

Committee date	Wednesday, 29 July 2020
Application reference	20/00401/VARM - 60 High Street
Site address	
Proposal	A Section 73 application for minor material amendments to planning permission ref 18/01084/FULM for the redevelopment of the site to provide a mixed use scheme including 29 no. Class C3 residential units and Class A1 retail floorspace, with cycle parking and associated works, to vary Condition 2 (approval plans) to reflect minor material amendments to internal layouts, re-orientation of balconies, minor reduction in retail floor space, the inclusion of 2 no. disabled car parking spaces and other associated development replacements/amendments
Applicant	Keash Properties High Street Ltd
Agent	Avison Young
Type of Application	Section 73 variation
Reason for committee Item	Major development
Target decision date	3 rd August 2020 (extension of time)
Statutory publicity	Public advertisement in Watford Observer and site notice
Case officer	Paul Baxter, paul.baxter@watford.gov.uk
Ward	Central

1. Recommendation

Approve subject to the completion of a section 106 deed of variation and conditions as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application site is located on the south-western side of the High Street a short distance north of Market Street. It is a narrow, deep sited which extends through to Wellstones to the rear. The property comprises a vacant retail unit fronting High Street consisting of a 2 storey building which is designed with a pitched roof. A large flat-roofed extension projects to the rear. The rear part of the site adjoining Wellstones is an open parking area for up to 6 cars.
- 2.2 The application site is located in the Primary Shopping Area in the town centre and directly opposite the main entrance to the intu Charter Place extension. It adjoins a 2 storey nationally listed building at No 58-58A High Street and a 3

storey Locally Listed Building at No. 62-70 High Street. The site is not located in a designated conservation area.

- 2.3 The site at 52A-56 High Street to the north is currently being redeveloped to provide a part 4, 5 and 7 storey building with ground floor commercial units and 56 flats. The 4 storey element of the building faces the High Street and the 7 storey section faces Wellstones.

3. Summary of the proposal

3.1 Proposal

A Section 73 application for minor material amendments to planning permission ref 18/01084/FULM, for the redevelopment of the site to provide a mixed use scheme including 29 no. Class C3 residential units and Class A1 retail floorspace, with cycle parking and associated works, to vary Condition 2 (approval plans) to reflect minor material amendments to internal layouts, re-orientation of balconies, minor reduction in retail floor space, the inclusion of 2 no. disabled car parking spaces and other associated development replacements/amendments.

- 3.2 Since planning permission 18/01084/FULM was granted the site has been sold to a new developer. The approved scheme has been redesigned to facilitate the development of this narrow, constrained site and provide improved accommodation.

3.3 Conclusion

The overall scale of the proposed development is very similar to the approved scheme and would respect the context of the surrounding area and would cause no harm to the significance of the adjacent Grade II Listed Building at 58, High Street or the Locally Listed Building at 62-70, High Street. The development remains of contemporary design and would provide an attractive appearance that would enhance the character and appearance of the area.

- 3.4 The layout of the proposed development would provide an acceptable standard of amenity for future occupiers. However, as with the original permission, a condition should be attached to require the submission of final details of a noise mitigation scheme to ensure that an acceptable internal noise level is provided. There is no objection to the provision of 2 parking spaces for people with disabilities at the rear of the site on Wellstones. Adequate visibility has been provided having regard to the low vehicle speeds along Wellstones and limited number of movements.

3.5 A revised daylight and sunlight assessment has been submitted in respect of neighbouring properties and no additional adverse impacts will arise from the proposed scheme. Having regard to the density of the area and the relationship of the application site and adjoining sites, it is considered that the impact on neighbouring properties remains acceptable.

3.6 Taking the above into account, there are considered to be no adverse effects that outweigh the benefits of the proposal and therefore it is recommended that the application should be approved.

4. Relevant policies

4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

5.1 18/01084/FULM - Redevelopment of the site to provide a mixed use scheme including 29 no. Class C3 residential units and Class A1 retail floorspace, with cycle parking and associated works. Planning permission granted subject to a s.106 agreement on 7th February 2019.

6. Main considerations

6.1 The main issues to be considered in the determination of these applications are:

- (a) Housing mix and affordable housing.
- (b) Impact on adjacent Locally Listed and Nationally Listed Buildings.
- (c) Impact on the character and appearance of the area.
- (d) Quality of accommodation provided.
- (e) Impact on amenity of adjoining residential properties.
- (f) Access, servicing and parking.
- (g) Archaeology.

6.2 (a) Housing mix and affordable housing

The approved scheme provided 21 no. 1-bed flats, 7 no. 2-bed flats and 1 no. 3-bed flat, which was considered an acceptable mix for this town centre location. The amended scheme proposes the same unit mix and this remains acceptable.

- 6.3 The approved scheme provided no affordable housing but the permission was subject to a s.106 agreement to secure a viability review upon completion of the development. This can be secured for the proposed scheme by means of a deed of variation.
- 6.4 (b) Impact on adjacent Locally Listed and Nationally Listed Buildings
The listed and locally listed buildings are located on the High Street frontage. The scale and design of the front element of the building onto High Street is largely unchanged, with the main change being 3 dormer windows in the front roofslope rather than 4 as approved. As such, the proposed amendments will have no additional impacts on these heritage assets.
- 6.5 (c) Impact on the character and appearance of the area
The approved scheme incorporates a 4 storey element on the High Street and a 7 storey element on Wellstones, with the building stepping up in height across the site. This was considered to be an appropriate scale for this town centre location and also matched the height of the adjoining building under construction at 52A-56, High Street. The overall scale and height of the building remains unchanged.
- 6.6 The design of the High Street façade remains largely unchanged with the main difference being the reduction of the approved 4 front dormer windows to 3 slightly larger dormer windows. The rear façade to Wellstones has been changed and rationalised more significantly and now includes an open pedestrian access to the side which will provide a more pleasant access for pedestrians. The approved bin and cycle stores at ground floor have been reconfigured to facilitate the provision of the 2 parking spaces. On the upper floors, the fenestration is now more ordered and in place of numerous small, and largely decorative, balconies, a smaller number of larger and usable balconies have been provided to serve the flats. This façade is considered to be an improvement compared to the approved scheme.
- 6.7 Overall, it is considered that the proposal will continue to provide a significant enhancement to the character and appearance of the locality.
- 6.8 (d) Quality of accommodation provided
All of the proposed flats will meet or exceed the nationally described space standards. In the approved scheme, the majority of the flats had been designed to be dual aspect, which was welcomed. However, in the front and rear blocks facing High Street and Wellstones, this resulted in deep, narrow and awkward layouts which didn't necessarily provide the most efficient and usable accommodation. In the proposed scheme, the units in the front and rear blocks have been designed as single aspect units which gives them a

more efficient and usable layout. Given the constraints of the site this is considered to result in better units of accommodation in this particular case.

- 6.9 The majority of the flats will have good levels of outlook, natural light and privacy although some of the inward facing units, as with the approved scheme, will experience lower levels of amenity in terms of outlook and natural light. This is largely due to the constraints of the site being deep and narrow but is not uncommon in higher density central locations such as this. As with the approved scheme, only a small number of flats are affected and overall it is considered the proposed scheme will continue to provide an acceptable quality of accommodation in this town centre location.
- 6.10 The balconies serving the flats forming the central element of the building have been relocated from the northern elevation to the southern elevation in order to receive direct sunlight. This is acceptable.
- 6.11 (e) Impact on amenity of adjoining residential properties
Daylight and sunlight:
The original application was supported by a Daylight and Sunlight Assessment which adopted the methodology in the Building Research Establishment guidance "Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice" (2011). The assessment concluded that there would be a noticeable loss of daylight to 2 neighbouring habitable windows – a sixth floor side-facing window in the 7-storey rear block at 52A-56, High Street (currently under construction) and a recessed second floor rear-facing window at 62, High Street which is positioned very close to the boundary. In respect of sunlight, the assessment showed that there would not be a significant loss of sunlight to the main habitable rooms of neighbouring properties, apart from the second floor rear window at 62, High Street. The assessment also concluded that there would be some overshadowing of the adjoining amenity area at 52A-56, High Street situated to the north. These impacts were considered acceptable in approving the original application. In the proposed scheme, these impacts remain unchanged. No additional adverse impacts arise as a result of the changes to the scheme.
- 6.12 Outlook:
The approved development was not considered to cause a significant loss of outlook to neighbouring properties due to its distance and relationship to neighbouring habitable windows. This remains the case with the proposed scheme.
- 6.13 Privacy:
As with the approved scheme, the distance and relationship of the proposed

habitable windows to neighbouring habitable windows is considered to be acceptable in this high density town centre location. The habitable windows in the central element of the building will overlook the courtyard garden of the adjacent development at 52A-56, High Street as before, which is acceptable given that it is a communal garden. A distance of 22m would be maintained to the south-east facing elevation of the adjacent development, which complies with paragraph 7.3.16 of the Residential Design Guide in respect of the separation distance of buildings in new development.

- 6.14 The size and position of the balconies to the flats have changed in the proposed scheme. On the Wellstones elevation each flat now has a single, larger balcony located adjacent to the building at 52A-56, High Street. Due to the proximity of these balconies to the adjoining windows (bedrooms), privacy screens will be required on the northern side of each balcony to prevent overlooking into these windows. On the High Street element of the building, balconies have been introduced on the rear elevation to the flats facing into the site. These will be sited adjacent to the terraced amenity areas of the adjoining flats at second floor level at 62-70, High Street to the south. Privacy screens will also be required on the southern side of these balconies to prevent overlooking. These privacy screens can be secured by condition.
- 6.15 The proposed roof terraces would be set in from the edge of the roof, which would restrict overlooking into neighbouring properties. As such, the proposed development would have no adverse effect on the privacy of neighbouring properties.
- 6.16 (f) Access, servicing and parking
The site is accessed from both High Street and Wellstones. Servicing of the retail unit can take place from a loading bay outside the site and this remains unchanged. Pedestrian access to the residential units is from Wellstones, which is also unchanged.
- 6.17 The approved scheme provided no on-site car parking which is acceptable in this sustainable and accessible town centre location. The current proposal provides 2 parking spaces on Wellstones for people with disabilities. These have been sited and designed to ensure reasonable visibility is achieved onto Wellstones, for vehicle speeds up to 20mph. Whilst it is accepted that the full visibility splay for a 30mph road cannot be achieved, it is also noted that vehicle speeds on Wellstones are likely to be much lower due to its nature as a service road, its narrow width and the presence of a sharp bend to the north of the site. In the circumstances, it is not considered that the introduction of 2 parking spaces would give rise to any significant hazards.

6.18 On the approved scheme, the cycle parking for the proposed flats was to be provided within the entrance lobby. This was not an ideal solution and further details had not been provided. In the current proposal, a separate secure cycle store is provided and this is acceptable.

6.19 (g) Archaeology

An Archaeological Written Scheme of Investigation has been approved pursuant to Condition 12 of planning permission 18/01084/FULM and remains acceptable (ref. 20/00032/DISCON). Demolition and construction works will need to be undertaken in accordance with this approved document.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Hertfordshire County Council Highway Authority

Raised objections to the 3 car parking spaces originally proposed on Wellstones due to lack of visibility and resulting hazards. The number of spaces was subsequently reduced to 2 and visibility improved.

7.2 Internal consultees

None required.

7.3 Interested parties

Letters were sent to 18 properties in the surrounding area. No responses have been received.

8. Recommendation

That planning permission be granted subject to the completion of a deed of variation to secure the planning obligations contained in the s.106 agreement dated 7th February 2019 and the conditions listed below:

Conditions

1. The development to which this permission relates shall be begun before 7th February 2022.

Reason: To comply with the commencement date of planning permission 18/01084/FULM.

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

489-CDA-ZZ-00-DR-A-00-0100_S73-1 R1

489-CDA-ZZ-00-DR-A-01-0100_S73-1 R1
489-CDA-ZZ-00-DR-A-05-0100_S73-1 R1
489-CDA-ZZ-01-DR-A-05-0101_S73-1 R1
489-CDA-ZZ-02-DR-A-05-0102_S73-1 R1
489-CDA-ZZ-03-DR-A-05-0103_S73-1 R1
489-CDA-ZZ-04-DR-A-05-0104_S73-1 R1
489-CDA-ZZ-05-DR-A-05-0105_S73-1 R1
489-CDA-ZZ-06-DR-A-05-0106_S73-1 R1
489-CDA-ZZ-07-DR-A-05-0107_S73-1 R1
489-CDA-ZZ-XX-DR-A-05-0200_S73-1 R1
489-CDA-ZZ-XX-DR-A-05-0201_S73-1 R1
489-CDA-ZZ-XX-DR-A-05-0202_S73-1 R1
489-CDA-ZZ-XX-DR-A-05-0203_S73-1 R1

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

3. No construction works above damp proof course level shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows, fascias, balconies and balustrades, 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.

4. No construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, balconies, brick detailing, capping to the external walls and shopfronts, have been submitted to and approved in writing by the Local Planning Authority. The details of the balconies shall also include the provision of privacy screens to the northern side of the balconies adjoining 52A-56, High Street facing Wellstones and the southern side of the balconies adjoining 62-70, High Street facing into the site. The development shall be carried out only in accordance with the approved details.

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.

5. No construction works above damp course level shall commence until a detailed surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Surface Water Management Report, Project No 376 Rev C dated August 2018, prepared by Flo, drawing reference number DR-100 Rev. P5 – Outline Drainage Design and exceedance route layout, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 1. Detailed design of the drainage scheme including detailed engineered drawings of the proposed SUDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding discharge and volume calculations/modelling. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 2. Structural calculations of the building in order to ensure that it can accommodate the proposed blue roofs.

The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of the development.

Reason: To reduce the risk of flooding by ensuring the satisfactory disposal and storage of surface water from the site.

6. No part of the development shall be occupied until a management and maintenance plan for the SUDS features and drainage network has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Provision of complete set of as built drawings for the site drainage.
 2. Maintenance and operational activities and arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The management and maintenance plan shall be implemented in accordance with the approved details throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

7. The development hereby approved shall be carried out in accordance with the Energy & Sustainability Report dated 31st July 2018 prepared by

MES Building Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development achieves high levels of sustainability in accordance with Policies SD1, SD2, SD3 and SD4 of the Watford Local Plan Core Strategy 2006-31 and Section 14 of the National Planning Policy Framework revised July 2018.

8. No construction works above damp course level shall commence until details of a final noise mitigation scheme which is based on the recommendations in the Noise Impact Assessment carried out by soundsolution consultants Technical Report 30454 R2 dated 31st July 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ventilation and specification details of the building envelope to achieve the internal noise levels contained in BS 8233:2014. No part of the development shall be occupied until all the works forming part of the approved scheme have been completed.

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

9. No part of the development shall be occupied until full details of a soft and hard landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to first occupation of the development and the approved soft landscaping 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 amenities of future occupants of the development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the development shall be occupied until refuse, recycling and cycle storage facilities have been provided in accordance with the approved plans. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site and to ensure satisfactory provision for on-site storage facilities.

11. The ground floor commercial unit shall only be used for retail purposes within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the vitality and viability of the designated Primary Retail Frontage, pursuant to 'saved' Policy S5 of the Watford District Plan 2000 and Policies SPA1 and TLC1 of the Watford Local Plan Core Strategy 2006-31.

12. The development shall only be carried out in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation for an Archaeological Watching Brief by Compass Archaeology dated January 2020.

The building shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: This is a pre-commencement condition to ensure that any archaeological remains are properly recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31. This needs to take place before development commences in order to ensure any remains present are not damaged or destroyed before they are recorded.

Informatives

IN907 Positive and Proactive Statement – Grant.

IN909 Street Naming and Numbering.

IN910 Building Regulations

IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN914 Section 106 Agreement