3. Prior to demolition of the existing buildings, the applicant is advised to commission a survey, by a suitably qualified and competent person, to identify asbestos within the building and to ensure that it is removed and disposed off in accordance with current regulations. The survey report should be submitted to the Environmental Health Team at Watford Borough Council for approval. No demolition should commence until this report has been approved.

4. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.
5. Works to be undertaken on the adjoining Highway will require a legal agreement with the Highway Authority. Before commencing the development the applicant shall contact the Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway is constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

Drawing numbers

HL-001, 002, 003, 004(V2), 005(V2), 006(V2), 007, 008(V2), 009, 010

- (B)** In the event that no Section 106 planning obligation is completed by 25th February 2015 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:
1. The proposed development 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 saved policies L8 and L9 of the Watford District Plan 2000.
 2. 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

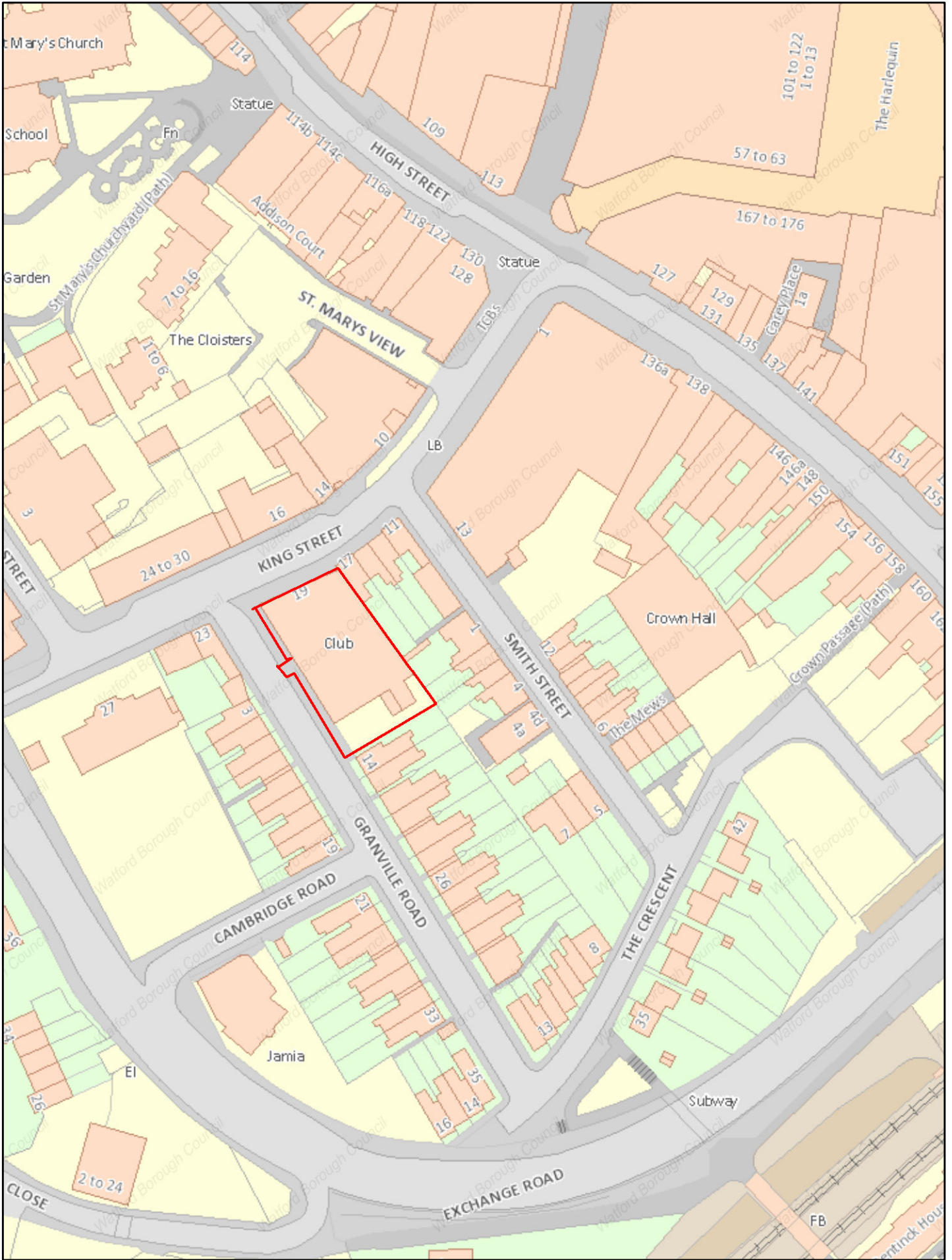
commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.

3. The proposed development fails to contribute to the provision or improvement of education and community facilities (youth facilities, childcare and libraries) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
4. The proposed development fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
5. 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.
6. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

Case Officer: **Paul Baxter**

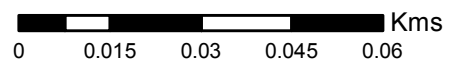
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19 King Street

Date: 10/02/2015



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