

Committee date	Tuesday 7 September 2021
Application reference Site address	21/00698/FULM - Marchwood House, 934 - 974 St Albans Road, Watford, WD25 9NN
Proposal	Redevelopment of the site to provide 127 residential units in 5 buildings ranging from 3 to 5 storeys in height, with associated parking, communal landscaped amenity areas, secure cycle parking and other associated development.
Applicant	Fairview New Homes (London) Limited
Agent	Fairview New Homes (London) Limited
Type of Application	Full Planning Permission
Reason for committee Item	Major Application
Target decision date	Wednesday 8 September 2021
Statutory publicity	Watford Observer, Neighbour Letters and Site Notice
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Meriden

1. Recommendation

- 1.1 That planning permission be granted subject to conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is not in active use comprising the former Garston Bus Garage with its locally listed administration building fronting directly onto St. Albans Road. It also includes a former garage block, a substantial industrial building occupying the majority of the rear of the site with large areas of associated hardstanding.
- 2.2 The site is bordered by Garston Park on one side and to the rear by the gardens of 2 storey post war residential properties along Codicote Drive. There are two existing accesses directly onto St. Albans Road. The southernmost access abuts the 2 storey locally listed Garston Park Parade, set out around the north eastern side of the junction with Garston Lane. It contains retail and other commercial properties with residential accommodation above.
- 2.3 To the east of the site lies a large and predominantly residential estate. Developments of streets, avenues, and cul-de-sacs of semi-detached and detached 1-2 storey houses has taken place along with some flatted

developments. These estate properties demonstrate a high degree of architectural uniformity and a consistent pattern of estate style development.

- 2.4 To the west are flatted residential blocks, typically 3 storeys with rear and front parking courts, opposite the site. There are also two single storey fast food outlets with front parking areas, a place of worship and a hotel.
- 2.5 This upper section of St Albans Road has a mixed character with a strong setting of suburban residential development. There is variety in building type, form, size, and function. This is commensurate with its location close to a major transport route and on a busy thoroughfare into and out of Watford Town Centre.

3. Summary of the proposal

3.1 Proposal

- 3.2 Redevelopment of the site to provide 127 residential units in 5 buildings ranging from 3 to 5 storeys in height, with associated parking, communal landscaped amenity areas, secure cycle parking and other associated development.

3.3 Conclusions

- 3.4 The redevelopment of the former Garston Bus Garage to create a high quality residential development is considered acceptable in principle.
- 3.5 The loss of the locally listed administration building is justified by the benefits of the proposed redevelopment which would deliver a well-designed residential development of a modern architectural style with cues taken from the existing 1950's modernist style of the existing building. Prior approval has already been granted for its demolition.
- 3.6 The layout, scale and design of the proposal is supported, optimising the potential of the site for new housing, echoing the current architectural vernacular and relating well to the surrounding context.
- 3.7 The mix and quality of the proposed accommodation is supported with all units benefiting from private amenity space and good internal daylight levels.
- 3.8 The lack of any affordable housing or contribution is a result of the marginal viability of the proposals, which has been verified by the Council's own viability advisors. However, a review mechanism is agreed that would allow

financial payment to be made towards affordable housing provision should the viability of the development be shown to have improved over time to provide a financial surplus.

- 3.9 The separation distances of the proposed buildings from the surrounding built environment is acceptable and ensures no significant harm to neighbouring amenity in terms of loss of light, privacy or outlook in compliance with the Residential Design Guide.
- 3.10 The site is well served by public transport. The parking provision, electric vehicle charging points, ample cycle storage and on site car club provision meet the aspirations of the draft Local Plan which encourages more sustainable transport modes.
- 3.11 The proposal would deliver a significant uplift in biodiversity with large areas of soft landscaping which include the planting of 80 trees throughout the site.
- 3.12 The inclusion of Air Source Heat Pumps and Solar Photovoltaics would mitigate carbon emissions in line with the policies of the draft Local Plan.
- 3.13 The air quality impacts from dust generated by demolition, earthworks, and construction would not be significant and the emissions generated from the completed development would be negligible.
- 3.14 In summary, the proposals constitute an appropriate reuse of a vacant brownfield site to provide much needed new housing for Watford. The proposals would not give rise to any significant planning harm and therefore approval is recommended.

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.
- 4.2 Paragraph 11 d) of the National Planning Policy Framework 2021 (NPPF) establishes the 'presumption in favour of sustainable development' and the principles of the 'tilted balance' that apply where a local planning authority cannot demonstrate a 5 year housing supply or have failed to deliver at least 75% of their housing requirement as part of the Housing Delivery Test. Where the tilted balance applies, decision makers should grant permission unless NPPF policies on protected areas or assets of particular importance provide a

clear reason for refusing development or, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against NPPF policies taken as a whole. The tilted balance has the effect of shifting the weight in the planning balance away from local policies and towards the NPPF.

- 4.3 The Council cannot currently demonstrate a 5 year supply of housing and scored below 75% in the most recent Housing Delivery Test results and therefore the 'tilted balance' applies to the determination of this planning application.

5. Relevant site history/background information

- 5.1 An earlier proposal by the same applicant to redevelop the site to provide 165 residential units was refused at the Development Management Committee on 16th December 2019 (ref. 19/00496/FULM). The Committee refused the application due to the loss of the locally listed building, the nature of the design and scale of the buildings and encroachment of the established building line on St Albans Road. The applicant appealed the refusal to the Planning Inspectorate. The refusal was upheld and the appeal was dismissed on 15th October 2020.
- 5.2 The planning inspector's report concluded that the proposal would fail to take the opportunity to promote a high quality of design that responds to its location and would cause considerable harm to the character and appearance of the area. The locally listed administration building was considered to have low significance and its loss carried no more than a small amount of weight against the proposal.
- 5.3 Following the appeal, the applicant appointed a new architect who developed this new proposal with pre-application discussions commencing in January 2021. The new proposal was presented to the Council's Place Shaping Panel twice. The Panel made several recommendations. As result, amendments were made to the scheme and this application was received in May 2021.
- 5.4 In August 2021 prior approval was granted for the demolition of the existing buildings (ref.21/01185/DEM). Prior approval is only required in so far as the Council may wish to agree the method of demolition of the existing building. Demolition of the existing building does not require planning permission.

6. Main considerations

- 6.1 The main issues to be considered in the determination of this application are:

- (a) Principle of a residential development
- (b) Loss of the locally listed building
- (c) Layout, scale and design
- (d) Accommodation
- (e) Affordable housing provision
- (f) Impact on amenity of adjoining residential properties
- (g) Transport, parking and servicing
- (h) Trees and biodiversity
- (i) Sustainability
- (j) Environmental impacts
- (k) Section 106 and Community Infrastructure Levy (CIL)

6.2 (a) Principle of a residential development

Policy HS1 of the Core Strategy lists the criteria that will be taken into account in assessing the suitability of sites for residential use. In this case, the site is brownfield land, is close to a neighbourhood centre, has good public transport connections, has no significant biodiversity value and is not at significant risk of flooding. These criteria would support a residential development in this location.

6.3 The administration building fronting St Albans Road is locally listed. There are no other planning designations on this site. The loss of the bus depot, which has been vacant since 2018 is acceptable. The principle of a residential development would be in keeping with the residential nature of the area.

6.4 (b) Loss of the locally listed building

The administration building fronting St Albans Road is a locally listed non-designed heritage asset. As such, it does not attract the same level of protection in policy or statute that is given to statutorily listed buildings. This two storey brick building has a 1950's modernist style with its principal elevation recessed at ground floor with 10 slim windows evenly spaced at first floor level between two projecting bays. The brick is predominantly Buckinghamshire red multi in a diamond pattern with blue engineering bricks used at ground floor level. The building was constructed in the early 1950's to a design by the chief architect to the London Transport Executive, Thomas Bilbow, who is better known for designing the Grade II Listed bus garage at Stockwell in London.

6.5 Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account, and advises that, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.6 In the recent planning appeal the planning inspector commented that the building has limited landmark value and is not a rare or special example of a post war bus garage being utilitarian in its appearance. The inspector also considered the potential of reusing the building as limited given that it was not designed for residential use, and considered that there was negligible group value in the subject building and the adjacent locally listed shopping parade. It was concluded that the level of interest of the building in architectural, historic, and archaeological terms was low at best and the inspector came to the balanced judgement that the loss of this building carries no more than a small amount of weight in terms of the planning balance.
- 6.7 Given the appeal history, the loss of the administration building is justified by the proposed redevelopment which would deliver a well-designed residential development which echoes the existing 1950's modernist style. The harm resulting from demolition of the locally listed building would be partly mitigated by a condition requiring a detailed historic building record be made prior to demolition.
- 6.8 The applicant has obtained prior approval for the demolition of the administration building. The demolition of non-designed heritage assets does not require planning permission, only prior approval which allows the Council to agree the method of demolition and the restoration of the site.
- 6.9 (c) Layout, scale and design
The proposed layout of the site would comprise three lines of buildings orientated on a north south axis across the site. The building fronting St Albans Road would be 4 storeys in height, the building to the middle of the site would be 5 storeys in height and the three buildings to the rear of the site would be 3 storeys in height.
- 6.10 The existing northern vehicular access would be retained, albeit with some realignment including a new ghost island to the middle of the St Albans Road to allow northbound vehicles to turn into the site without blocking the northbound carriageway. The internal street would be a U shaped cul-de-sac passing along the north of the site turning between the middle and rear buildings, before turning along the south of the site to a turning head which would allow vehicles to turn around and leave the site.
- 6.11 To either side of the street would be car parking spaces interspersed with trees and soft landscaping. The extent of hard landscaping and the dominance of car parking through the centre of the site has been a concern of planning officers and Watford's Place Shaping Panel during the development of the

current proposals. The applicant has made improvements to the proposal which reduces hard landscaping and increases soft landscaping to address these concerns, though the footprint and massing of the buildings remained unchanged. Seeking to make a more optimal use of land should not be at the expense of the quality of the public realm. On balance it is considered that the extent of hard landscaping is considered acceptable, retaining an acceptable quantum of amenity space and soft landscaping whilst ensuring parking provision is sufficient to serve the development.

- 6.12 The site would have three access points which could be used by pedestrians and cyclists. This includes a direct access into Garston Park, linking into the existing network of paths which were upgraded in 2020. A contribution of £10,966.55 towards these upgrade works, which include a new pathway to the site boundary, would be secured through a s106 agreement. The access point to Garston Park within the proposed development has a legible position at the end of the street between the buildings and would be well overlooked.
- 6.13 The space between the front and middle buildings would be a large central landscaped communal amenity space for residents of the proposed development with incidental play space, benches and a variety of trees. To the rear of the rear buildings adjacent to the eastern boundary of the site would be additional private communal amenity space for use by occupants of the rear buildings.
- 6.14 The massing of the front building responds to the context of St Albans Road where flatted development of a similar height, albeit with 3 storeys and pitched roofs exist. The footprint of the proposed building is set further back and its depth and height are significantly less than that proposed by the previous application. These adjustments to the footprint and the massing are considered to sufficiently overcome the concerns raised regarding the previous proposal by the Council and the planning inspector who concluded that the transition between the proposal and the adjacent locally listed shopping parade was abrupt and unsympathetic. This proposal would be more sympathetic to the context on both approaches to the site along St Albans Road and is considered acceptable.
- 6.15 The building to the middle of the site is the tallest at 5 storeys. Positioning the tallest element of the proposal in the middle of the site is a sensible solution optimising the potential of the site to provide much needed new homes without causing significant harm to the street scene of St Albans Road or to the amenity of the surrounding residential properties.

- 6.16 To the rear, a line of three, 3 storey buildings, separated by 1.8 metre gaps would have a townhouse aesthetic which is sympathetic to the 2 storey post war residential properties along Codicote Drive.
- 6.17 To the north east corner of the site would be an electricity substation building. This substation currently exists within the large rear garage building. Its position is unchanged.
- 6.18 The architectural approach has evolved from a historical and contextual analysis of the site. The front building would be articulated by a pre-cast concrete stepped parapet with strong projecting bay elements. Many of the lower windows would be framed by pre-cast concrete reveals with blue brick insets. The windows would be slim with a distinct vertical emphasis which relates well to the façade of the building. Externally the predominant material would be brown multi brick with blue brick used to provide architectural interest. The window frames and balconies would be dark grey. The elevations would have a simple, yet detailed visual appearance which echoes the 1950's modernist design of the locally listed administration building. This design approach is considered to be a significant improvement over the previous proposal which was described by the planning inspector as 'wholly uninspiring and unappealing'.
- 6.19 The middle building would have a similar design to the front building with a horizontal parapet line with raised gable elements. The material palette would also include a red multi brick alongside the brown multi brick.
- 6.20 The three rear buildings also exhibit a similar design to the middle building without a setback top floor seen on the other buildings. The style and proportions of these buildings are more akin to the appearance of townhouses. The projections on these buildings are shallower and topped with raised gable elements which add further architectural interest.
- 6.21 The proposal was twice subject to independent design review by Watford's Place Shaping Panel in March and May 2021. The panel's reports are attached at appendices 2 and 3. The panel recognised that the proposals had improved at the second review. In response to comments received from these reviews the applicant made a number of amendments to the proposal including:
- Improvements to the northern street which included narrowing the roadway, widening the soft landscaping and improving the connection to Garston Park.
 - Reconfiguration of parking spaces, reducing the overall number of spaces by 2 and moving a further 2 spaces from the north to the south of the site.

- Internal reconfiguration of the middle building to increase the number of dual aspect units by 8.
- Moving balconies from the front elevation to the side elevations on the front building.
- Simplified materials palette for the front building.
- Improved landscaping and enclosure fronting St Albans Road.
- Increased privacy for units facing the central amenity space.
- The introduction of Air Source Heat Pumps in place of individual gas boilers.

6.22 (d) Accommodation

The development would provide the following mix of accommodation:

- 44 x 1 bedroom units (34.5%)
- 64 x 2 bedroom units (50.5%)
- 19 x 3 bedroom units (15%) (including 4 x duplex units)

6.23 The proposed mix is considered appropriate in accordance with Policy HS2 of the Core Strategy which seeks a variety of housing typologies.

6.24 Section 7.3.6 of the Residential Design Guide sets out the minimum Gross Internal Areas for new dwellings in accordance with the Nationally Described Space Standards (NDSS). All of the proposed units would meet the minimum floorspace standard for the dwelling type proposed and are compliant with the NDSS. All of the units include private amenity space in the form of private gardens at ground floor and balconies and terraces on the upper levels. All balconies exceed a depth of 1.5 metres and have a footprint in excess of 5 square metres.

6.25 All ground floor units have direct external access, in some units this is the sole primary access and in others it is a secondary access from the living rooms. Six of the ground floor units are suitable for occupants with wheelchairs. These units have larger internal spaces and all benefit from direct external access into the units.

6.26 The development includes 47 (37%) single aspect units of which 40 are one bedroom units. 25 units are solely east facing and 22 are west facing. Having no single aspect north or south facing units facilitates good sunlight levels and avoids excessive solar gain.

6.27 A daylight/sunlight assessment following the British Research Establishment's (BRE) best practice guidance "Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice." (2011) has been undertaken. This assessment

concludes that in terms of Average Daylight Factor (ADF), a qualitative measure of the adequacy of diffuse daylight within rooms, all habitable rooms would meet or exceed the minimum BRE recommendations. Overall, the proposed levels of daylight and sunlight within the development are good.

6.28 (e) Affordable housing provision

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Draft Local Plan Policy HO3.3 also requires 35% provision, with a tenure mix which includes 60% social rent and 40% intermediate tenures.

6.29 The submitted application proposes no affordable housing. This has been justified through the submission of a detailed viability appraisal which shows the development to be unviable, generating a significant deficit of around £4.59 million. On this basis, the applicant concludes that the scheme cannot provide any on-site affordable housing. This is based on a profit level of 18% of Gross Development Value. This is considered to be reasonable and within the guideline range of 15-20% within the government's Planning Practice Guidance.

6.30 Vacant Building Credit (VBC) was introduced into the July 2018 version of the NPPF. In the 2021 version it is referenced at paragraph 64. Where vacant buildings are being reused or redeveloped, VBC allows any affordable housing contribution due to be reduced by a proportionate amount, relative to floorspace. The applicant has applied VBC which would allow the 35% provision required by Policy HS3 to be reduced to 11.35%.

6.31 The applicant's viability appraisal has been subject to a detailed and robust viability review by Aspinall Verdi (AV), acting on behalf of the Council. AV tested a policy-compliant scenario to determine whether the scheme could support the contribution sought by Policy HS3 (equivalent to 11.35% with VBC considered). The outcome of this policy compliant scenario concluded that the development would still be unviable generating a deficit of £3.67 million.

6.32 AV also tested an entirely private scenario to determine whether the scheme would be financially viable. This concluded a deficit of £2.25 million, some £2.34 million less than the deficit generated in the applicant's appraisal. Nevertheless AV conclude that despite favourable adjustments to the Benchmark Land Value (BLV) and construction costs, an entirely private scheme remains unviable at the present time. Notwithstanding these conclusions, and in recognition of the need for affordable housing in the borough, the applicant has made a without prejudice offer of a commuted

sum of £194,000 towards affordable housing. This is a welcome benefit and is accepted in the circumstances and is in addition to a late stage review mechanism (see below).

- 6.33 Over time values fluctuate. AV have shown that if sales values increase and construction costs decrease, a policy compliant scheme begins to become viable. For example, with a 5% increase in sales values and a decrease in construction costs by the same amount, the scheme generates a surplus of around £418,000 above the BLV and can support the full contribution sought by Policy HS3 with VBC applied. Conversely, if values were to decrease by 5.0% and costs were to increase by the same amount, the deficit would be further exacerbated to around £6.45m.
- 6.34 AV have strongly recommended that a viability review mechanism is included within any Section 106 agreement. This should be undertaken towards the end of the development. The Council and the applicant have agreed to a review mechanism to be secured through a s106 agreement. This will allow any positive change in the viability of the scheme to be captured and where viable, an appropriate additional commuted sum towards affordable housing to be secured.
- 6.35 (f) Impact on amenity of adjoining residential properties
Park Lodge, a development of 20 one bedroom flats with a communal rear garden, adjoins the northern boundary of the site. The southern side wall of this development is approximately 0.5 metres from the northern boundary of the site and contains non-habitable room windows. Proposed Building A does include north facing habitable room windows and balconies on the north end of the building. These are all more than 14 metres from the shared boundary which is sufficient to ensure no unreasonable loss of light and privacy to the side elevation of Park Lodge.
- 6.36 The rear gardens of numbers 63 to 83 (odds) Codicote Drive adjoin the eastern boundary of the site. These 2 storey properties have gardens which extend approximately 20 metres beyond the original rear wall of the dwellings. Currently the substantial industrial building occupying the rear of the site is approximately 2.5 metres from the common boundary with these properties. This building is clearly visible above their rear fences, though many gardens contain tall mature trees which somewhat obscure this view. Proposed Buildings E, F and G are all three storeys in height and positioned 13.5 to 14 metres from the rear boundary except for ground floor single storey protrusions which extend 3 further metres towards the boundary. The two first floor level terraces on Buildings E and G are 11 to 11.5 metres from

the common boundary. The ten balconies at first and second floor levels are 12 to 12.5 metres from the same boundary.

- 6.37 In order to maintain acceptable levels of privacy between the proposed development and existing residential properties the Residential Design Guide recommends a minimum distance of 11 metres to the rear boundary and 27.5 metres to rear facing habitable room windows. In relation to Codicote Drive, both are achieved. As such, the proposed buildings will not give rise to any unacceptable overlooking or loss of privacy to these properties and their private garden areas.
- 6.38 A number of properties at the closed end of Felden Close have rear garden boundaries which adjoin the southern boundary of the site. The side elevation of proposed Building G would be positioned 5 metres from the common boundary with number 34 Felden Close which has an 18 metre deep garden. This separation would not significantly harm the outlook of number 34 given that Building G is smaller and at a greater distance than the existing industrial building. A condition has been included to ensure windows in this side elevation are obscure glazed and the balconies have suitable privacy screens to their southern edge.
- 6.39 To the western side of the southern boundary are the properties which form part of the locally listed Garston Park Parade. The main Gaston Park Parade terrace is orientated perpendicular to the common boundary with no side facing windows. Number 19 Garston Park Parade, an infill building which sits behind the parade adjacent to the boundary with the bus garage, has no first floor habitable room windows overlooking the site. The development would therefore not harm the amenity of the properties in Garston Park Parade.
- 6.40 The buildings on the opposite (west) side of St Albans Road would not suffer any loss of amenity given their generous separation across St Albans Road.
- 6.41 The applicant has submitted a daylight/sunlight report which assesses light levels to windows within adjoining properties in accordance with the Building Research Establishment's publication "Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice." (2011). This report accurately demonstrates that the proposed development would cause no significant harm to any existing window.
- 6.42 Overall the separation distances of the proposed buildings from the surrounding buildings are acceptable, in compliance with the Residential Design Guide, which ensures no significant harm to neighbouring amenity in terms of loss of light, privacy or outlook.

- 6.43 (g) Transport, parking and servicing
The site is served by frequent buses along St Albans Road, which connect the site to Watford Town Centre and other centres in Hertfordshire. Buses run at a daytime frequency of approximately every 10 minutes with journeys to the town centre taking around 15 minutes. Garston railway station is only 0.4 miles from the site. This station is served by a shuttle train every 45 minutes between Watford Junction and St Albans. The frequency of buses and trains is reduced at evenings and weekends, though overall the public transport connections to the site are relatively good.
- 6.44 The development would provide 237 cycle parking spaces within 7 internal ground floor rooms located adjacent to the main communal entrances. The easily accessible and secure nature of the cycle parking encourages people to choose cycling as their preferred mode of transport.
- 6.45 The development would also provide 87 surface level car parking spaces. Of these spaces 20% would have active charging infrastructure for electric vehicles provided, all other spaces would have passive provision. Five spaces are suitable for use by persons with a disability and 1 would be allocated for use by a car club.
- 6.46 The parking standards contained in saved Policy T22 of the Watford District Plan 2000 set maximum parking requirements for new developments. For the proposed development the maximum car parking provision would be 193.75 spaces. Nevertheless these maximum parking standards are historic and out-of-date and are not reflective of current aspirations to encourage the use of more sustainable transport modes. Policy ST11.5 of the draft Local Plan states the maximum requirement in this area to be 1 space per unit (equating to 127 spaces). The proposed parking ratio of 0.69 spaces per unit is within these maximum standards and considered appropriate given the alternative sustainable transport options available.
- 6.47 The Transport Assessment submitted with this application presents car ownership data which suggests that parking provision is sufficient to cater for the likely demand associated with the development. Nevertheless a parking survey of nearby streets has been undertaken which suggests there is adequate available space on-street to accommodate any additional demand.
- 6.48 To ensure the needs of future occupiers and encourage sustainable development details of car parking allocation and distribution are secured by condition. As part of the s106 agreement a financial payment to Hertfordshire

County Council of £6,000 is secured for the long term monitoring of a Travel Plan which further encourages sustainable travel options.

- 6.49 The existing site has two vehicular access points, both onto St Albans Road. Hertfordshire County Council Highway Authority have agreed to the realignment of St Albans Road, subject to a 278 Highways Act agreement. The northern vehicular entrance would be retained, albeit with some realignment as noted in section (c) above. The southern entrance would be closed with a kerb line established. The closure of the southern entrance as opposed to the northern one is considered preferable from a highways safety perspective. Internally, the street is wide enough for vehicles to pass and for large refuse collection vehicles to access the bin stores. The southern turning head has been designed to allow large vehicles to turn around.
- 6.50 The Transport Assessment includes a trip generation exercise which compares the predicted vehicle trip generation against that of the previous use as a bus garage. This exercise concludes that the number of arrivals in the morning peak would be fewer and the number of departures would be greater. Conversely arrivals in the afternoon peak would be greater and the number of departures would be fewer. Overall the combined trip numbers generated by the proposed use would be fewer than that of the former use as a bus garage and the impact on the local highway network would be negligible.
- 6.51 (h) Trees and biodiversity
The site and surroundings do not contain any trees protected by a Tree Preservation Order (TPO). To the front of the existing administration building is a small sized Ash tree which would be removed to facilitate this proposal. The four trees within the pavement to the front of the site, which do have prominence in the street scene would not be impacted by the proposal or the realignment of the highway.
- 6.52 The existing site has a small grass area to the front of the site, other than this the site is covered by buildings and hardstanding and has no significant biodiversity value. The proposed development includes the planting of 80 trees of varying species throughout the site with landscaped communal amenity areas. This represents a significant enhancement of the natural environment. The mature trees in the rear gardens of properties on Codicote Drive would not be impacted.
- 6.53 (i) Sustainability
The development has been designed to use a hybrid heating and hot water system which utilises a combination of central gas fired boilers and an Air Source Heat Pump (ASHP) system. The ASHP is a renewable energy technology

which uses electricity to capture latent, low grade heat from the atmosphere and convert it into higher grade heat sufficient for heating. Solar Photovoltaics (PV) are also included on the roof of the front building to further increase sustainable energy generation and carbon savings.

- 6.54 Overall the proposal would achieve a target emission rate which is an improvement of 19% over that required by current national building regulations, in accordance with Policy CC8.3 of the draft Local Plan, which seeks a phased approach to improve the energy efficiency of new homes.
- 6.55 (j) Environmental impacts
The applicant has submitted an Air Quality Assessment which assesses potential air quality impacts from dust generated by demolition, earthworks, and construction. These are predicted to be not significant. The highways in the vicinity of the site are not designated as an Air Quality Management Area (AQMA). Once completed the emissions generated by the development would be negligible.
- 6.56 The application is accompanied by reports detailing assessments in respect of contamination, flood risk, surface water drainage, ecology, energy, noise and biodiversity. These technical matters have been demonstrated to be acceptable to support the planning application and relevant requirements are secured by condition.
- 6.57 (k) Section 106 and Community Infrastructure Levy (CIL)
The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. The CIL charge applicable to the proposed development is c.£157per m² (including indexation).
- 6.58 Section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements. The planning obligations for this development are set out in Section 8 of this report.

7 Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment	Response
Hertfordshire Constabulary Crime Prevention Design Service	Requests the development is built to the police's security standards "Secured by Design".	Development would comply with these standards.
Hertfordshire County Council Ecology	No response received.	None
Hertfordshire County Council Fire and Rescue Service	Suggested condition for fire hydrants.	Building regulations Approved Document B requires fire safety measures.
Hertfordshire County Council Flood Authority	Consulted. Sought additional flood risk assessment/ surface water drainage information. Additional information sent, awaiting response.	Pre commencement condition added to resolve this matter.
Hertfordshire County Council Growth and Infrastructure	Community Infrastructure Levy applicable.	Noted
Hertfordshire County Council Highways	No objection subject to s106 for Travel Plan, conditions and informatives.	Noted. A Travel Plan and monitoring contribution would be secured through a s106 agreement.
Hertfordshire County Council Historic Environment	Suggested a record is made of locally listed building.	Building record conditioned.
Hertfordshire County Council Minerals and Waste	General comments made. No objection.	Noted.
Thames Water	No objection.	Noted.

7.2 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment	Response
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Watford Borough Council Arboricultural Officer	No objection subject to conditions.	Noted.
Watford Borough Council Environmental Health	No objection subject to conditions.	Noted.
Watford Borough Council Housing Service	Disappointed that a scheme of 127 units cannot provide any affordable housing. Will follow the advice of the Council's viability advisors and planning officers.	Noted.
Watford Borough Council Waste and Recycling	Satisfied with proposal.	Noted.
Watford Borough Council Urban Design and Conservation Manager	Considered the proposal an improvement on the previous proposal.	Noted.

7.3 Interested Parties

Letters were sent to 247 properties in the surrounding area. A total of 24 responses were received in objection. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Insufficient parking / increase in traffic	Parking provision is considered acceptable and the impact on the highway network is considered negligible. See paragraphs 6.45 to 6.50 of the report which address parking provision and highway impacts.
Overdevelopment of area	The development makes effective use of a brownfield site and contributes housing need in Watford. See paragraphs 6.2 to 6.3 which relates to the principle of a residential development.
Design, character and appearance of the area	The development is considered to respond well to the context. See paragraphs 6.9 to 6.21 of the report which relate to the layout, design and scale.
Overlooking / overshadowing / loss of	The development would cause no significant harm to neighbouring amenity. See paragraphs 6.35 to 6.42 of

light and loss of privacy.	the report which relates to the impact on the amenity of adjoining residential properties.
Pressure on local services	The development is CIL (Community Infrastructure Levy) liable. This levy is used to help the local authority to deliver the infrastructure needed to support development in the area.
Housing mix and lack of affordable housing	The housing mix is considered acceptable. The lack of affordable housing is disappointing, though this has been subject to an independent viability review. See paragraphs 6.22 to 6.23 and 6.28 to 6.34 of the report which relate to accommodation and affordable housing.
Loss of biodiversity	The site has limited biodiversity value. See paragraphs 6.51 to 6.52 of the report which relate to biodiversity.
Anti-social behaviour	The proposal is not considered to give rise to anti-social behaviour. The development is to be built to the Hertfordshire Constabulary's security standards.
Disruption from construction	A construction management plan to minimise disruption is conditioned. Air quality impacts from construction would be negligible. See paragraphs 6.55 to 6.56 of the report which relate to environmental impacts. The Environmental Protection Act, the Control of Pollution Act and the Highways Act also control the matters of disruption raised.
The ethics of the applicant	This is not a material planning consideration.

8 Recommendation

Section 106 Heads of Terms

(i) To secure a financial payment to Watford Borough Council of £194,000 towards the provision of affordable housing within the borough;

(ii) To secure a review mechanism of the viability of the development to be undertaken towards the end of the project (at 75% of flat sales) when actual build costs and sales values of the flats are known. This shall allow financial payment to be made towards local affordable housing provision where the viability of the development can be shown to have improved to provide a financial surplus;

(iii) To maintain the 1 parking space for use of a car club, to facilitate the arrangement of an on-site car club and to provide funding for the membership of each dwelling for this car club for 3 years membership from the date of first occupation. At the point of occupation, should the car club be reasonably demonstrated as not viable, a payment of the equivalent cost of the car club shall be made to Watford Borough Council for contributions towards alternative sustainable transport infrastructure;

(iv) To secure a financial payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan for the site;

(v) To secure a financial payment to Watford Borough Council of £10,966.55 for the connecting path through Garston Park to the site.

Conditions

1. Time Limit

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. Approved Drawings and Documents

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

- T10100 Rev: P01
- T10200 Rev: P01
- T10201 Rev: P01
- T20100 Rev: P02
- T20101 Rev: P01
- T20102 Rev: P01
- T20103 Rev: P01
- T20104 Rev: P01
- T20105 Rev: P01
- T20200 Rev: P01
- T20201 Rev: P01
- T20202 Rev: P01
- TA20100 Rev: P01

- TA20101 Rev: P01
- TA20102 Rev: P01
- TA20103 Rev: P01
- TA20104 Rev: P01
- TC20100 Rev: P01
- TC20101 Rev: P01
- TC20102 Rev: P01
- TC20103 Rev: P01
- TC20104 Rev: P01
- TC20105 Rev: P01
- TE20100 Rev: P01
- TE20101 Rev: P01
- TE20102 Rev: P01
- TE20103 Rev: P01
- TA21400 Rev: P01
- TA21401 Rev: P01
- TC21400 Rev: P01
- TC21401 Rev: P01
- TE21400 Rev: P01
- TE21401 Rev: P01
- T70400 Rev: P01
- T70401 Rev: P01
- T70402 Rev: P01
- T70403 Rev: P01
- T90100 Rev: P02
- T91100 Rev: P01
- C0089 L100 Rev: U
- Sustainability and Energy Statement. Dated: April 2021. By Turley
- Noise Impact Assessment. Dated: April 2021. By Syntegra
- Arboricultural Implications Assessment. Dated: May 2019 Drafted by: CBA
Trees
- Historic Building Record. Dated January 2020. By Icen

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

3. Flood risk assessment / surface water drainage strategy

No development shall commence until a flood risk assessment / surface water drainage strategy, which contains confirmation from Thames Water regarding the proposed discharge rates and volumes, justification of proposed pumped

connection and an appropriate SuDS management train, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved strategy.

Reason: In accordance with the response from the local lead flood authority to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy SD2 of the Watford Local Plan Core Strategy and Chapter 14 of the National Planning Policy Framework.

4. Construction Traffic Management Plan Addendum

No development shall commence until a Construction Traffic Management Plan Addendum has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Traffic Management Plan shall include details of:

- Construction vehicle numbers, type, routing;
- Access arrangements to the site;
- Traffic management requirements
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- Siting and details of wheel washing facilities;
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In accordance with the response from the highway authority to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Contamination Remediation Scheme

No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

(i) An options appraisal and remediation strategy, based on the site investigation results and the detailed risk assessment reported in the Phase I Desk Study Review and Phase II Ground Investigation Report prepared by Hydrock (Report ref. ABD-HYD-XX-XX-RP-GE-0001), giving full details of the remediation measures required and how they are to be undertaken.

(ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Contamination Verification Report

Prior to the occupation of each respective building, measures identified in the approved remediation scheme relating to that building shall have been completed and a verification report, which demonstrates the effectiveness of the remediation carried out together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils, shall be submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall be implemented in full.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. External Materials

No external facing materials shall be installed on the building until:

- a. full details of the materials to be used for all the external surfaces have been submitted to and approved in writing by the Local Planning Authority; and
- b. sample panels shall be constructed on site to show the typical facades including brickwork, window frames and glazing made available for inspection and approved in writing by the Local Planning Authority.

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

9. Hard Landscaping

No part of the development shall be occupied until a detailed hard landscaping scheme for the site, including site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, The detailed scheme shall be based upon the Illustrative Landscape Masterplan (drawing reference: - C0089 L100 Rev: U). No building shall be occupied until the respective works relating to the building have been carried out in accordance with the approved details.

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

10. Soft Landscaping

No part of the development shall be occupied until a detailed soft landscaping scheme for the site and a landscape management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon the Illustrative Landscape Masterplan (drawing reference: C0089 L100 Rev: U). The approved soft landscaping scheme in respect of each building shall be carried out not later than the first available planting and seeding season after completion of the respective building. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

11. Highway Works

No part of the development shall be occupied until the modified access and egress arrangements from St Albans Road, the stopping up of the southern access to vehicles and the reinstatement of the footway / highway verge as shown in principle on the approved drawings have been completed in full.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

12. Car Parking Provision and Management Plan

No part of the development shall be occupied until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan must include the following:

- Details of car parking allocation and distribution;
- Details of the car club regarding the operation, management, and implementation scheme;
- Methods to minimise on-street car parking;
- Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the Local Planning Authority;
- Provision of active EV charging spaces (at minimum 20%) and all other spaces to have passive infrastructure.

The Car Parking Management Plan shall be fully implemented before the development is first occupied, in accordance with a timeframe agreed by the LPA, and thereafter retained for this purpose.

Reason: In the interests of highway safety and to ensure sufficient on-site parking provision that meets the needs of future occupiers and encourages sustainable transportation.

13. Travel Plan

No part of the development shall be occupied until a detailed Travel Plan, based upon the Hertfordshire County Council document Framework Travel Plan and 'Hertfordshire Travel Plan Guidance', has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall then be implemented in accordance with the approved scheme thereafter.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment, in accordance with Policy T3 of the Watford Local Plan Core Strategy 2006-31.

14. Bin and Cycle Storage

No dwelling within each building of the development shall be occupied until the bin and bicycle storage for that building has been provided for the use of residents, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.

Reason: To ensure that adequate facilities exist for the future occupiers of the dwellings, in accordance with saved Policies T10 and SE7 of the Watford District Plan 2000, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

15. Aerials and Satellite Dishes

No dwelling within each building of the development shall be occupied until details of any communal terrestrial television aerial(s) or satellite dish(es) for that building have been submitted to and approved in writing by the Local Planning Authority.

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

16. Obscured glazing and privacy screens

Prior to the occupation of units 120 and 124 in Building G, details of obscured glazing and privacy screens to prevent overlooking towards the rear gardens of Felden Close shall be submitted to and approved in writing by the Local Planning Authority and shall be installed as approved. These measures shall be retained at all times.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

17. Communications Equipment

For the avoidance of doubt, no communications development permitted by Classes A, B or C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be undertaken on any of the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

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

18. Flat Roof not a Terrace or Balcony

No parts of the flat roofs of the development, with the exception of those areas marked as balconies or terraces on the drawings hereby approved shall be used as a terrace, balcony or other open amenity space.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

Informatives

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability
7. IN915 – Highway Works – HCC agreement required