

## PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

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

### **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.

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## **BACKGROUND**

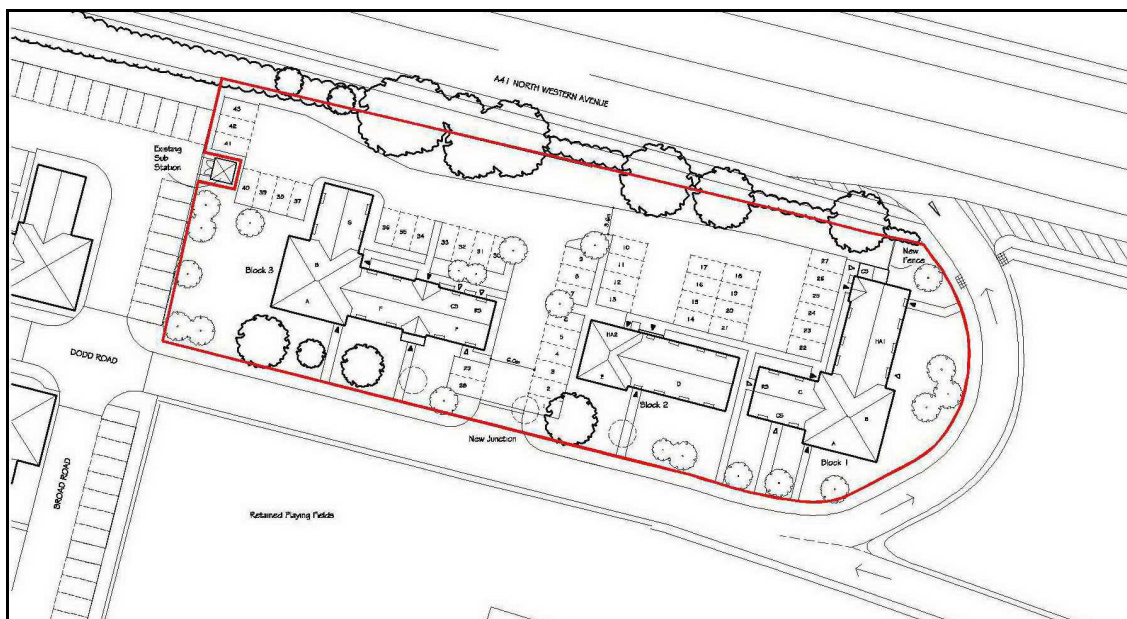
### **Site and surroundings**

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 11<sup>th</sup> 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 28<sup>th</sup> 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 21<sup>st</sup> 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

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## **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 9<sup>th</sup> September 2014. A public notice also appeared in the Watford Observer on 19<sup>th</sup> 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:

|    | <b>Sport England Policy: Summary of Exceptions</b>  |
|----|---|
| 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.

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## **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 (3m<sup>2</sup>) 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<br>RDG (2014) | Floor area provided<br>in scheme |
|--------------------|----------------------------------|----------------------------------|
| 1 bedroom          | 37m <sup>2</sup>                 | 44-45m <sup>2</sup>              |
| 2 bedrooms         | 61m <sup>2</sup>                 | 58-67m <sup>2</sup>              |

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 6<sup>th</sup> 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**

| <b>Objections</b>  | <b>Officer's response</b>   |
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| 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. | The proposed development will not change or make any worse the current situation within the estate. |

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| <p>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.</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>  |

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| 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. |
|--|--|

### **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.

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### **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.

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### **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 18<sup>th</sup> 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

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- (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 27<sup>th</sup> 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.
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