



**WATFORD  
BOROUGH  
COUNCIL**

# **DEVELOPMENT MANAGEMENT COMMITTEE**

**26 July 2017**

**7.30 pm**

**Town Hall**

## **Contact**

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# Committee Membership

Councillor P Jeffree (Chair)

Councillor S Johnson (Vice-Chair)

Councillors D Barks, S Bashir, N Bell, P Kent, R Laird, I Sharpe and M Turmaine

## Agenda

### Part A – Open to the Public

1. **Apologies for absence/Committee membership**
2. **Disclosure of interests (if any)**
3. **Minutes**

The [minutes](#) of the meeting held on 5 July 2017 to be submitted and signed.

### **CONDUCT OF THE MEETING**

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
2. Any remaining items that the Committee agrees can be determined without further debate.
3. Those applications where the Committee wishes to discuss matters in detail.
4. **17/00558/FULM 64 and 73-77, Clarendon Road** (Pages 5 - 44)  
  
Redevelopment of site comprising removal of protected trees, construction of new 12 storey office building, high level footbridge link, hard and soft landscaping, basement car parking, new access arrangements and highways improvements
5. **17/00478/FUL 77 and 77a, Eastbury Road** (Pages 45 - 64)  
  
Erection of two storey extensions to 77 and 77a Eastbury Road and conversion to 2 x 3 bedroom and 2 x 2 bedroom flats. Erection of detached building comprising 2 x 2 bedroom flats. New parking provision of 6 spaces plus associated garden areas and landscaping

**6. 17/00486/FUL 9, Station Road (Pages 65 - 78)**

Change of use of first floor commercial space from a mixed use comprising A1, A2, B1(a), D1 or coffee shop (serving hot and cold drinks, sandwiches and other light refreshments, and reheated/warmed food such as soup and paninis) to the approved mixed use and Class A4 use (drinking establishments)



PART A	
Report of: <b>Head of Development Management</b>	
Date of committee:	<b>26<sup>th</sup> July 2017</b>
Site address:	<b>64 and 73-77, Clarendon Road</b>
Reference Number:	<b>17/00558/FULM</b>
Description of Development:	<b>Redevelopment of site comprising removal of protected trees, construction of new 12 storey office building (Use Class B1) of 24,451sqm (GIA), high level footbridge link, hard and soft landscaping, basement car parking, new access arrangements and highways improvements.</b>
Applicant:	<b>TJX UK Property Limited</b>
Date Received:	<b>28<sup>th</sup> April 2017</b>
13 week date (major):	<b>28<sup>th</sup> July 2017</b>
Ward:	<b>Central</b>

## 1.0 Site and surroundings

- 1.1 The site is located at the northern end of Clarendon Road at its junction with Station Road. The main development site comprises 4 properties – 2 detached Victorian villas at nos. 73 and 75, Clarendon Road (former used as offices), a car repair workshop to the rear of nos. 73 and 75 accessed from Verulam Passage, and a 3 storey office building with 72 car parking spaces at 77, Clarendon Road. All 4 properties are now vacant.
- 1.2 Nos. 73 and 75, Clarendon Road are both locally listed buildings. The site also contains 5 preserved trees covered under Tree Preservation Order 256, 2 located on the southern boundary of 73, Clarendon Road and 3 located on the boundaries of 77, Clarendon Road. The site currently has 2 access points from Clarendon Road and 2 from Verulam Passage.
- 1.3 To the south is Meridian House, a 6 storey office building, and to the west, Verulam Passage, which links Station Road with Shady Lane. On the western side of Verulam Passage is the Nat West Bank (with drive through) fronting Station Road and a series of residential properties comprising a single storey dwelling at 4, Verulam Passage, and terraced houses fronting Westland Road (nos. 1-11, odds).

- 1.4 The application site also includes the existing office building at 64, Clarendon Road on the opposite side of Clarendon Road to the main development site. This is a recently refurbished 5 storey building.

## **2.0 Proposed development**

- 2.1 To erect a new 12 storey office building (Class B1a) comprising 24,451m<sup>2</sup> (gross internal floorarea) as a new European headquarters building for the applicant. The application also includes a footbridge link over Clarendon Road to 64, Clarendon Road, which is also in the ownership of the applicant and which will form part of the new headquarters use. The new building will include a basement car park for 100 spaces, together with cycle and motorcycle parking, accessed from Verulam Passage. A small area (106m<sup>2</sup>) at ground floor is also allocated for a potential retail use, facing Watford Junction Station. The proposal will result in the loss of 5 protected trees on the site.
- 2.2 The application is accompanied by a Planning Statement and Design and Access Statement together with a full suite of technical reports. All are available to view online.

## **3.0 Relevant planning history**

- 3.1 The following planning history is relevant to this application:

16/01569/FUL – Planning permission granted in January 2017 for the demolition of existing buildings, site clearance and associated works, erection of perimeter hoarding and provision for a temporary commercial structure (Class A1).

## **4.0 Planning policies**

### **Development plan**

- 4.1 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.*

- 4.2 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

4.3 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

*Watford Character of Area Study 2011*

*Skyline – Watford's Approach to Tall Buildings 2016*

4.4 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

5.0 **Consultations**

5.1 **Neighbour consultations**

Letters of notification were sent to 112 properties in Clarendon Road, Station Road and Westland Road. Nine representations have been received. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Loss of the 2 Victorian villas on the site.	See paragraph 6.5 of the report.

Loss of preserved trees on the site.	See paragraph 6.8 of the report.
The proposed increase in car parking on the site will exacerbate existing traffic problems in the area.	See paragraph 6.6 of the report.
Loss of light, outlook and privacy to residential properties in Verulam Passage and Westland Road.	See paragraph 6.4 of the report.

## 5.2 **Statutory publicity**

The application was publicised by 3 site notices posted on 26<sup>th</sup> May 2017 and by advertisement in the Watford Observer published on 26<sup>th</sup> May 2017. The site notice and newspaper advertisement periods expired on 16<sup>th</sup> June 2017.

## 5.3 **Technical consultations**

The following responses have been received from technical consultees:

### Hertfordshire County Council (Highway Authority)

Has raised no objection in principle to the application but has requested additional detailed information be submitted by conditions.

### Hertfordshire County Council (Lead Local Flood Authority)

Following the submission of additional information, has no objection to the application subject to appropriate conditions.

### Hertfordshire County Council (Historic Environment)

No comments on the application.

### Thames Water

Following the submission of additional information, has no objection to the application.

### Planning Policy

Support the application.

### Environmental Health

No objections to the application subject to appropriate conditions relating to noise impacts.



### Waste and Recycling

No comments on the application.

### Arboricultural Officer

No objections to the loss of the existing trees subject to a condition requiring further details of new tree planting and irrigation and drainage systems for the proposed planters.

## **6.0 Appraisal**

### **6.1 Main issues**

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

- (a) Principle of the proposed use.
- (b) Scale and design.
- (c) Impacts on surrounding properties.
- (d) Heritage assets.
- (e) Transport, access and servicing.
- (f) Car and cycle parking.
- (g) Trees and landscaping.
- (h) Environmental considerations.

### **6.2 (a) Principle of the proposed use**

The site is within the wider Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. Policy SS1 identifies Clarendon Road as the focus for office uses with improvements to the area encouraged in order to attract high quality office occupiers. The Core Strategy sets out the requirement for the provision of at least 7000 new jobs by 2031 to meet strategic objectives and maintain Watford's role as a regional employment centre.

- 6.2.1 The GVA Employment Study 2010 (forming part of the evidence base for the Core Strategy) identified potential demand for up to 90,000m<sup>2</sup> of Class B1a office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m<sup>2</sup> of new floorspace. This study also highlighted the fact that the quality of floorspace is equally important as the quantity. Clarendon Road/Station Road is identified as needing improvement in the quality of stock to compete effectively and attract occupiers. It is important to have not only the right quality and quantity of floorspace but also the right type of space to meet the future employment needs of the Borough and generate new jobs. As a regional centre, it is important that Watford remains an employment destination and does not become merely a commuter town.

- 6.2.2 The Economic Growth and Delivery Assessment (2014) has identified a significantly greater predicted growth in employment at 13,290 new jobs, almost double the predicted 7,000 new jobs in the 2010 Employment Study. Some 11,630 of these are forecast to be in Class B1(a) and B1(b) office jobs. It also predicts a significant shortfall of employment floorspace, in the order of 164,000m<sup>2</sup> to 215,000m<sup>2</sup>, a significant proportion of which will need to be in the form of office floorspace. Even allowing for some adjustment and refinement of these figures, these figures are a magnitude greater than that planned for in the Core Strategy. Latest information, in the form of the South West Herts Economy Study 2016, suggests a continuing need for high quality office floorspace in Watford.
- 6.2.3 Emerging Policy EMP5 of the Local Plan Part 2 states that development within the Clarendon Road, Station Road and Bridle Path office area should deliver modern, high quality Class B1a and B1b office floorspace to meet these identified needs. However, it also states that an element of small scale supporting uses (such as coffee shops, conference facilities, gyms and crèches) will be supported where these add to the vitality and viability of the office area.
- 6.2.4 The proposed office development is fully in accordance with adopted and emerging employment policies and will significantly increase the net amount of office floorspace on the site to 13,895m<sup>2</sup> (NIA), meeting identified need for new office floorspace. It will also provide modern, high quality floorspace to replace the existing, poor quality floorspace. This is welcomed and fully supported. The applicant also occupies a number of other buildings within Clarendon Road. The relocation of staff to the proposed new building will free up existing good quality floorspace in other buildings but will also facilitate the redevelopment of the applicant's existing headquarters building at 50, Clarendon Road for new office development. This building dates from the mid-1980s and offers poor quality accommodation by modern standards.
- 6.3 (b) Scale and design
- The building has been designed by Sheppard Robson Architects, an acclaimed, award winning architectural practice. They have worked closely with the applicant and the Council through a detailed pre-application process to achieve a high quality, functional and efficient design that meets the aspirations of both the applicant and the Council for this prominent and important site. The application is supported by a number of visualisations of the building from different viewpoints.
- 6.3.1 The main part of the site at 73-77, Clarendon Road, being directly opposite Watford Junction Station, is identified as suitable for a tall building in emerging Policy TB1 of the Local Plan Part 2. It also accords with the guidance in the Skyline SPD –

Watford's Approach to Tall Buildings. The architects have addressed the curved frontage that forms the junction between Clarendon Road and Station Road by designing the building as 3 distinct elements of 7, 10 and 12 storeys with the elements separated by deep recesses. The 7 storey element is located adjoining Verulam Passage with the building stepping up to 12 storeys on the Clarendon Road frontage before stepping down again to 7 storeys adjacent to Meridian House. The scale of the building is reduced further to the rear, fronting Verulam Passage, where a 4 storey element is introduced, reflecting the lower scale of residential properties in Westland Road. These building elements relate well together to create an attractive and innovative building design with the different elements giving the building a strikingly different appearance when viewed from different vantage points.

6.3.2 The main detailed façade design comprises a modular curtain wall system with each module made up of 3 vertical units. Each unit can contain either clear glazing, obscured glazing or a solid panel. The latter comprises a shadowbox containing profiled timber or other material to give it depth and texture and avoid the appearance of a flat panel. Each module will have a different configuration of clear, obscured and solid units, some dictated by internal arrangements, to create a varied and interesting façade to the building. Further interest is created in the façade through the introduction of 3 storey high, clear glazed corner atria and a high level 'Living Wall' (see paragraph 6.9.2 below). Detailed façade studies have been submitted for each of these façade treatments.

6.3.3 The final element of the proposal is the footbridge across Clarendon Road at third floor level, linking the proposed building with the existing building at 64, Clarendon Road. This will form a unique feature in the road and will adopt the same design response as the new building. Its purpose is to allow employees to move between the buildings without having to leave either building and cross Clarendon Road.

6.3.4 Overall, the proposed building is considered to be of very high quality, successfully addressing this important corner location, and creating a well articulated building of variety and interest.

#### 6.4 (c) Impacts on surrounding properties

The proposed building will be sited adjacent to the flank elevation of Meridian House to the south and Nat West Bank to the west. These are both commercial properties and the proposed building will have no adverse impacts on them.

6.4.1 The main consideration in terms of potential impacts relates to the residential properties on the western side of Verulam Passage. Potential impacts include daylight/sunlight, outlook, privacy and noise.

6.4.2 i) 4, Verulam Passage

This property comprises a single storey, single aspect, 1 bedroom dwelling of approximately 40m<sup>2</sup>. It is situated at the rear of the Nat West Bank site and was originally a toilet block before being changed to a retail use (sandwich bar) in 2004. This use operated until 2015 when it closed down. In June 2016 a prior approval application was received to change the use to a dwelling house under Part 3, Class M1(a) of the General Permitted Development Order 2015. The proposal complied with the relevant conditions and limitations of this class and, consequently, no prior approval was required. The change of use was subsequently implemented. The front elevation comprises an entrance door with 2 small windows to the main living area. The rear bedroom has a small escape window in the side elevation into the rear garden area of 1, Westland Road (in the same ownership).

6.4.3 The front elevation will face directly towards the 4 storey element of the proposed building at a distance of 11m. The 4 storey element will have a height of 17.6m and comprise plant rooms and back of house areas at ground floor with office space on the 3 floors above.

6.4.4 The British Research Establishment's document 'Site layout planning for sunlight and daylight – a good practice guide' gives guidelines for assessing the impact of new development on the daylight/sunlight received by existing residential properties. A simple rule of thumb involves calculating the vertical obstruction angle from the mid-point of habitable room windows. If this exceeds 25°, the loss of daylight and potentially sunlight (depending on orientation) is likely to be significant. In this case, the angle of obstruction is 55°. Loss of daylight will therefore be significant in this case. As the dwelling faces due east, the loss of sunlight in the morning will also be experienced.

6.4.5 With regard to outlook, having regard to the length of the elevation of the proposed building along Verulam Passage, extending 21m to the south and 38m to the north of no.4, its height at 17.6m and its proximity at 11m, the proposed building will have a significant adverse impact on the outlook from this dwelling. Finally, regarding privacy, the dwelling will be overlooked by office windows at first, second and third floor levels.

6.4.6 It is evident from this assessment that the proposed building will have a potentially very significant adverse impact on the amenities of the dwelling at 4, Verulam Passage. In weighing up these adverse impacts and deciding the weight to be given them, several factors need to be considered:

i) The existing dwelling was created as permitted development under the

provisions of the General Permitted Development Order 2015. As such, it was not subject to assessment against the Council's planning policies and guidelines for residential development, including the Residential Design Guide. It is unlikely the dwelling would have been granted planning permission because of the poor environment and proximity to the application site.

- ii) The dwelling has 2 habitable rooms, the main living area and the bedroom. Both are served by small windows and have relatively poor outlook and natural light. Being sited directly on Verulam Passage, the main living area also has relatively poor privacy. At the time of a site visit by the case officer, blinds were drawn over all 3 windows.
- iii) The application site is within a designated employment area and is the main employment area for new office development. It is also identified as a site for a tall, landmark building in the emerging Local Plan Part 2.
- iv) Previous planning permissions have been granted for office developments on this site of 6 storeys (2000) and up to 8 storeys (2000 and 2005).

6.4.7 Overall, the existing dwelling at 4, Verulam Passage is considered to provide a poor unit of accommodation. It was not subject to a grant of planning permission by the Council and is not considered to comply with the relevant policies and guidelines for new residential development. It is therefore considered that the impacts on this dwelling should be given only limited weight. The proposed office building is fully in accordance with the Council's adopted and emerging policies and it is considered that the benefits arising from the proposal should be given significant weight. On balance, it is not considered that the harm to the dwelling at 4, Verulam Passage would merit a refusal of planning permission.

#### 6.4.8 *1-11 (odds), Westland Road*

These properties are typical, 2 storey, Victorian terraced houses fronting Westland Road with outriggers to the rear. Although originally having small garden areas, these have largely been given over to parking (accessed from Verulam Passage) or large outbuildings. Although no.11 facing the application site, the extent of the building footprint does not extend to this property and, due to the siting of the outrigger, the proposed building will not be directly visible from most of the rear windows. The main consideration, therefore, is in respect of the properties at nos. 1-9.

6.4.9 Nos. 1, 3, 7 and 9 have all been converted into 2 flats (ground and first floor) with no. 5 remaining a single dwelling. In the case of each flat, the ground and first floor

layouts are very similar. The largest, main habitable room fronting Westland Road is the living/dining room with the second largest room to the rear, with a window set in the recess of the outrigger, being the main double bedroom. Within the outrigger itself are a bathroom, small kitchen and second, single bedroom.

6.4.10 A daylight/sunlight assessment following the British Research Establishment's best practice guidance has been undertaken for all of windows facing towards the application site. This shows that a number of the windows will experience a loss of daylight and sunlight as a result of the proposal. However, it should be noted that many of these windows, to the kitchens, bathrooms and second bedrooms are not main habitable rooms to which the BRE guidelines should be applied. The most important habitable room windows are those to the main bedrooms set within the recess of the outriggers. Those at ground floor level in particular already experience relatively poor natural light due to the tunnelling effect of the outriggers either side of the windows. It is also important to note that the main living/dining rooms fronting Westland Road, where the majority of time will be spent by the occupants, are not affected by the proposal.

6.4.11 The issues regarding outlook and privacy are very similar to those of daylight/sunlight. The windows that will experience a loss of outlook and privacy as a result of the proposal are those non-habitable windows to kitchens, bathrooms and second bedrooms. The main bedrooms sited within the recess of the outriggers already have relatively poor outlook as the outriggers themselves create a tunnelling effect and these windows will be less affected by overlooking as a result. The main living/dining rooms will, again, be unaffected.

6.4.12 The situation with 5, Westland Road is a little different. In this case, at ground floor level, the living room is to the front with the dining room to the rear, with its window in the recess of the outrigger. The outrigger contains a kitchen utility room and bathroom. At first floor level, the main double bedroom is to the front with the second double bedroom to the rear. The outrigger contains a bathroom and 2 small bedrooms.

6.4.13 On balance, it is not considered that the harm to the dwellings at 1-9, Westland Road in respect of daylight/sunlight, outlook and privacy, being primarily to non-habitable rooms, would merit a refusal of planning permission in this case.

6.4.14 Environmental Health has requested several conditions relating to the mitigation of potential noise impacts arising from the operation of the development, specifically in relation to the adjoining residential properties. These concern the timing of deliveries, the installation of an acoustic barrier on the 4<sup>th</sup> floor terrace (as

recommended by the applicant's noise consultant), and noise limits for the various plant enclosures. These are relevant and acceptable.

6.5 (d) Heritage assets

The loss of the 2 locally listed Victorian villas at 73 and 75, Clarendon Road was considered as part of planning application ref. 16/01569/FUL. As locally listed buildings they are non-designated heritage assets which have some local historic value. Paragraphs 135 and 136 of the NPPF require, firstly, that a balanced judgement is made on any application weighing the benefits of a proposed scheme against the disbenefits arising from the loss of heritage assets, and secondly, that all reasonable steps should be taken to ensure the proposed development (and the benefits associated with it) proceeds after the loss of the heritage assets.

- 6.5.1 At the time of considering application ref. 16/01569/FUL, no application had been submitted for the redevelopment of the site. The demolition of these buildings was not, therefore, considered appropriate at that time in the absence of a scheme for the redevelopment of the site that would allow the planning balance to be weighed and an informed judgement to be reached. As such, planning permission ref. 16/01569/FUL was subject to a condition (8) which stated:

*The buildings at 73 and 75, Clarendon Road shall not be demolished until:*

- i) A Historic Building Record for each building has been submitted to and approved in writing by the Local Planning Authority; and*
- ii) Planning permission has been granted by the Local Planning Authority for the redevelopment of the site at 73-77, Clarendon Road and the implementation of the approved scheme requires the demolition of these buildings.*

- 6.5.2 In respect of criterion (i), a Historic Building Record for both buildings has now been carried out and agreed. They form an important written and photographic record of the buildings but did not reveal any features of unusual or specific interest. Both buildings are good but typical examples of Victorian villas that have undergone various alterations internally over time.

- 6.5.3 In considering the planning balance, the loss of these 2 buildings needs to be weighed against the benefits of the proposed development. The proposed new building will provide a new European headquarters building for TJX, a major employer within Watford for the past 20 years. It is anticipated that up to 1,550 employees will be based in the building. Together with the existing building at 64, Clarendon Road, which the applicant already owns, and the adjoining building at

Meridian House, in which it is seeking to acquire floorspace, the total number of employees is anticipated to reach 3,000. The site is also in a highly accessible and sustainable location, directly opposite Watford Junction Station, and is situated within the borough's main designated employment area for offices. Furthermore, the latest Economic Growth and Delivery Assessment (2014) highlights the very significant shortfall in high quality office floorspace within the borough, both at the present time and in the near future. For all these reasons, it is considered that the significant economic benefits of the proposed development outweigh the loss of the 2 locally listed buildings.

6.5.4 Finally, the likelihood of the proposed development, and therefore the proposed benefits, being carried out after the loss of the locally listed buildings needs to be considered. In this respect, the applicant's current lease at 50, Clarendon Road is due to expire at the end of 2019 and they have advised the owners of the building that they will not be renewing the lease as it no longer meets their needs. They have also purchased the main application site for redevelopment and the existing office building at 64, Clarendon Road. Furthermore, the owners of 50, Clarendon Road have already entered into pre-application discussions with the Council regarding the redevelopment of their site and this was the subject of a recent public consultation in early July. Whilst there is no planning mechanism that can secure the implementation of any planning permission granted, having regard to all the above factors, it is considered reasonable to assume that this will be the case and the loss of the locally listed buildings can be allowed on this basis.

6.6 (e) Transport, access and servicing

The site is located in a highly accessible and sustainable location opposite Watford Junction Station and the bus interchange. Travel to the site by public transport is therefore possible by train (West Coast Mainline, London Midland and Southern regional services, London Overground services and the Abbey Line) and numerous bus services serving north London and Hertfordshire. The proposed Metropolitan Line Extension (MLX) will also terminate at Watford Junction. The site is therefore ideally situated for commuters travelling to the site to work.

6.6.1 Access to the site will remain largely as existing. The existing surface level car park is accessed from Verulam Passage with an egress onto either Verulam Passage or Clarendon Road. The existing car repair workshop is also accessed and egressed from Verulam Passage. The proposed development will have vehicular access and egress from Verulam Passage for the basement car park. A servicing area is proposed along the southern boundary of the site with access from Verulam Passage and egress onto Clarendon Road. The detailed Transport Assessment submitted with the application demonstrates that these arrangements are acceptable and will not have any adverse impact on Verulam Passage or Clarendon



Road.

- 6.6.2 Herts County Council as the Highway Authority have requested further specific details regarding the access and egress design but these can be secured as part of the s.278 highways agreement that will be required in due course to implement the development. They have raised no objection in principle to the proposal.

6.7 (f) Car and cycle parking

The existing site includes a surface level car park of 72 spaces serving the office building at 77, Clarendon Road. There are also a small number of informal spaces serving 73 and 75, Clarendon Road and the car repair workshop. The current proposal incorporates a basement car park of 100 spaces for the proposed 24,451m<sup>2</sup> (gross) (13, 895m<sup>2</sup> (net)) floorspace. Based upon the Council's current maximum parking standards in the Watford District Plan (1 space per 30m<sup>2</sup>), the location of the site within Parking Zone 2 (a 50% restraint factor), and the gross floorarea excluding the 2 basement parking levels (giving a gross floorarea of 18,671m<sup>2</sup>), the maximum number of spaces allowed would be 311 spaces. Even taking the net internal floorarea of 13,895m<sup>2</sup>, the maximum would be 231 spaces.

- 6.7.1 The emerging Local Plan Part 2 includes new parking standards (although not expressed as minimums or maximums) which seek to encourage lower parking provision. For the application site, given its accessible location, this would be 1 space per 100m<sup>2</sup> giving a standard of 186 spaces for the gross internal floorspace and 138 spaces for the net internal floorspace. As such, this analysis shows that the proposed provision of 100 spaces accords with both the adopted and emerging parking standards as is acceptable.

- 6.7.2 The proposal also includes provision for 210 cycles spaces and 24 motorcycle spaces. This provision for cycles exceeds the minimum standard of 192 spaces (based upon the floorspace and anticipated number of employees) set out in the Watford District Plan. There is no current standard for motorcycle provision.

- 6.7.3 The application is accompanied by a draft Travel Plan for the proposed development, to actively promote sustainable modes of travel to the site for employees and visitors. This is acceptable in principle subject to a detailed Travel Plan based upon the Hertfordshire County Council's document 'Hertfordshire Green Travel Plan Guidance' being submitted for approval.

6.8 (g) Trees and landscaping

The main site includes 5 protected trees under TPO 256 (as well as a number of smaller, unprotected trees. The submitted Arboricultural Impact Assessment identifies all of the 5 preserved trees as Category C under BS 5837:2012, defined as

'those trees of low quality and value: currently in an adequate condition to remain until new planting could be established (>10 years)'. As with the loss of the locally listed buildings, the dis-benefits of the loss of these trees on the local environment need to be weighed against the benefits of the proposed development. The benefits have been summarised in paragraph 6.5-6.5.4 above. The application also includes details of a scheme of enhancement of the public realm around the building, incorporating hard and soft landscaping, that can be secured by condition. On the basis of the assessment of the trees as only Category C (the lowest category), the very significant economic benefits of the proposal, and the provision of enhanced landscaping around the site, it is considered that the loss of the 5 protected trees is justified in this case.

- 6.8.1 The proposal includes a public realm strategy for the enhancement of the public realm around the proposed building and the existing building at 64, Clarendon Road. Also included is a major enhancement of Verulam Passage to create a high quality pedestrian environment along the western boundary of the site. A detailed strategy is included with the application. This will be a significant enhancement is welcomed.

6.9 (h) Environmental considerations

The applicant has undertaken a BREEAM preliminary assessment of the proposed office building, achieving a target 'Excellent' rating under BREEAM New Construction (NC) 2014 in line with Core Strategy policies SD1 Sustainable Design and SD3 Climate Change. The pre-assessment review indicates a target score of 74.98% above the 70% required for 'Excellent' so mitigates some of the risk that not all measures are achieved. It is suggested that the applicant will seek to gain additional credits.

- 6.9.1 The site is located within Flood Zone 1 with a low risk of flooding. A detailed surface water drainage scheme has been agreed with Herts. County Council as the Lead Local Flood Authority (LLFA) and Thames Water to mitigate any surface water flooding on the site and to reduce the risk of flooding from the development. This is a significant improvement over the existing situation.
- 6.9.2 Ecologically the site is poor and opportunities for enhancing the biodiversity of the site are limited. However, the proposal incorporates new and enhanced tree and shrub planting at surface level and a large 'living wall' sited on the south-western corner of the building at 7<sup>th</sup>-12<sup>th</sup> floor levels. This will cover approximately 440m of the building façade and extend up to 19m in height. This will provide a very significant ecological enhancement of the site and a unique feature within the borough.

## **7.0 Community Infrastructure Levy and Planning Obligations**

### **7.1 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.

7.2 The CIL charge applicable to the proposed development is £0 sqm. Accordingly, no liability to CIL arises in the case of the development proposed in this application.

### **7.3 S.106 planning obligation**

Since the implementation of the CIL charging schedule, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants.

7.4 There is a requirement for a financial payment of £6,000 requested by the Highway Authority for the monitoring of the requested Travel Plan for the development.

7.5 The Council is currently considering public realm and highway improvements at Watford Junction and along Clarendon Road. This will be an opportunity for various development schemes to be coordinated with these improvements. Although the details are being worked on and will, if feasible, be subject to consultation, the applicant has expressed an initial willingness to contribute towards this scheme. In view of this it is proposed that the S106 planning obligation makes provision for this.

## **8.0 Conclusion**

8.1 The site is located within a designated employment area where the focus is on the provision of new office floorspace. The proposed office building is fully in accordance with local plan policy and will significantly increase the amount of office floorspace on the site, making a significant contribution to the identified need for high quality office floorspace in the borough. It will also provide the new European headquarters for the applicant, who is a long standing and major employer in the town. The site is also identified as appropriate for a tall, landmark building being sited opposite Watford Junction Station. The building has been designed by a leading architectural practice and is a striking, high quality and sustainable building

which meets the aspirations of the Council for this prominent site.

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## **9.0 Human Rights implications**

- 9.1 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.
- 

## **10.0 Recommendation**

That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, outline planning permission be granted subject to the conditions listed below:

### Section 106 Heads of Terms

- i) 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.
- ii) To secure a contribution (consisting of financial, off-site highway works and/or scheme development costs) towards improving the public realm at Watford Junction/Clarendon Road.

### Conditions

1. The development to which this permission relates shall be begun within a period of 3 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:-

TJX-SRA-XX-XX-DR-A-00-001A, 00-002A, 00-003A, 00-004A, 00-010A, 00-011A, 00-101A, 00-102A, 00-103A, 00-104A

TJX-SRA-BT-XX-DR-A-10-001A, 10-002A, 10-003A

TJX-SRA-BT-XX-DR-A-20-120A, 20-121A, 20-123A, 20-124A, 20-130A, 20-131A, 20-132A, 20-133A, 20-134A, 20-135A

TJX-SRA-BT-B2-DR-A-20-098A, 20-099A, 20-100A, 20-101A, 20-102A, 20-103A, 20-104A, 20-105A, 20-106A, 20-107A, 20-108A, 20-109A, 20-110A, 20-111A, 20-112A

TJX-SRA-BT-XX-DR-A-21-402A, 21-404A, 21-406A, 21-420A, 21-423A

TJX-SRA-BT-XX-DR-A-79-100A

5549\_PL\_101, 201, 401, 501

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

3. No external facing materials shall be installed on the building until full details and samples of the materials to be used for all the external surfaces, including the plant enclosures at roof level, have been submitted to 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.

4. Notwithstanding the approved drawings, no construction works associated with the approved footbridge across Clarendon Road shall commence until full details of the bridge design and appearance have been submitted to and approved in writing by the Local Planning Authority. The bridge shall be constructed only in accordance with the approved details.

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.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Stage 2 Report carried out by Ramboll dated July 2017, submitted and the following mitigation measures detailed within the FRA:

- i) Limiting the surface water run-off rates to maximum of 49L/s with discharge into Thames Surface Water sewer.
- ii) Provide a minimum of 170m<sup>3</sup> attenuation to achieve the maximum agreed discharge rate of 49L/s for all rainfall events up to and including the 1 in 100 year + climate change event.

- iii) Implementing the appropriate drainage strategy based on attenuation and discharge, using appropriate SuDS measures, as indicated on drawing no. 1620002979-RAM-XX-DR-C-00100 Rev P2.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- 6. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;
  - i) Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations.
  - ii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 7. No part of the development shall be occupied until the servicing/delivery area adjoining the southern boundary of the site and the refuse and recycling store to serve the development, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for the proposed development, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

- 8. No part of the development shall be occupied until a detailed hard landscaping scheme for the site, including details of all site boundary treatments and external lighting, has 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. The detailed scheme shall be based upon approved drawing nos. 5549\_PL\_101, 201 and 501 by LDA Design.

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.

9. No part of the development shall be occupied until a detailed soft landscaping scheme for the site, including details of the high level Living Wall and appropriate irrigation systems, 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 approved drawing nos. 5549\_PL\_101 and 401 by LDA Design. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of 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 wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the development shall be occupied until cycle parking facilities for 210 cycles for employees and visitors have been provided in accordance with the approved drawings. These facilities shall be retained at all times.

Reason: To encourage travel by cycle and to provide sustainable travel alternatives, in accordance with saved Policy T10 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31.

11. Within 3 months of the first occupation of the development, a detailed Travel Plan for the development, based upon the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance', shall be submitted to the Local Planning Authority for approval. The approved plan shall be implemented as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

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.

12. No part of the development shall be occupied until the modified access and egress arrangements from Station Road, Verulam Passage and Clarendon Road, 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.

13. No part of the development shall be occupied until an appropriate acoustic barrier around Terrace 4 has been installed, meeting the requirements detailed in paragraph 1.8.3 of the Noise Impact Assessment produced by Ramboll dated 14 April 2017. This barrier must be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent noise nuisance to the residential occupiers of properties to the west of the site.

14. All external plant and equipment shall only be sited within the designated plant enclosures shown on the approved drawings, unless details have been submitted to and approved in writing by the Local Planning Authority. Any details submitted for approval shall include size, appearance, siting and technical specifications relating to noise.

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

15. No deliveries or collections shall take place within the service/delivery area or from Verulam Passage between 23.00 hours and 07.00 hours on any day.

Reason: To prevent noise nuisance to the residential occupiers of properties to the west of the site.

16. The noise levels of the roof mounted plant enclosures shall not exceed the levels set out in paragraph 1.8.1 of the Noise Impact Assessment produced by Ramboll dated 14 April 2017. No part of the development shall be occupied until onsite testing has been carried out for each plant enclosure to demonstrate that the noise levels have been complied with, and a report detailing this testing has been submitted to and approved in writing by the Local Planning Authority.



Reason: To prevent noise nuisance to the residential occupiers of properties to the west of the site.

### Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:  
[https://www.watford.gov.uk/info/20010/your\\_environment/188/neighbour\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise).

2. All new developments granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on [streetnamenumbers@watford.gov.uk](mailto:streetnamenumbers@watford.gov.uk) or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
3. 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

entered into extensive pre-application discussions with the applicant and completed a Planning Performance Agreement for the application.

Drawing numbers

TJX-SRA-XX-XX-DR-A-00-001A, 00-002A, 00-003A, 00-004A, 00-010A,  
00-011A, 00-101A, 00-102A, 00-103A, 00-104A

TJX-SRA-BT-XX-DR-A-10-001A, 10-002A, 10-003A

TJX-SRA-BT-XX-DR-A-20-120A, 20-121A, 20-123A, 20-124A, 20-130A, 20-131A, 20-132A, 20-133A, 20-134A, 20-135A

TJX-SRA-BT-B2-DR-A-20-098A, 20-099A, 20-100A, 20-101A, 20-102A, 20-103A, 20-104A, 20-105A, 20-106A, 20-107A, 20-108A, 20-109A, 20-110A, 20-111A, 20-112A

TJX-SRA-BT-XX-DR-A-21-402A, 21-404A, 21-406A, 21-420A, 21-423A

TJX-SRA-BT-XX-DR-A-79-100A

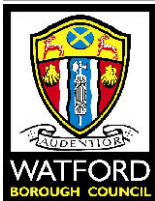
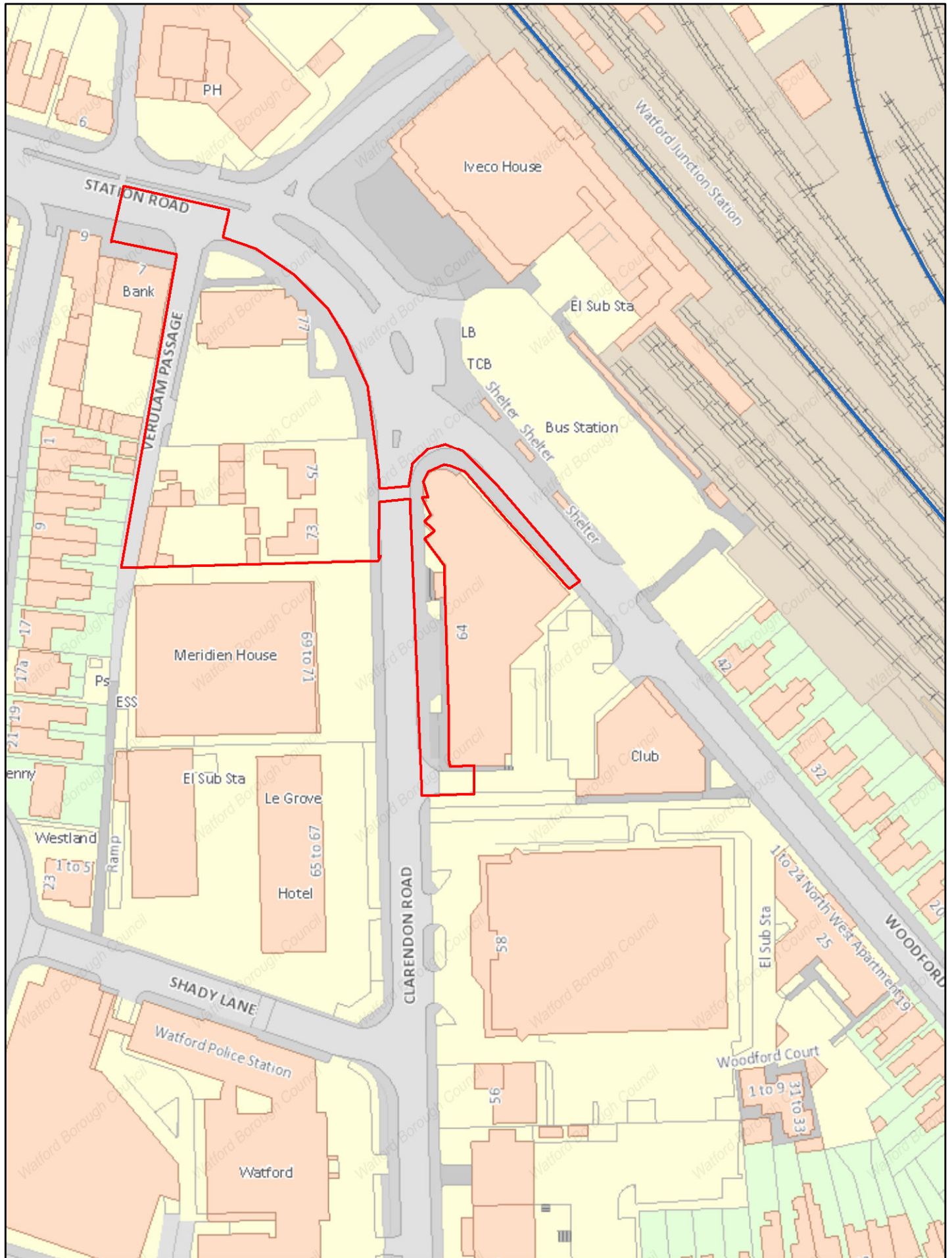
5549\_PL\_101, 201, 401, 501

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Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284



64 and 73-77 Clarendon Road

Date: 14/07/2017

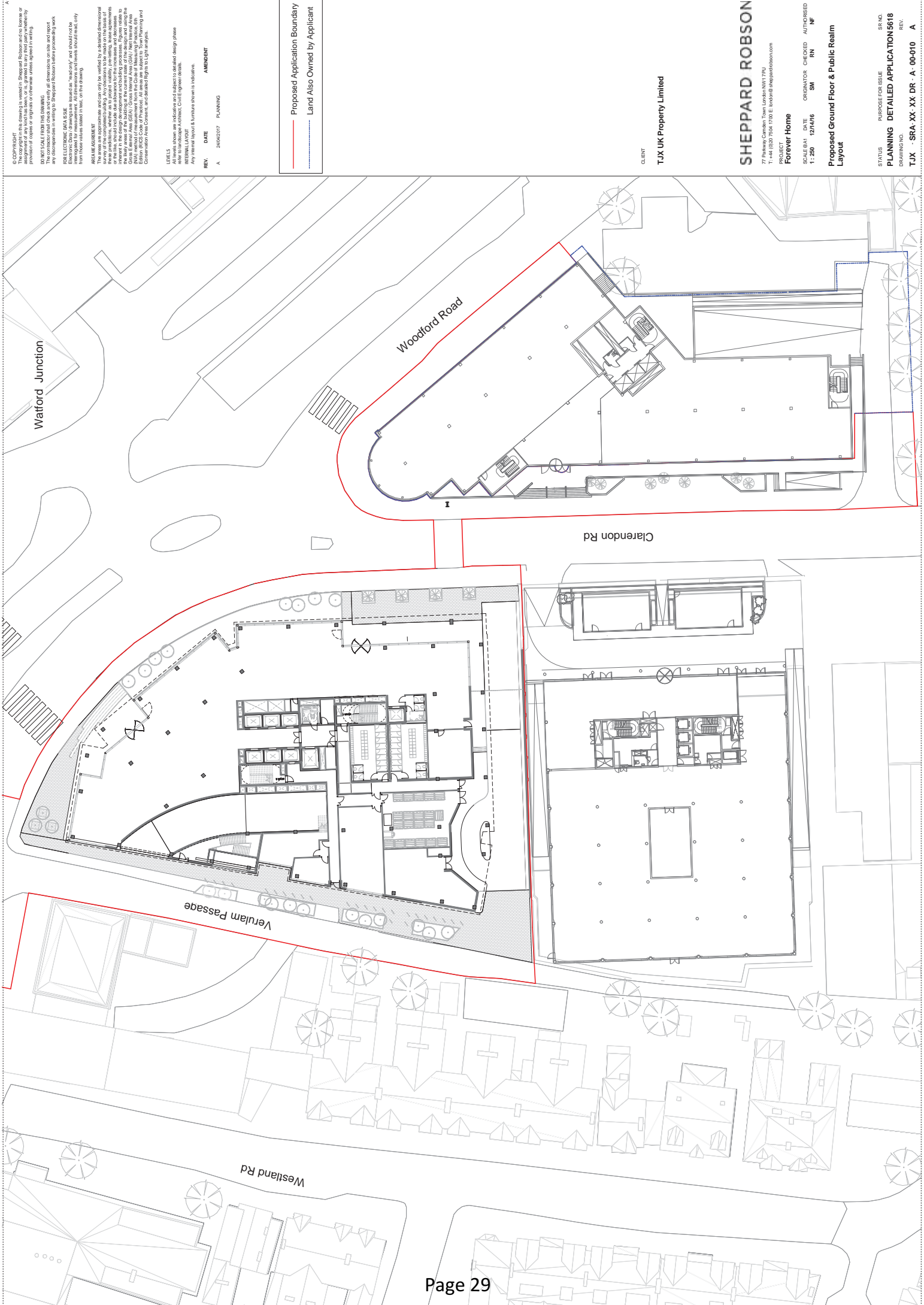
Page 27

0 0.015 0.03 0.045 0.06 Kms

Scale 1:1,250







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FOR ELECTRICITY, DATA, GAS, AND HEATING  
The architect shall provide a detailed schedule of services and specify the location of all services, including the location of all service ducts, risers, and meters. All services shall be installed in accordance with the relevant standards and regulations.

THE ARCHITECT'S WORK AND THAT OF ANY SUB-CONTRACTORS SHALL BE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AND ITS EXTERNAL LANDSCAPING. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER WORK, INCLUDING BUT NOT LIMITED TO, THE DESIGN OR CONSTRUCTION OF ANY INFRASTRUCTURE, UTILITIES, OR TRANSPORT WORK.

LEVELS  
All levels shown are indicative and subject to detailed design phase and to landscape architect, civil engineer details.  
Any internal layout & furniture shown is indicative.

REV. DATE AMENDMENT  
A 20/05/2017 PLANNING

Proposed Application Boundary  
Land Also Owned by Applicant

CLIENT  
TJX UK Property Limited

PROJECT  
Forever Home

SCALE: 1:250  
DATE: 12/14/16  
DRAWN: SM  
CHECKED: RN  
AUTHORISED: NF

PROPOSED GROUND FLOOR & PUBLIC REALM  
Layout

SHEPPARD ROBSON  
77 Parkway, Camden Town, London NW1 7PU  
T: +44 (0)20 7504 1700 E: london@sheppardrobson.com

STATUS  
PLANNING DETAILED APPLICATION 5618  
DRAWING NO. TJX - SRA - XX - XX - DR - A - 00-010  
REV. A





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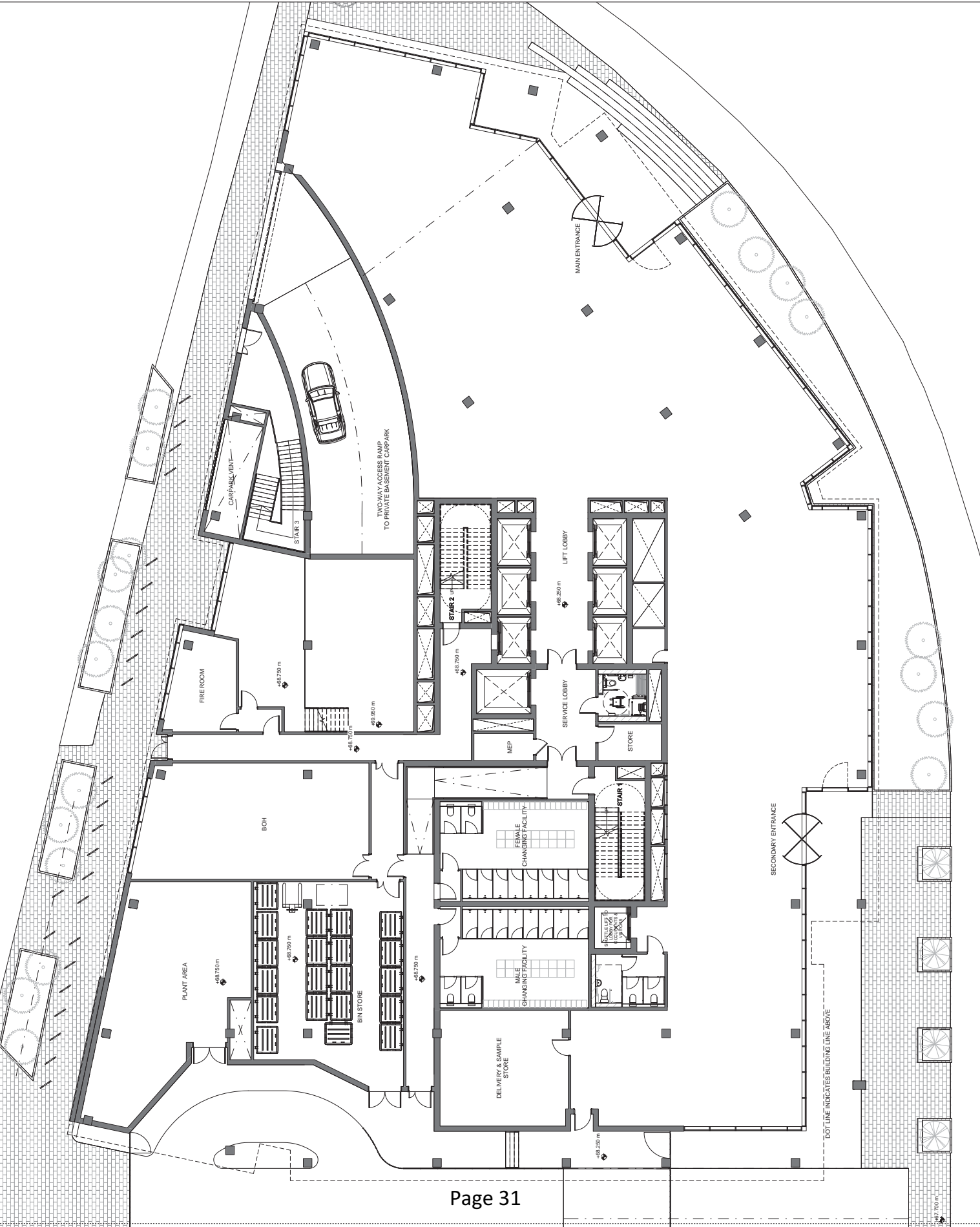
DO NOT SCALE FROM THIS DRAWING  
The contractor shall check and verify all dimensions on site and report any discrepancies in writing to Sheppard Robson before proceeding with work.

FOR ELECTRICITY, SANITARY, MECHANICAL AND PLUMBING WORK, CONSULT THE RELEVANT SPECIALIST CONTRACTORS. ALL WORK SHOULD BE INTERPRETED FOR MEASUREMENT. All dimensions and levels should be read only from the dimensions and levels shown on this drawing.

THESE DIMENSIONS ARE FOR INFORMATION ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION. They are subject to change without notice and should only be used for information purposes.

LEVELS  
All levels shown are indicative and subject to detailed design phase. Refer to landscape architect, Civil Engineer details.  
Any internal layout & furniture shown is indicative.

REV. DATE AMENDMENT  
A 20/05/2017 PLANNING



CLIENT  
TJX UK Property Limited

STATUS  
PLANNING DETAILED APPLICATION 5618

PURPOSE FOR ISSUE  
SER NO.  
TJX - SRA BT-00-DR-A-20-100 A

PROJECT  
Forever Home

ORIGINATOR  
SM RN NF

CHECKED  
DATE  
09/12/13

AUTHORISED  
DATE  
09/12/13

SCALE  
1:100

DATE  
09/12/13

GROUND FLOOR PLAN

SHEPPARD ROBSON  
77 Parkway Garden Town London NW1 7PA  
T: +44 (0)20 7504 1700 E: london@sheppardrobson.com





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DESIGN RESPONSIBILITY  
The architect shall be responsible for the design of the building and shall ensure that the design is in accordance with the relevant building regulations and standards. The architect shall not be responsible for any errors or omissions in the drawing or for any discrepancies in the dimensions on site.

LEVELS  
All levels shown are indicative and subject to detailed design phase. Refer to landscape architect, civil engineer details. Any internal layout & furniture shown is indicative.

REV. DATE AMENDMENT  
A 20/06/2017 PLANNING

CLIENT  
TJX UK Property Limited

PROJECT  
Forever Home

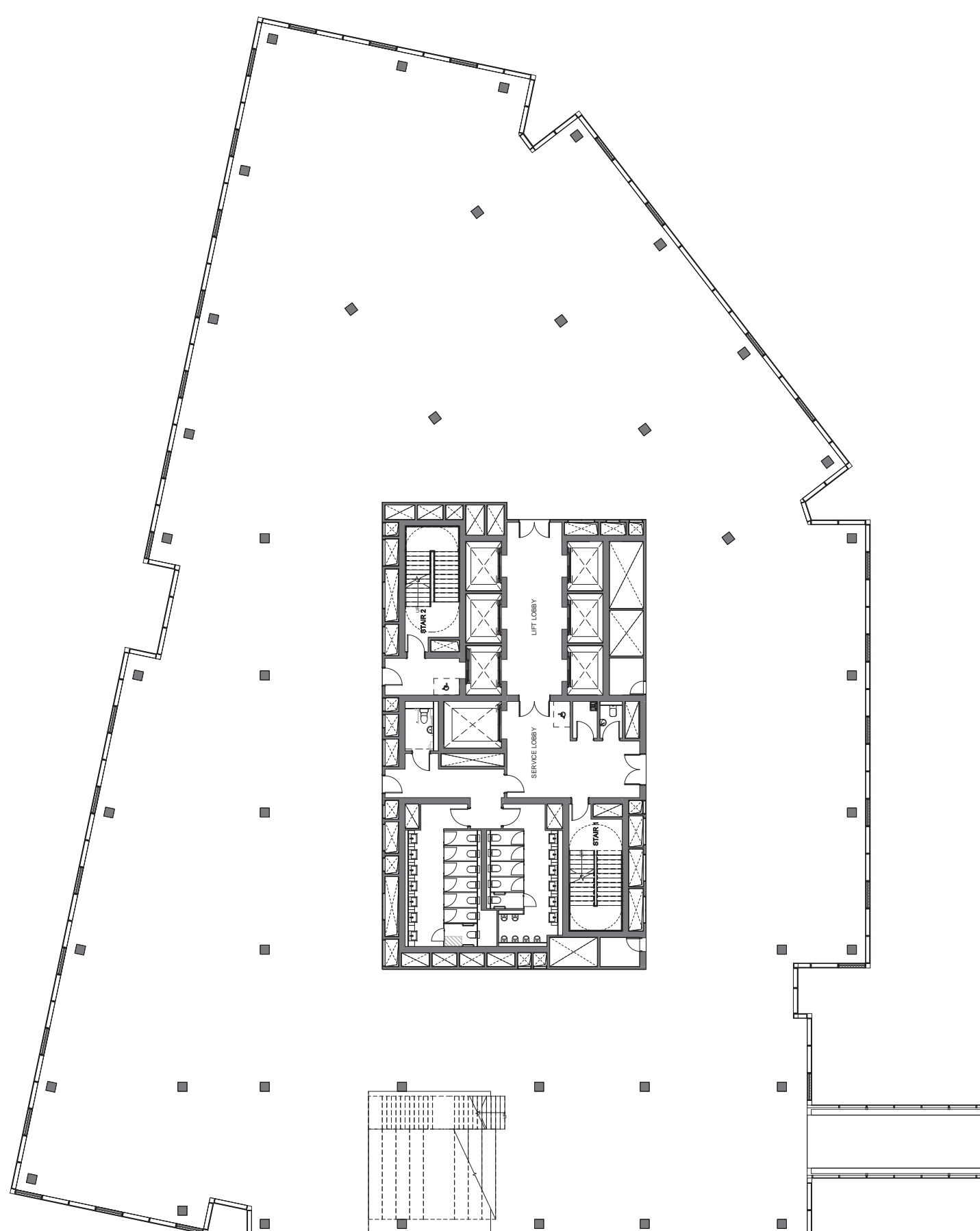
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DATE 06/29/16

ORIGINATOR SM  
CHECKED RN  
AUTHORISED NF

Level 03 Plan

STATUS PURPOSE FOR ISSUE  
PLANNING DETAILED APPLICATION 5618

REV. NO. 1  
TJX - SRA BT - 03 - DR - A - 20-103 A







View of Proposal From Forecourt of Watford Junction Station











View 2





Illustrative Street Elevations



East Elevation along Clarendon Road



North Elevation along Station Road





West Elevation along Verulam Passage





PART A	
Report of: <b>Head of Development Management</b>	
Date of committee:	<b>26<sup>th</sup> July 2017</b>
Site address:	<b>77 and 77a, Eastbury Road</b>
Reference Number:	<b>17/00478/FUL</b>
Description of Development:	<b>Erection of two storey extensions to 77 and 77a Eastbury Road and conversion to 2 x 3 bedroom and 2 x 2 bedroom flats. Erection of detached building comprising 2 x 2 bedroom flats. New parking provision of 6 spaces plus associated garden areas and landscaping.</b>
Applicant:	<b>Mr P Leneghan</b>
Date Received:	<b>11<sup>th</sup> April 2017</b>
13 week date (major):	<b>6<sup>th</sup> June 2017 (extended by agreement to 28<sup>th</sup> July 2017)</b>
Ward:	<b>Oxhey</b>

## 1.0 Site and surroundings

- 1.1 The site is located at the junction of Eastbury Road and Thorpe Crescent. It comprises a pair of semi-detached houses and a vacant plot of land adjoining 3, Thorpe Crescent. The houses are set at an angle to both roads and face towards the junction. They form part of an area of municipal housing built in the 1920s centred around Thorpe Crescent. This part of Eastbury Road is characterised by detached and semi-detached family houses. The adjoining Thorpe Crescent is characterised by semi-detached houses and short terraces of houses.

## 2.0 Proposed development

- 2.1 To erect 2 storey side and single storey rear extensions to both houses and the conversion of each house into 2 flats comprising a 3 bed flat at ground floor and a 2 bed flat at first floor (a total of 2 x 3 bed and 2 x 2 bed flats). The erection of a detached, 2 storey building on the vacant plot adjoining 3, Thorpe Crescent to provide 2 x 2 bed flats. Six parking spaces will be provided for the 6 flats, with 1 accessed from Eastbury Road (utilising an existing crossover) and 5 accessed from Thorpe Crescent.

### **3.0 Relevant planning history**

3.1 There is no planning history of relevance to the current application.

### **4.0 Planning policies**

#### **Development plan**

4.1 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.*

4.2 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

#### **4.3 Supplementary Planning Documents**

*Residential Design Guide*  
*Watford Character of Area Study*

#### **4.4 National Planning Policy Framework**

The National Planning Policy Framework sets out the Government’s planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Decision taking

4.5 In January 2016 the Council received the South West Hertfordshire Strategic

Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. At current the Council's allocations do not provide a five year supply of deliverable housing land based on the OAN contained within the SHMA. The SHMA forms only part of the evidence based for the next iteration of the local plan and further work is being undertaken in relation to capacity assessment and allocations, however it is a material consideration which needs to be taken into account.

- 4.6 Having regard to the SHMA the most recent evidence suggests that policies relating to targets for the delivery of housing within the Watford Local Plan Core Strategy 2006-31 are out of date. Accordingly, applications for housing should be considered against the second test for decision taking in paragraph 14 of the NPPF applications for housing should be granted permission unless any adverse consequences of doing so would demonstrably and significantly outweigh the benefits when assessed against the policies of the Framework.

## **5.0 Consultations**

### **5.1 Neighbour consultations**

Letters were sent to 13 properties in Eastbury Road and Thorpe Crescent. Five letters of objection have been received. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Inadequate car parking provision. Thorpe Crescent is already congested.	See paragraphs 6.5-6.5.2.
Overdevelopment of the site. Loss of garden land.	The proposal meets all relevant guidelines in the Residential Design Guide.
Overlooking of property at 2, Thorpe Crescent.	This property is situated on the opposite side of Thorpe Crescent and will face the new building in the same way as all properties in the road face each other.
Loss of light to 4, Thorpe Crescent.	This property is situated on the opposite side of Thorpe Crescent and faces the existing house at 3, Thorpe Crescent. The new building will have no impact on light to this property.
Overlooking at garden area of 73, Eastbury Road.	See paragraph 6.6.1. No.73 is situated the other side of no.75.

Loss of sunlight to garden area of 73, Eastbury Road.	The proposed extensions and the new building will have no impact on sunlight to the garden area of no.73.
Loss of light to 75, Eastbury Road.	See paragraph 6.6.1.
Loss of sunlight to garden area 75, Eastbury Road.	The new building is situated 8-10m from the garden boundary of no.75 and sited to the south-west. Given the scale of the building, it will have no adverse impact on sunlight to the garden area.

## 5.2 Statutory publicity

No statutory advertisement was required for this application.

## 5.3 Technical consultations

The following responses have been received from technical consultees:

### Hertfordshire County Council (Highway Authority)

Has raised no objection to the proposal.

### Arboricultural Officer

The proposal will not have any detrimental effect on the roadside Plane tree. The proposed landscape scheme is considered acceptable.

## 6.0 Appraisal

### 6.1 Main issues

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

- (a) Principle of development.
- (b) Character of area and design.
- (c) Quality of proposed accommodation.
- (d) Car and cycle parking.
- (e) Impact on adjoining properties.

### 6.2 (a) Principle of development

The site is within an established residential area characterised by 2 storey family housing. In this context, there is no objection in principle to the provision of new residential accommodation. Although the proposal will result in the loss of the 2 existing 3 bedroom houses, it will provide 2 family sized, 3 bed units together with 4 x 2 bed units. The proposal will therefore maintain 2 larger family units on the site whilst also providing additional accommodation in the locality. The provision of the detached building on the vacant plot of land is also acceptable in principle.



6.3 (b) Character of area and design

The proposed extensions comprise 2 storey side extensions and single storey rear extensions to each house. These extensions fully comply with the guidelines in the Residential Design Guide, are subservient to the existing houses and allow the appearance of the existing semi-detached pair of houses to be retained within the streetscene. Hipped roofs are incorporated that tie back into the main roof of each house. As such, the scale and design of the extensions is acceptable and maintains the character and appearance of the locality.

- 6.3.1 The design of the new detached building, incorporating a hipped roof, complements the scale and design of the existing houses in the locality and is acceptable. The siting of the building continues both the front and rear building lines of the existing properties in Thorpe Crescent. The proposed building will replace the unsightly and overgrown plot of land and will enhance the character and appearance of the area.

6.4 (c) Quality of proposed accommodation

All of the proposed 6 flats will exceed the nationally described space standards, will have good internal layouts, and will have good levels of outlook, natural light and privacy. Each flat will have a private garden area that meets or exceeds the minimum garden sizes in the Residential Design Guide, with the exception of 1 of the 2 bed flats which will have a garden area of only 33m<sup>2</sup> (minimum 50m<sup>2</sup> required). Overall, the proposal will provide good quality accommodation for future occupiers.

6.5 (d) Car and cycle parking

Six car parking spaces are proposed for the 6 flats. One parking space already exists with access via a crossover on Eastbury Road. This will be retained and is acceptable. Five new parking spaces will be created off Thorpe Crescent. At present, a double crossover exists on Thorpe Crescent serving no.77a. This will be closed up and 2 new crossovers created. The Highway Authority has no objection to the formation of these crossovers. They will be sited further away from the road junction with Eastbury Road and will therefore be an improvement in terms of road safety.

- 6.5.1 The new crossovers will result in the loss of 2 on-street parking spaces. Parking on Thorpe Crescent is currently unrestricted. Most properties were not built with on-site parking but many have had their front gardens converted into parking space. Nevertheless, demand for on-street parking appears to be high. The loss of 2 on-street spaces will exacerbate this pressure. However, the benefits of the proposal – the provision of additional residential accommodation and the development of the

vacant plot of land – are considered to outweigh the disbenefits in this case.

6.5.2 One secure cycle store is provided for each flat, which is acceptable.

6.6 (e) Impact on adjoining properties

The proposed detached building will be sited alongside the flank elevation of 3, Thorpe Crescent and will align with the front and rear building lines of this property and the short terrace (nos. 3-9, odds) of which it forms the end dwelling. At first floor level in the new building is 1 window to a kitchen, which will have oblique views over the adjoining garden area of no.3. However, this is a normal relationship in urban areas and is the same relationship with the attached property at no.5.

6.6.1 The adjoining property on Eastbury Road is no.75. The proposed extensions to the existing houses will not breach a 45° line of obstruction taken from any of the windows in this property. As such, the proposal will have no adverse impact on the outlook or natural light to this property. The only other potential impact is on the garden area of no.75 which could experience additional overlooking from first floor windows. In the case of the new building, the only window overlooking the garden area is the first floor kitchen window. This is a non-habitable room and will overlook the far end of the garden area which is 23m deep. Within the extended existing houses, the only windows at first floor will be the existing bedroom windows which will remain unchanged. All the new windows at first floor level are sited on the side elevation of the 2 storey extensions and will result in no overlooking.

**7.0 Community Infrastructure Levy and Planning Obligations**

**7.1 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 £120 m<sup>2</sup>.

**7.2 S.106 planning obligation**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the

provision of fire hydrants. There is no requirement for a planning obligation in this case.

## **8.0 Conclusion**

- 8.1 The proposal will provide 6 units of accommodation, including 2 x 3 bed family units, within this established residential area. The extensions to the existing houses fully accord with the Residential Design Guide and will remain subservient to the existing houses. The proposed new building will bring into use a vacant plot of land and will sit comfortably alongside 3, Thorpe Crescent. Overall, the proposal will enhance the character and appearance of the area.
- 8.2 The proposed units will provide good quality accommodation for future occupiers with an acceptable level of on-site parking provision. The proposal will have no adverse impacts on adjoining properties.
- 

## **9.0 Human Rights implications**

- 9.1 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.
- 

## **10.0 Recommendation**

That planning permission be granted subject to the following conditions:

### 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:-

900/16/03, 04, 05, 06

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

3. No development shall commence until details of the materials to be used for the external walls and the roof 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 building, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before construction commences.

4. No dwelling hereby approved shall be occupied until the following works have been carried out in full:
  - i) The construction of the 6 car parking spaces and associated crossovers as shown on drawing no. 900/16/05;
  - ii) The construction of the 3 cycle/bin stores as shown on drawing nos. 900/16/05 and 900/16/10;
  - iii) The formation of the private garden areas, including all fencing and paved areas, as shown on the approved Landscape Scheme drawing dated 28<sup>th</sup> March 2017.

Reason: To ensure adequate facilities are provided for the future occupiers of the development.

5. The soft landscaping scheme, as shown on the approved Landscape Scheme drawing dated 28<sup>th</sup> March 2017, shall be carried out in the first available planting season following the completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

#### Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

[https://www.watford.gov.uk/info/20010/your\\_environment/188/neighbour\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise).

2. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email ([semeta.bloomfield@watford.gov.uk](mailto:semeta.bloomfield@watford.gov.uk)).

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early

as possible prior to commencement on [streetnamenumbers@watford.gov.uk](mailto:streetnamenumbers@watford.gov.uk) or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.

4. 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 advice and sought amendments during the application process.

Drawing numbers

900/16/01, 02, 03, 04, 05, 06, 10

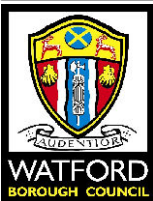
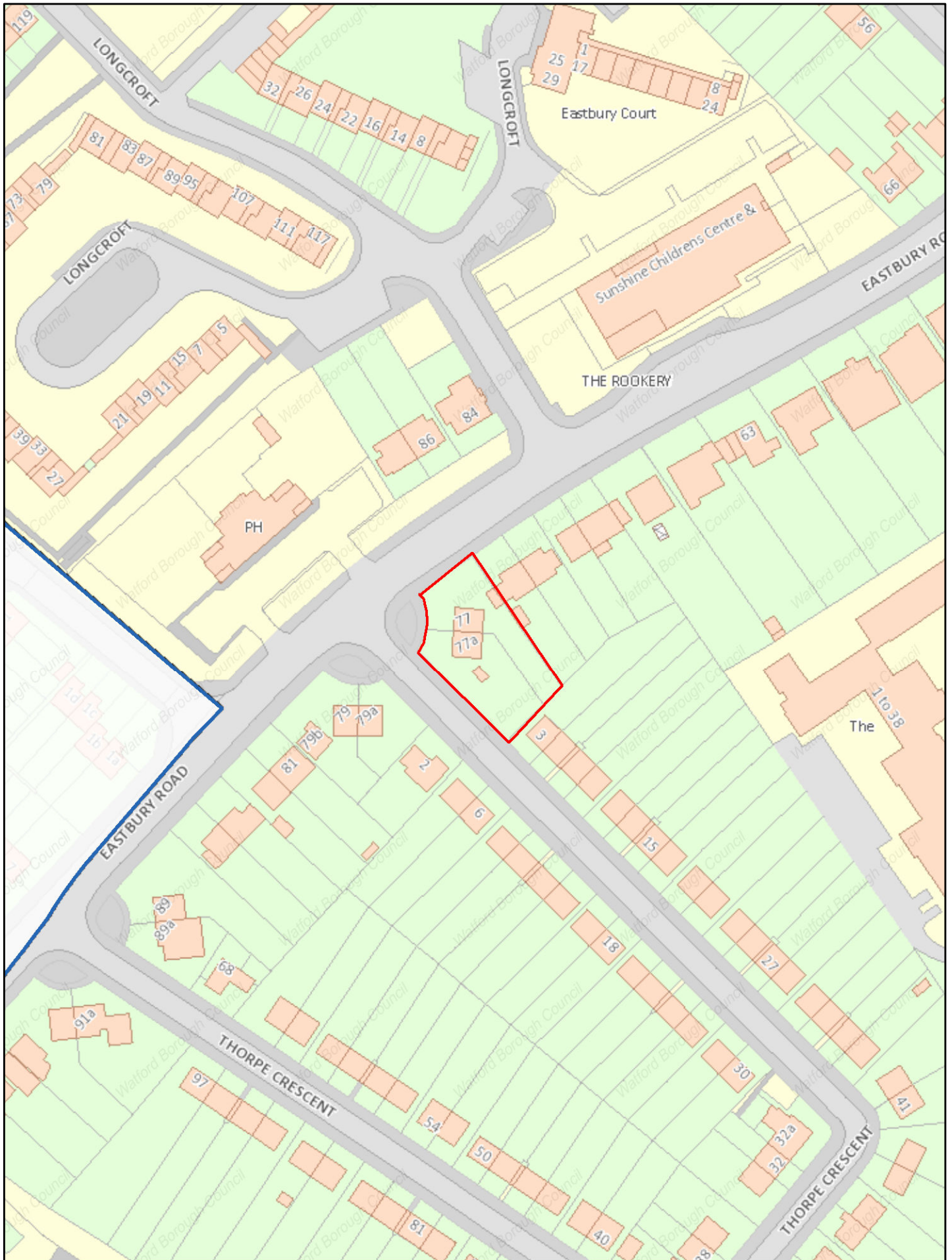
Landscape scheme

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Case Officer: Paul Baxter

Email: [paul.baxter@watford.gov.uk](mailto:paul.baxter@watford.gov.uk)

Tel: 01923 278284



77 and 77A Eastbury Road

Date: 14/07/2017

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Scale 1:1,250



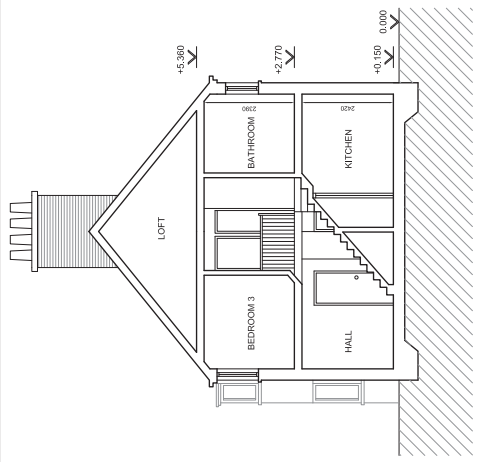




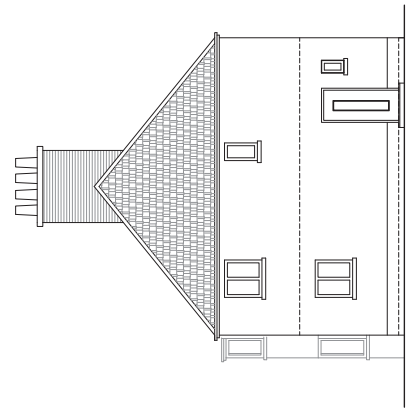
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Revision	1		

**OCTIV**  
ARCHITECTS  
THE COACH HOUSE  
STANMER  
GREEN LANE  
HAY 3AP  
Tel : 0150 8604 0359  
email : info@octiv.co.uk

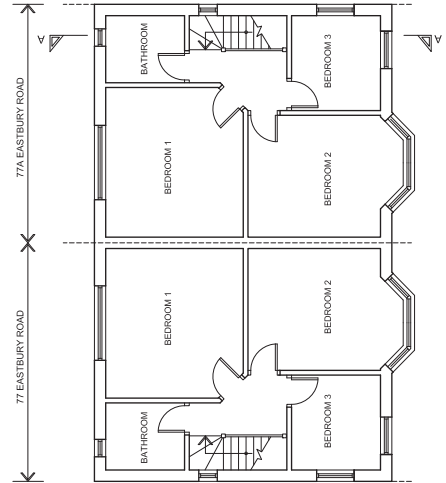
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Project:	77 & 77A Eastbury Road Watford WD19 4JP
Title:	Existing Plans, Sections & Elevations
Scale:	1:100 @ A2
Date:	Nov 2016
Drawn by:	Checked:
Reviewed:	900/16/02



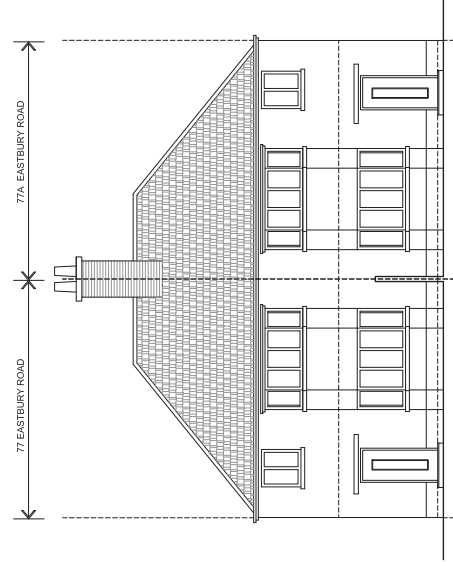
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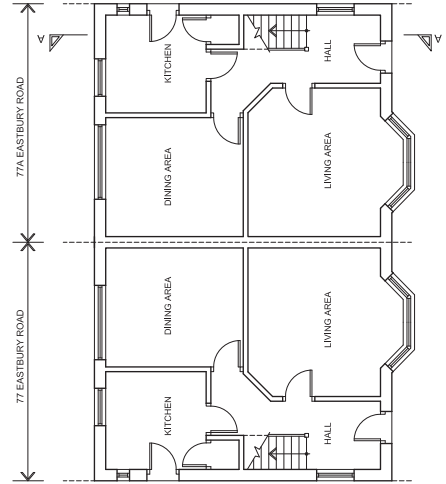
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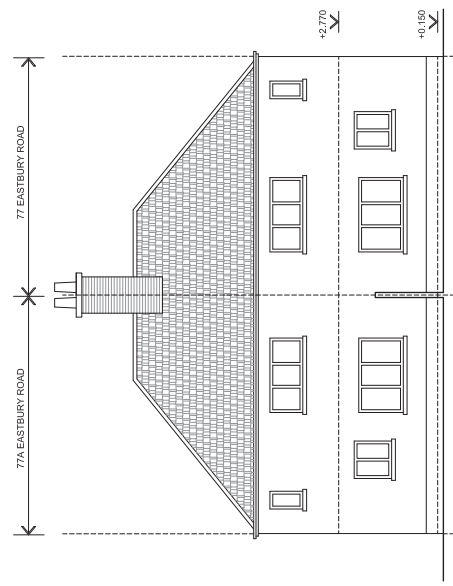
EXISTING FIRST FLOOR 77 & 77A



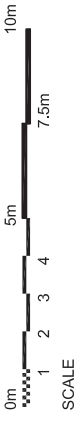
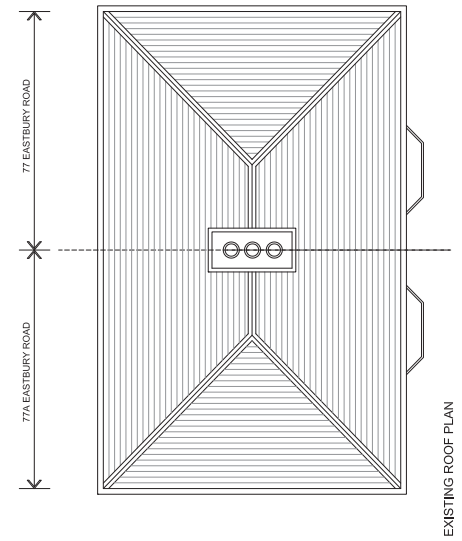
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EXISTING GROUND FLOOR 77 & 77A



EXISTING EAST ELEVATION



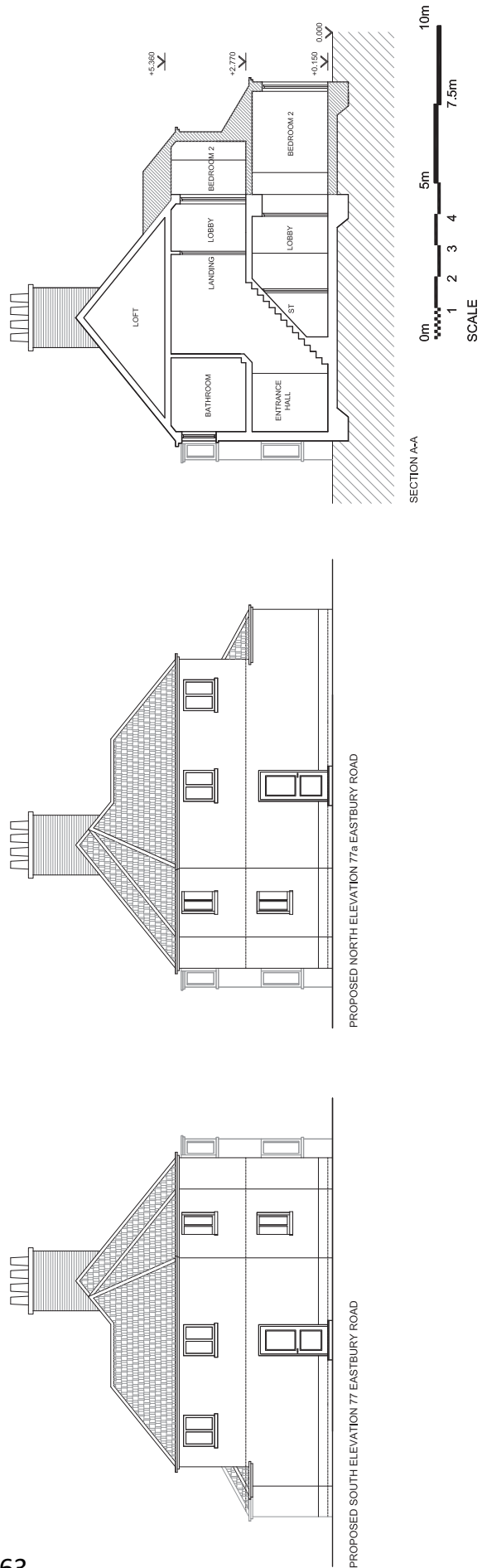
















PART A	
Report of: <b>Head of Development Management</b>	
Date of committee:	<b>26<sup>th</sup> July 2017</b>
Site address:	<b>9, Station Road</b>
Reference Number:	<b>17/00486/FUL</b>
Description of Development:	<b>Change of use of first floor commercial space from a mixed use comprising A1, A2, B1(a), D1 or coffee shop (serving hot and cold drinks, sandwiches and other light refreshments, and reheated/warmed food such as soup and paninis) to the approved mixed use and Class A4 use (drinking establishments).</b>
Applicant:	<b>Mr D Darby, Cedarmill Developments Limited</b>
Date Received:	<b>12<sup>th</sup> April 2017</b>
13 week date (major):	<b>7<sup>th</sup> June 2017</b>
Ward:	<b>Central</b>

## 1.0 SITE AND SURROUNDINGS

- 1.1 The site is located at the junction of Station Road and Westland Road and comprises a recently completed multi-storey building providing 245m<sup>2</sup> of commercial floorspace (at ground and first floor levels on the Station Road frontage) and 14 residential flats.
- 1.2 The surrounding area is very varied. Adjoining the site to the east is the NatWest Bank and to the west, on the opposite side of Westland Road, is Cassiobury House, the former County Court that is now in office use. To the south, Westland Road is residential. To the north is The Flag public house and offices on Station Road.

## 2.0 PROPOSED DEVELOPMENT

- 2.1 To change the use of the first floor to add Class A4 use (for the sale and consumption of alcohol on the premises) to the existing consented uses (mixed use comprising Class A1, A2, B1(a), D1 and coffee shop). To allow the first floor to be used as a coffee shop and a wine bar. This will allow the same range of uses at first floor as has recently been approved at ground floor under ref. 16/01582/COU.

### **3.0 RELEVANT PLANNING HISTORY**

#### **3.1 The following planning history is relevant to this application:**

12/00306/FULM – Planning permission granted in June 2012 for the demolition of existing building and construction of new build block comprising 14 residential units and 200m<sup>2</sup> of commercial space.

15/00205/NONMAT – Non-material amendments to planning permission ref.12/00306/FULM granted on 12<sup>th</sup> March 2015 for reduced cantilever wall at front of building; removal of glass balustrade on fifth floor balcony and raising of parapet wall; new metal louvred canopy at fourth floor level at front of building; replacement of curtain walling on first-fifth floor levels with standard windows and infill of coloured spandrel panels or recessed coloured render; replacement of rainscreen cladding with render on all elevations. These amendments were granted to the previous owner of the site and were not implemented.

16/00459/NONMAT - Non-material amendments to planning permission ref.12/00306/FULM granted on 27<sup>th</sup> April 2016 for alterations to cantilever wall at front of building; replacement of curtain walling on first-fifth floor levels with standard windows and recessed panels; replacement of rainscreen cladding with render on all elevations; replacement of render on stair core with facing brickwork; louvres and louvred doors to replace metal grills at ground floor level; metal doors to undercroft parking areas; and other amendments.

16/00805/FUL – Planning permission granted on 8<sup>th</sup> August 2016 for alterations to car parking layout for commercial use, extension of ground floor commercial floorspace and use of ground and first floor commercial floorspace for Class A1 (shops) use and/or use as a coffee shop.

16/01582/COU – Planning permission granted 3<sup>rd</sup> January 2017 to change the use of the ground floor to add Class A4 use (for the sale and consumption of alcohol on the premises) to the existing consented uses (mixed use comprising Class A1, A2, B1(a), D1 and coffee shop). To allow the ground floor to be used as a coffee shop and a wine bar.

17/00038/COU – Planning permission refused 17<sup>th</sup> March 2017 for the change of use of the first floor commercial space from a mixed use comprising A1, A2, B1(a), D1 or coffee shop (serving hot and cold drinks, sandwiches and other light refreshments, and reheated/warmed food such as soup and paninis) to the approved mixed use and Class A4 use (drinking establishments).

## **4.0 PLANNING POLICIES**

### **4.1 Development plan**

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.*

4.2 The Watford Local Plan Part 2: Publication Version was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

### **4.3 National Planning Policy Framework**

The National Planning Policy Framework sets out the Government’s planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Decision taking

## **5.0 CONSULTATIONS**

### **5.1 Neighbour consultations**

The following properties were notified:

Flats 1-15 (exc. 13), Junction Court

7, Station Road

Second Floor, 7, Station Road

Ground Floor Flat and First Floor Flat, 1, Westland Road

- 5.2 Six letters of objection have been received. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
No need for another Class A4 use in this locality.	See paragraphs 6.2-6.2.2 of the report.
Noise and disturbance to residents of Junction Court from Class A4 use arising from vehicles, customers and music.	See paragraphs 6.3-6.3.2 of the report. The site is located in an area where there is already substantial footfall and in close proximity to The Flag PH opposite.
The proposed use will encourage anti-social behaviour in the locality, including drug use, smoking, vandalism, etc.	There is no reason why this particular use should give rise to anti-social behaviour. If the use does give rise to unacceptable behaviour, it is within the powers of the Council as the Licensing Authority and the Police to remove their licence.

5.3 **Statutory publicity**

No statutory advertisement was required for this application.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Environmental Health

Following a site inspection by officers and the submission by the applicant of a report detailing sound testing at the site, Environmental Health are now satisfied that the proposed use is acceptable and will not cause a noise nuisance to residents within the building, subject to appropriate conditions.

6.0 **APPRAISAL**

6.1 **Main issues**

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

- (a) Principle of the use.
- (b) Impact on residential properties.

6.2 (a) Principle of the use

The site falls within Employment Area 7a on the Proposals Map of the Watford District Plan 2000 with a focus on primary office use (Class B1a). In the Core Strategy, the site falls within Special Policy Area 1: Town Centre. Policy SS1 states

that the Town Centre SPA will be the focus for shopping, leisure and cultural activities, with office uses focussed along Clarendon Road. Emerging Policy EMP5 of the Local Plan Part 2 relates specifically to the Clarendon Road, Station Road and Bridle Path Office Area. It states that development within this area should deliver additional modern, high quality office floorspace but that element of small scale supporting uses (such as coffee shops, conference facilities, gyms and crèches) will be supported where these add to the vitality and viability of the area. Such uses must not undermine either the role of the town centre or the proposed Watford Junction redevelopment.

6.2.1 In this case, the approved development for the site includes approximately 245m<sup>2</sup> of commercial floorspace at ground and first floor levels on the Station Road frontage. The proposed uses were intended to accommodate small scale office uses as well as other potential supporting uses such as a crèche/day nursery and medical/health services. Subsequently, the use of the commercial floorspace as a sandwich bar/coffee shop and potentially other retail uses such as a small convenience store or pharmacy have also been approved. These uses were considered acceptable as they would serve not only the surrounding office uses but also commuters using Watford Junction Station directly opposite the site. Facilities at the station are currently very limited given the high number of commuters that use the station on a daily basis.

6.2.2 The current proposal is to include the sale and consumption of alcohol on the premises as an additional use at first floor level. It is the applicant's intention to use the unit as a sandwich/coffee shop during the day and a wine bar in the evening. Planning permission has already been granted to allow the ground floor to also be used for Class A4 purposes. As with the previously approved uses, this will serve commuters using Watford Junction as well as office workers within the employment area. As such, having regard to the limited floorspace of the unit, the proposed use is considered to be in general accordance with emerging Policy EMP5 and will not undermine the town centre or the potential redevelopment of Watford Junction.

### 6.3 (b) Impact on residential properties

The nearest residential properties are on the upper floors of the building itself and on Westland Road to the south. It is now proposed to use the first floor for Class A4 purposes as well as the ground floor, as previously approved. In the previous application, the commercial unit at first floor level provided a separation between the ground floor unit and the residential above. This will no longer be the case in the current proposal, so the potential impact on the residential flats above and adjoining the first floor commercial space will need careful consideration.

6.3.1 The application is supported by details of the construction of the building and the

sound insulation measures that have been installed following completion of the building. At the request of Environmental Health officers, a series of airborne sound insulation tests have been carried out and detailed in the submitted Acoustic Report by Stroma Tech. Stroma Tech is a UKAS accredited testing laboratory for field measurements of sound insulation.

6.3.2 Environmental Health have set a maximum ambient internal noise level within the adjoining residential flats of 25dB(A) in order to ensure no noise nuisance occurs to the occupiers of these flats as a result of the proposed use. The airborne tests carried out evaluated the sound insulation performance of the wall and floor separating the flats from the first floor commercial floorspace. The adjoining flats are nos. 3 and 8 and the sound testing was undertaken in the bedroom and living/kitchen rooms of both flats. From this testing, a maximum noise level within the first floor unit has been calculated in order to meet the required ambient internal noise level of 25dB(A). This level is 83dB(A). In order to achieve this level within the first floor unit, Environmental Health requires the following conditions to be imposed:

- i) Live music/performances to be prohibited.
- ii) All windows to be shut between 10.00pm and 7.00am the following day.
- iii) All amplified music to be played through a single sound limiter device. The music level shall not exceed 83dB LAMax one metre from any speaker.

Subject to these conditions, Environmental Health officers are satisfied that the ambient internal noise level of 25dB(A) in the adjoining flats will not be exceeded and therefore that no noise nuisance will be caused to the occupiers of the flats.

## **7.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION**

### **7.1 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. In this case, no liability to CIL arises for the proposed development.

## **7.2 S.106 planning obligation**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. No requirement for a planning obligation arises in this case.

## **8.0 CONCLUSION**

- 8.1 Following the installation of sound insulation measures and the carrying out of airborne sound testing, it is not considered that the proposed use of the first floor of the commercial unit as a wine bar within Class A4, would have any adverse impact on the amenities of the adjoining residential occupiers in the building, subject to appropriate conditions being imposed.

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## **9.0 HUMAN RIGHTS IMPLICATIONS**

- 9.1 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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## **10.0 RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, the commercial floorspace shall only be used for purposes within Use Classes A1, A2, A4, B1(a) and D1 of the Town and Country Planning (Use

Classes) Order 1987, as amended, or as a coffee shop (serving hot and cold drinks, sandwiches and other light refreshments, and reheated/warmed food such as soup and paninis, for consumption on or off the premises) and for no other purpose;

Reason: In order for the uses of the commercial floorspace to be compatible with the residential accommodation on the upper floors of the building.

3. No primary cooking of unprepared food shall be carried on within the premises. Only reheated food that has been prepared elsewhere or cold food shall be served within the premises.

Reason: In order for the uses of the commercial floorspace to be compatible with the residential accommodation on the upper floors of the building.

4. No live music or live performances of any kind shall take place at ground or first floor within the commercial unit.

Reason: To ensure the proposed use for purposes within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987, as amended, does not result in noise nuisance to the adjoining residential occupiers.

5. All windows to the first floor commercial floorspace shall be fixed shut at all times.

Reason: To ensure the proposed use for purposes within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987, as amended, does not result in noise nuisance to the adjoining residential occupiers.

6. No amplified music shall be played at ground or first floor level within the commercial unit unless it is played through a single sound limiter device that has been approved by the Local Planning Authority. The music sound level shall not exceed 83dB L<sub>max</sub> one metre from any speaker. The sound limiter device shall be located in a separate and remote lockable cabinet from the volume control fitted to any musical amplification system and set at a level approved by the Local Planning Authority. The operational panel of the sound limiter device shall be secured to the satisfaction of the Local Planning Authority. The sound limiter device shall not be altered without the prior written approval of the Local Planning Authority.



Reason: To ensure the proposed use for purposes within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987, as amended, does not result in noise nuisance to the adjoining residential occupiers.

Informative

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also undertook discussions with the applicant's agent during the application process.

Drawing numbers

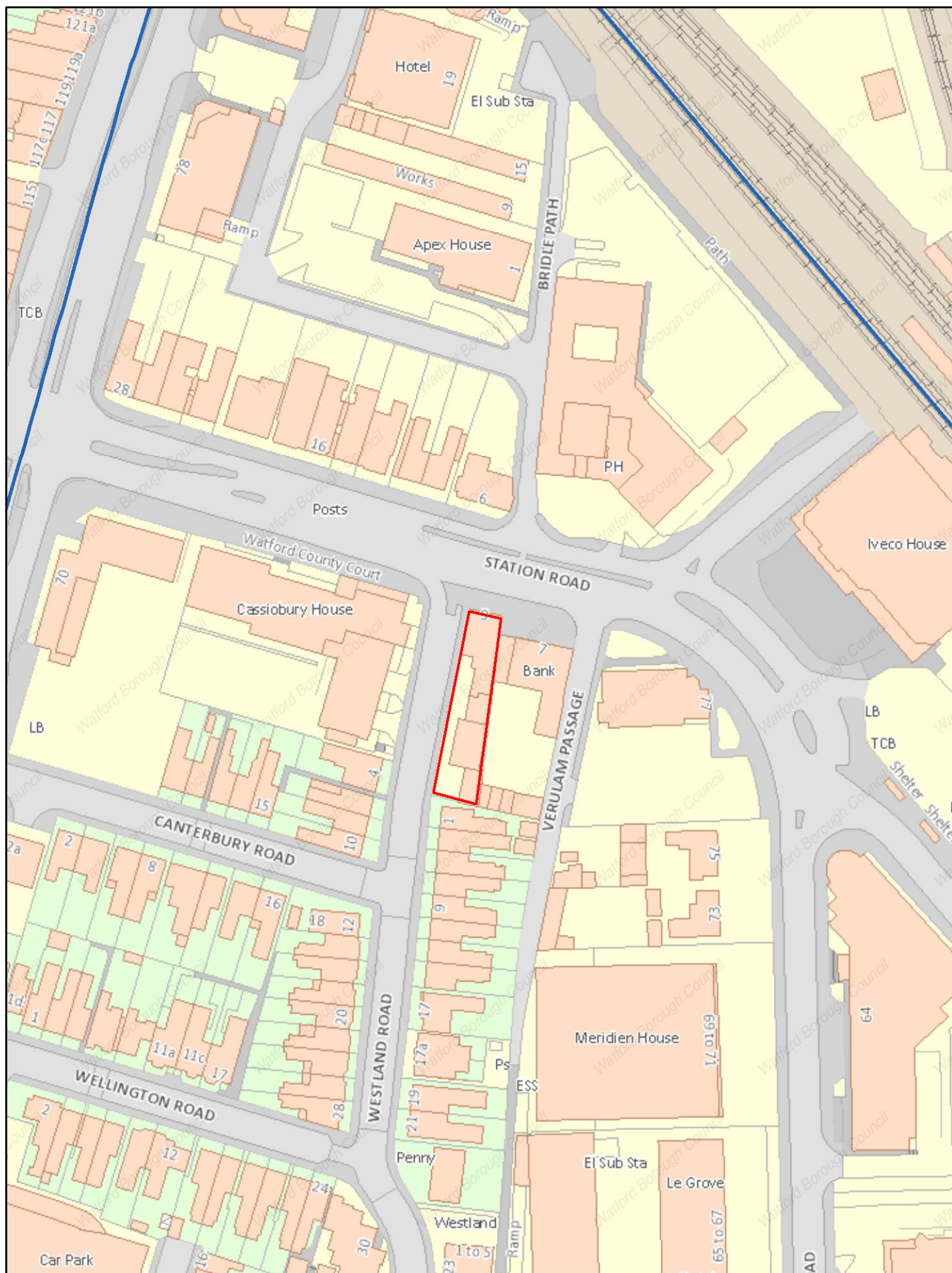
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Plan 2

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





Junction Court, 9 Station Road

Date: 14/07/2017

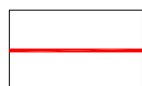
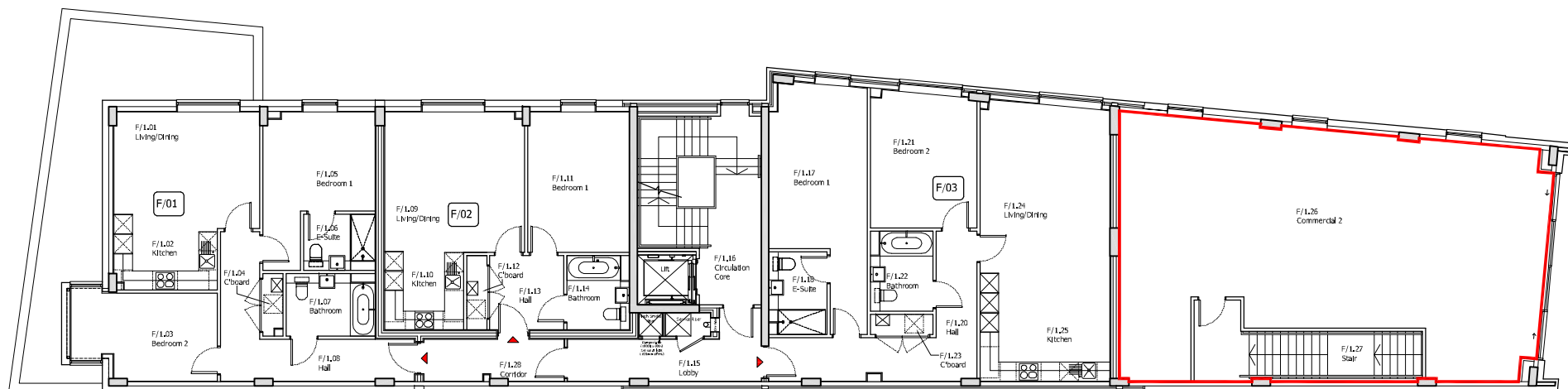
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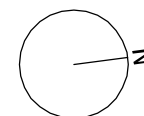
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Title boundary



## PLAN 2

### Title Plan

### Commercial Unit (First Floor Level)

### Planning Use Classes A1, A2, B1(a) and D1

9 Station Road, Watford

Cedarmill Developments

1:200@A4

Scale in Metres



