

DEVELOPMENT MANAGEMENT COMMITTEE

1 November 2017

7.30 pm

Town Hall

Contact

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For further information about attending meetings please visit the council's website.

Publication date: 24 October 2017

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 4 October 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. 17/01269/FUL Units N-Q, 100, Cecil Street** (Pages 4 25)

Demolition of units N-Q and J-M and construction of 7 new houses with access from Judge Street and 8 parking spaces.

5. 17/01222/FUL 127-129, High Road (Pages 26 - 47)

Creation of new boundary to garden of two existing semi-detached houses and erection of two new 3 bedroom semi-detached houses.

6. 17/00470/FULM 37-39, Clarendon Road (Pages 48 - 87)

Proposed mixed use development comprising office space on 8 floors, 154 residential units on 23 floors, café/restaurant space and associated facilities.

7. 52A-56, High Street (Pages 88 - 95)

Variation of Section 106 unilateral undertaking dated 24th March 2015 pursuant to planning permission ref. 14/01617/VAR to vary the affordable housing provision.

PART A		
Report of: Head of Development Management		
Date of committee:	1 st November 2017	
Site address:	Units N-Q, 100, Cecil Street	
Reference Number:	17/01269/FUL	
Description of Development:	Demolition of units N-Q and J-M and construction of 7 new houses (4 x 3 bedroom and 3 x 2 bedroom) with access from Judge Street and 8 parking spaces.	
Applicant:	Mr Lee Turner	
Date Received:	11 th September 2017	
8 week date (minor):	6 th November 2017	
Ward:	Callowland	

1.0 Site and surroundings

- 1.1 The application site forms part of a larger commercial site at 100, Cecil Street comprising various single storey and 2 storey units with car parking and servicing. The application site itself forms the northern part of the site which backs onto Judge Street and includes Units J-M and N-Q. These units are small at approximately 70m² each. The various buildings within the southern part of the site are to remain.
- 1.2 The surrounding roads are characterised by 2 storey, Victorian terraced housing.

2.0 Proposed development

2.1 To demolish Units J-M and N-Q and erect a terrace of 7 two storey houses fronting Judge Street comprising 4 x 3 bedroom houses and 3 x 2 bedroom houses. The terrace includes an archway giving vehicular access from Judge Street to 8 car parking spaces. As originally submitted, the scheme incorporated 7 parking spaces, but at the request of officers, the scheme was amended to incorporate 8 spaces.

3.0 Relevant planning history

17/00943/FUL - Demolition of units N-Q and J-M and construction of 7 new houses (4 x 3 bedroom and 3 x 2 bedroom) with access from Judge Street. Planning permission refused on 6th September 2017 for the following reason:

Judge Street and the surrounding roads experience high levels of parking demand and parking congestion at all times, especially in the evening and night-time periods. The local area is not within a controlled parking zone and there are no existing restrictions on parking on the public highway. The proposed development will result in the loss of at least 1 on-street parking space to form the new access. Three of the proposed houses will also have no on-site parking provision. For these reasons, the proposed development will not only reduce the available on-street parking space but is also likely to generate additional demand for on-street parking from the proposed houses. This will exacerbate the existing parking congestion on Judge Street to the detriment of the quality of life of local residents and the quality of the local area, contrary to the objectives of the NPPF for new development to be of high quality and enhance the local area and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

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 polices 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:

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 4 Promoting sustainable transport

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 properties in Judge Street, Cecil Street and Gammons Lane (College Yard), including all those who commented on the previous application. Eight letters of objection have been received from 7 properties in Judge Street. All properties were re-notified of the amendment to the scheme to increase the parking provision from 7 to 8 spaces.

The points that have been raised are the same as for the previous application and are summarised below:

Representations	Officer's response
Parking situation in Judge Street already unacceptable. Residents unable to park. Inadequate parking provision within site. No effort made to address parking issue.	See paragraph 6.6 of the report. The on-site car parking provision has been increased from 4 to 8 spaces.
Increased traffic flows in Judge Street.	It is not considered that 7 houses will generate any significant level of traffic. The Highways Authority has raised no objection.
Buildings will be an eyesore within the road. Not in keeping with the existing houses.	See paragraph 6.3 of the report and submitted drawings.
Disruption during building works. Damage to the road from construction vehicles.	These are not planning considerations.
Inadequate capacity in sewers.	These are matters for the relevant utility
Lack of water pressure.	companies to resolve with the developer.
Loss of light and privacy to	The proposal will have no impact on this
property at 89, Judge Street.	property.

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 no objection to the proposal.

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) Scale and design.
- (c) Quality of residential accommodation.
- (d) Impact on surrounding properties.

- (e) Access, servicing and parking.
- (g) Environmental considerations.

6.2 (a) Principle of development

The application site forms part of a larger, albeit small scale, commercial site comprising various small units in use for light industrial and storage purposes. It would appear from mapping data that commercial use of the site commenced at the same time as the adjoining terraced housing was built in the late Victorian period. Despite this long history of commercial use, due to the relatively small size of the site and its location within a residential area, it is not a designated site for employment use.

- 6.2.1 Emerging Policy EMP4 of the Local Plan Part 2 gives general criteria for assessing the loss of non-designated employment land to other uses. These include evidence of a surplus of employment space, replacement provision being made, the property being vacant for at least 6 months, evidence to show it cannot be reused or redeveloped, and alternative uses being compatible with the surrounding uses.
- 6.2.2 In this case, the main consideration is the fact that the units are old and in poor condition with little likelihood of the site being redeveloped for commercial use in the future. The site is relatively small and is located within a high density residential area and adjoins residential properties and their garden areas. It is distant from any other main employment sites and access to the site is along heavily parked residential roads. For these reasons, a commercial redevelopment of the site would not be considered the preferred solution. Furthermore, other adjoining commercial sites at 92-94, Cecil Street and 130-136, Cecil Street have recently been granted planning permission for residential development.
- 6.2.3 The site is a brownfield site within an established residential area. It is only a short distance from the North Watford Shopping Centre to the east which is served by several bus routes. It is also within walking distance of the town centre and Watford Junction Station to the south. It is in a sustainable location with good access to a wide range of services and public transport. For these reasons, a residential development is an acceptable use for the site. Furthermore, the proposal will provide 2 and 3 bedroom family accommodation which is appropriate for this location and for which there is an identified need.
- 6.2.4 Having regard to the context of the site and the advice in paragraph 14 of the NPPF, it is considered that the loss of the employment use and the provision of family housing would provide significant economic, social and environmental benefits in this case.

6.3 (b) Scale and design

The existing terraced housing on Judge Street is 2 storeys with rear outriggers and pitched roofs and is typical of its era. Plots are narrow at approximately 4m in most cases with small garden areas 10-11m deep (approximately 40-45m²). The proposal seeks to reflect the scale and form of the existing houses with plots 4.7m wide and houses 8m deep, reflecting the depth of the existing houses (excluding the outriggers). The eaves and ridge levels also reflect those of the existing houses with other detailing including parapet walls, chimneys and canopied porches. A contemporary style of windows is proposed rather than the more traditional sash windows which give the houses a more contemporary feel. As most of the existing houses have replaced their original sash windows, and the site is not within a conservation area, this is acceptable.

6.3.1 The existing Units N-Q present a blank, pebble-dashed elevation to Judge Street which is unsightly and detracts from the streetscene. The proposed houses will provide an active, residential frontage which will make a positive contribution to the streetscene and enhance the character and appearance of the local area.

6.4 (c) Quality of residential accommodation

All of the proposed houses meet the nationally described space standards for 2 bedroom and 3 bedroom dwellings respectively. All of the habitable room windows will have good levels of outlook, natural light and privacy with the garden areas and main living rooms facing south and receiving good levels of sunlight. All of the houses will have private, rear garden areas of varying sizes. The introduction of additional car parking has resulted in the reduction in the size of several of the gardens.

6.4.1 The guidelines for garden sizes are set out in the Residential Design Guide. For 2 bedroom dwellings, this is 50m². The 2 bedroom houses will have garden areas of 46m², 54m² and 56m² respectively. Therefore, only 1 of the houses will have a shortfall of 4m² in its garden area. For 3 bedroom dwellings, the garden size is 65m². The 3 bedroom houses will have garden sizes of 28m², 35m², 72m² and 78m² respectively. Two of the houses will therefore have gardens significantly below the guideline figure. This is a direct result of increasing the number of parking spaces on the site. On balance, having regard to the reason for refusal of the previous application, it is considered that the significant shortfall in 2 of the garden areas is outweighed by the benefit of each of the houses having a parking space.

6.5 (d) Impact on surrounding properties

The proposed houses will maintain the front and rear building lines of the existing houses and will not project beyond any existing windows. Although some oblique overlooking of adjoining garden areas will occur from the upper floor bedroom

windows, this is a normal relationship between properties within the street. The removal of Units J-M will provide a more open aspect to the rear garden area of 117, Judge Street which is currently adjoined along the whole of its garden boundary by 2 storey commercial buildings. Overall, the proposed houses will not give rise to any adverse impacts to the existing houses.

6.6 (e) Access, servicing and parking

Although the existing commercial buildings are accessed from Cecil Street through the existing commercial site, the proposed houses will have their own access from Judge Street, through an archway. This is considered an acceptable arrangement. Individual bin stores for each house are located underneath the archway and are acceptable. All servicing of the houses will take place from Judge Street in the same way as for the existing houses.

- 6.6.1 The development now includes 8 on-site parking spaces to the rear of the houses, accessed through the archway. This provision ensures each house will have 1 parking space with 1 space available for visitors. The existing terraced houses on Judge Street have no car parking with all cars parked on-street. Judge Street is not within a controlled parking zone. As a result, the road, along with surrounding roads, experiences high levels of on-street parking from residents as well as employees and visitors to the shopping area during the daytime. The increase in the on-site parking provision will significantly reduce the likelihood of overspill parking on to Judge Street or the surrounding roads. It is considered that this level of provision is acceptable and is sufficient to overcome the reason for refusal of the previous application.
- 6.6.2 Several objectors have stated that the new houses should be provided with 2 spaces each, a total provision of 14 spaces. The Council's car parking standards are expressed as maximums 1.5 spaces for 2 bed and 2.25 spaces for 3 bed dwellings which would give a maximum provision of 13.5 spaces for the proposed development. However, the 2011 Census data on car ownership shows that the average car ownership per household in Callowland Ward is 1.05 cars per household. On this basis, the provision of 8 spaces for 7 houses equates to 1.15 spaces per household which accords with the current car ownership levels in Callowland Ward.
- 6.6.3 As has already been discussed, the site is suitable for residential development and is in an accessible and sustainable location, close to local services and public transport. As such, the proposed houses would be suitable in principle for car-free occupation. There is also a continuing demand within the borough for new housing and the proposal will significantly enhance the streetscene and the character and appearance of the wider area. Whilst it is acknowledged that the proposal may lead

to some additional demand for on-street parking, the increase in the parking provision to ensure 1 space is provided for each house means that this possibility is significantly reduced. It is not considered therefore, that a reason for refusal on the grounds of car parking provision could be justified with this level of parking provision.

6.7 (f) Environmental considerations

6.7.1 i) Land contamination

The site has a long history of commercial use. Although the exact uses are not known, there is a potential for contamination of the ground to have occurred in the past. It is therefore prudent for a ground contamination risk assessment to be undertaken before development commences. This can be secured by condition. A similar requirement was imposed on the planning permissions for the development of nos. 92-94 and 130-136, Cecil Street.

6.7.2 ii) Archaeology

The site was originally occupied by Callowland Farm before the farm and its land were redeveloped in the period 1890-1910. The commercial site originally utilised a number of the original farm buildings before these were replaced over time. However, one of the original barn buildings still exists within the commercial site, forming part of Unit D-E. This building adjoins the southern boundary of the application site and will be retained and unaffected by the proposal. Given the history of the site, it is prudent to require an archaeological investigation before development commences. This can be secured by condition. A similar requirement was imposed on the planning permissions for the development of nos. 92-94 and 130-136, Cecil Street.

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 £120m².

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 loss of this non-designated employment site located within a sustainable, residential location is considered acceptable in principle. The proposed provision of family housing would provide significant economic, social and environmental benefits to the locality and the borough as a whole. The proposal will provide a good quality of accommodation for future occupiers and will have no adverse impacts on the amenities of existing occupiers. The proposal now incorporates 8 parking spaces for the proposed 7 houses which is considered to be an acceptable level of provision having regard to the location and current car ownership levels. As such, it is considered the proposal will be unlikely to give rise to additional demand for on-street parking and that the reason for refusal of the previous application has been overcome.

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:

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:-

100 CS 001D, 100K, 101G, 102E, 104A, 201G

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

- 3. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements:
 - i) a preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site;
 - ii) a site investigation scheme, based on (i) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
 - the results of the site investigation and risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure any contamination

of the ground is identified and remediated in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

4. No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 6. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and
 - i) The programme and methodology of site investigation and recording;
 - ii) The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 - iii) The programme for post investigation assessment;
 - iv) Provision to be made for analysis of the site investigation and recording;
 - v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - vi) Provision to be made for archive deposition of the analysis and records of the site investigation;

vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall only be carried out in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

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

7. No development shall commence until details of the external materials to be used for the development 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.

- 8. No dwelling shall be occupied until the following works have been carried out in full:
 - i) The construction of the new access from Judge Street and the internal access drive as shown on drawing no. 100 CS 101G;
 - ii) The construction of the 8 car parking spaces as shown on drawing no. 100 CS 101G;
 - iii) The construction of the bin stores as shown on drawing nos. 100 CS 101G and 104A;

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

9. No dwelling 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.

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.

10. No dwelling shall be occupied until a detailed soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. 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, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E and G of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the site and its surroundings and will not prove detrimental to the amenities of residents in accordance with Policies SS1 and 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.

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).

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 streetnamenumber@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 on the proposal and sought amendments during the application process.

Drawing numbers

100 CS 001D, 100K, 101G, 102E, 104A, 201G, 900

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284



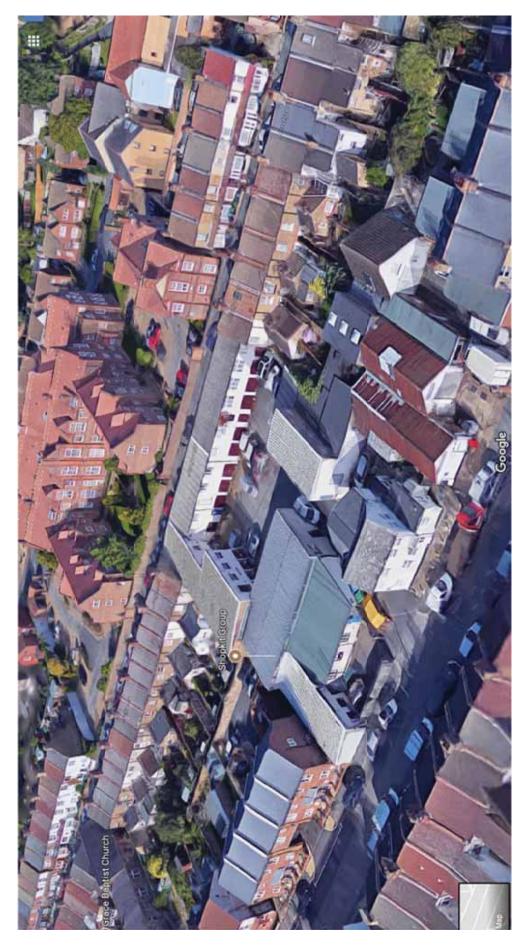


Image from Google Earth

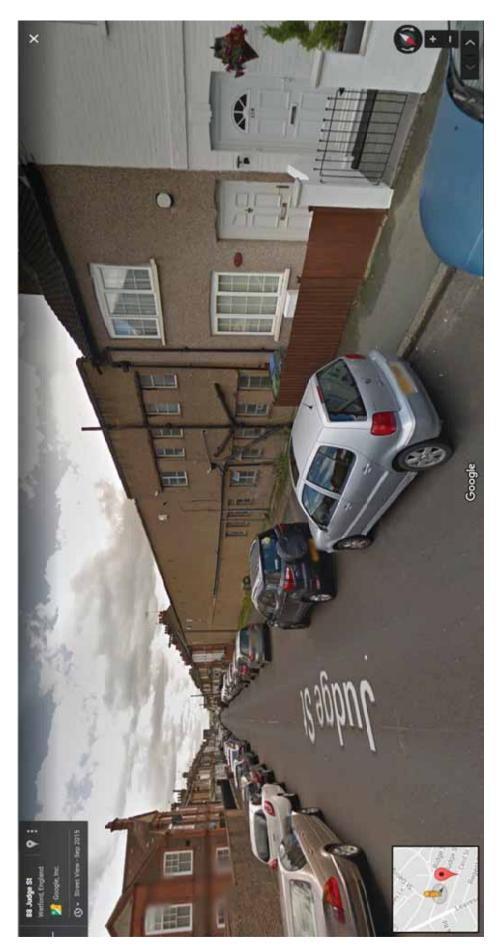


Image from Google Street View





BLOCK PLAN

SCALE 1:500/A4

DR NO: 100 CS 100 DATE: 14 March 2017 REV: K(25-09-2017)

CLIENT: Mr Lee Turner ADDRESS: 100 Cecil Street

Watford WD24 5AQ



Robert Alexander Interior Design & Architecture G26, Wallis House Great West Road London TW8 0HE Tel: 07710 878 631 robert@raidarchitecture.com

JUDGE STREET H2 H3 H4 H7 Page 23 P6 P3 UNIT J-M DEMOLISHED P1 P5 PG P7 7,000 P4 P2 111.9 m² Robert Alexander Interior Design & Architecture G26, Wallis House Great West Road PROPOSED SITE PLAN CLIENT: Mr Lee Turner SCALE 1:100/A2 ADDRESS: 100 Cecil Street London Watford DR NO: 100 CS 101 REV:G (25-09-2017) TW8 0HE Tel: 07710 878 631 robert@raidarchitecture.com WD24 5AQ DATE: 14 March 2017

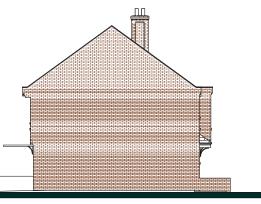




NORTH ELEVATION (JUDGE STREET)

UNDERCROFTSECTION / ELEVATION





SOUTH ELEVATION WEST ELEVATION

PROPOSED ELEVATIONS

SCALE 1:100/A2

DR NO: 100 CS 201 DATE: 14 March 2017

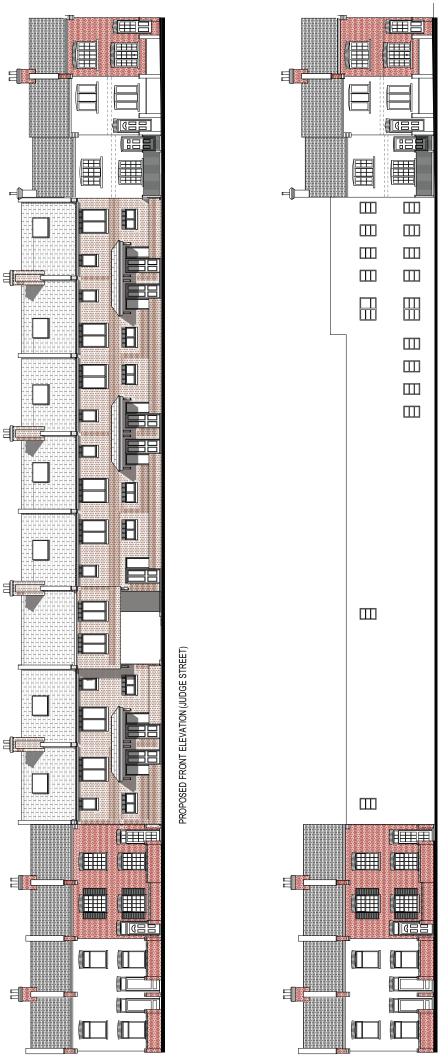
REV: G (25-09-2017)

CLIENT: Mr Lee Turner ADDRESS: 100 Cecil Street

Watford WD24 5AQ



Robert Alexander Interior Design & Architecture G26, Wallis House Great West Road London TW8 0HE Tel: 07710 878 631 robert@raidarchitecture.com



EXISTING FRONT ELEVATION (JUDGE STREET)

CLIENT: Mr Lee Turner ADDRESS: 100 Cecil Street Watford WD24 5AQ **EXISTING ANDPROPOSED STREET VIEW** REV:-DATE: 14 June 2017 DR NO: 100 CS 901 SCALE NTS@/A3

PART A		
Report of: Head of Development Management		
Date of committee:	1 st November 2016	
Site address:	127-129, High Road	
Reference Number:	17/01222/FUL	
Description of Development:	Creation of new boundary to garden of two existing semi-detached houses and erection of two new 3 bedroom semi-detached houses with off-street car parking.	
Applicant:	Mr J Gomme, SLG Designs	
Date Received:	31st August 2017	
8 week date (minor):	26 th October 2017 (extended by agreement to 3 rd November 2017)	
Ward:	Woodside	

1.0 Site and surroundings

- 1.1 The application site comprises the western part of the rear garden areas of nos. 127 and 129, High Road. It measures approximately 23m wide by 14m deep with a frontage on to Chapel Close. Nos. 127 and 129, High Road are sited at the junction of High Road and Chapel Close and comprise a pair of semi-detached cottages. No.129 is a locally listed building.
- 1.2 To the south, the site adjoins part of Sherwood Court, a development of terraced houses built in the 1990s. One block is sited alongside nos. 127 and 129, High Road, fronting High Road, and a second block, further south, is set back from High Road behind the access junction. The rear boundary partially adjoins the side garden of 11, Sherwood Court and partially an open parking court, which includes residential garages serving the houses.
- 1.3 Chapel Close was developed in the mid-1960s and comprises 3 storey, terraced town houses. Immediately adjoining the western boundary of the site is a narrow alleyway to the rear of the existing houses on Chapel Close and an electricity substation.

2.0 Proposed development

2.1 Full planning permission is sought for the erection of a pair of semi-detached houses on the site. The houses have rectangular footprints and are sited at right-angles to Chapel Close with side garden areas and 2 car parking spaces. Both houses have 3 bedrooms with accommodation on 3 levels, including the roofspace.

3.0 Relevant planning history

3.1 16/00461/FUL - Sub-division of gardens and erection of 2 no. 3 bedroom, semidetached houses with off-street parking. Application withdrawn.

16/01200/FUL - Creation of new boundary to garden of two existing semi-detached houses and erection of two new 3 bedroom semi-detached houses with off-street car parking. Planning permission refused on 2nd November 2016 for 2 reasons:

- 1. The proposed gardens would be of substandard size and would therefore fail to comply with the Residential Design Guide, paragraph 7.3.22, and Policy UD1 of the Watford Local Plan Core Strategy 2006-31. As a result, the application would fail to provide an adequate level of amenity for future occupiers.
- 2. The design would fail to harmonise appropriately with the character and appearance of the existing street scene and would have a harmful impact on the character and appearance of the area, contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

This refusal was the subject of an appeal which was dismissed by letter dated 26th May 2017. Both of the Council's reasons for refusal were upheld.

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 polices 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.

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

Section 12 Conserving and enhancing the historic environment

Decision taking

5.0 Consultations

5.1 **Neighbour consultations**

A total of 38 properties in High Road and Chapel Close were notified of the application, including all those who commented on the previous application. 13 letters of objection have been received from 12 properties. The points that have been raised are very similar to those for the previous application and are summarised below.

Representations	Officer's response
More traffic and parking	Chapel Close is a cul-de-sac of houses. Most

problems within a busy road. Used by parents to school, children's centre and nursery.	traffic and parking appears to be related to parents from the nearby school and nursery. This is not a reason to refuse this application. The reduction in unrestricted on-street parking will reduce the number of cars parked on the road and improve the current situation.
Loss of existing on-street parking.	See Section 6.6 of the report.
Parking spaces appear inadequate in length. Cars will overhang the footpath.	Herts. County Council as the Highway Authority has raised no objection.
Site on dangerous blind bend.	The removal of on-street parking from outside the site adjacent to the bend will improve visibility on the bend.
Loss of trees.	Whilst there are trees within the garden areas, none are protected and can be removed by the owners at any time.
Impacts from construction noise and dust.	These are not planning considerations. Construction impacts are covered by environmental and other legislation.
Loss of light and privacy to properties opposite. Overlooking of properties.	See Section 6.5 of the report.
Development out of character	The proposed houses have a similar scale,
with the Victorian houses. Out of	design and proportions to the existing
scale with the surrounding area.	houses in the road. They are considered to be an appropriate response to the development of this site.
Rear garden area unsuitable for new houses. Overdevelopment of the land.	The existing houses will retain garden areas of 73m ² and 77m ² respectively, which will be larger than those of most houses in Chapel Close and in exceeds of the guidelines in the Residential Design Guide.
Sited next to electricity substation which is dangerous.	All residential areas have sub-stations within them without causing any health and safety issues. In this case, the sub-station is sited 4.6m from the house at 21, Chapel Close (abutting its garden area) and 7m from House 1.
Site is garden land and not previously developed land, so should not be considered for	This is not a 'backland' site in the true sense as it has a frontage to Chapel Close. Although it is currently garden land, it is not

development.	inappropriate to consider potential
	development in this case.
Loss of privacy to 21, Chapel	See Section 6.5 of the report.
Close.	
Loss of light and privacy to	See Section 6.5 of the report.
surrounding properties.	
Small gardens areas and a lack of	See Section 6.4 of the report.
open space.	

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:

5.4.1 Hertfordshire County Council (Highway Authority)

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to suggested conditions.

5.4.2 Arboricultural Officer

Whilst the proposals will require the removal of some trees, none of which are considered suitable for long term retention, there is some scope for replacement planting within the proposed garden areas and shrub planting on the road frontage.

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) Design and character of the area.
- (c) Amenity of future occupiers.
- (d) Impact on adjoining properties.
- (e) Access and car parking.
- (f) Impact on heritage assets.
- (g) Trees and landscaping.

6.2 (a) Principle of development

There is no objection in principle to the development of additional residential

accommodation in this locality, subject to all the normal planning considerations. Although the application site forms part of the rear garden areas of Nos. 127-129, it is not a typical 'backland' site as it has a frontage to Chapel Close. The site directly faces existing 3 storey town houses on the northern side of Chapel Close.

6.3 (b) Design and character of the area

Chapel Close is characterised by 3 storey, terraced town houses with a consistent width of 5.4m and a depth of 8.5m. They have a fairly uniform design and shallow pitched roofs. The houses opposite the site are set on a shallow stagger of 1m to each other. To the west, on the angle of the road, this stagger increases to 5m to present large flank elevations to the street and a 'saw-tooth' roof profile created by the shallow pitch of the roofs. The appeal Inspector noted the set-back of the houses from the highway and the lack of boundary treatments gave an open character to the street.

- 6.3.1 In dismissing the appeal on the previous application, the Inspector commented as follows:
 - 5. The proposal is for two houses, one two storey and one three storey with asymmetric roofs. The size, bulk and massing of the houses would be broadly similar to those existing. Furthermore house 2 would be set back from the road similar to the existing pattern of development. However, house 1 would only be set back by a very limited distance from the road presenting a large three storey elevation adjacent to the footway. While the houses to the north-west have a large visible flank elevation, these are set back from the footway by some distance. The proximity of house 1 to the footway and the size of the side elevation would lead to an uncharacteristic degree of enclosure to the street eroding the existing openness.
 - 6. The asymmetric roofs would be an attempt to match the saw tooth profile of the existing terrace to the north-west. However, the simplicity of the roof design on existing houses would be lost. Instead the proposed design would give the roof planes dominance in the street particularly when viewed from the east and west. Furthermore, the seemingly random placement of windows on the appeal proposal is at odds with the regular rhythm of fenestration displayed in the street. This is exacerbated by the introduction of windows above eaves level which my attention has not been drawn to elsewhere on the street.
 - 7. The combination of the above factors would lead to the introduction of two houses that fail to respect the existing regular rhythm of development

in the street. In conjunction with the proximity of house 1 to the road this would lead to the houses being particularly obtrusive and incongruous, failing to integrate harmoniously in the streetscene.

- 6.3.2 In order to address these concerns, the proposed scheme now incorporates a pair of 2 storey houses set at right-angles to Chapel Close, with a footprint and a small 1m stagger between them that directly mirrors the houses opposite on the northern side of Chapel Close. The houses are also set back 2.7-3.5m from the back edge of the footpath. Whilst this is less than the 5.6-8.4m of the houses opposite, it helps to retain the open character of the street. Unlike the houses opposite, because the parking spaces are provided to the side of the proposed houses, an area of soft landscaping is also introduced into the streetscene.
- 6.3.3 The proposed houses incorporate simple, pitched roofs which also mirror those of the houses opposite and have an eaves level and ridge level that are both slightly lower. The flank elevation of House 2 within the streetscene will appear almost identical to that of 2, Chapel Close at the entrance of the road and to the staggered elevations of nos. 16-24 sited on the adjoining bend in the road. Finally, the windows on the front elevations are aligned horizontally to reflect the window arrangement of the houses opposite.
- 6.3.4 Whilst the proposed houses do not seek to copy the existing houses, they do have a scale, character and appearance that complement the existing houses in the road. This revised design is considered to overcome the previous reason for refusal and the concerns expressed by the appeal Inspector.

6.4 (c) Amenity of future occupiers

Both of the proposed houses have accommodation on 3 levels, incorporating the roof space. Each house has 3 bedrooms and a study with floorareas of 124m² (House 1) and 120m² (House 2) respectively. This exceeds the minimum floorspace requirement of 108m² in the nationally described space standard for a 3 bedroom, 6 person dwelling over 3 storeys. As such, both houses will have more than adequate internal floorspace.

- 6.4.1 Both houses are orientated north-south with their front elevations facing Chapel Close. The main living/dining/kitchen areas at ground floor will face west and east respectively and will have good levels of outlook, natural light and privacy. On the upper floors, the bedrooms and study in each house will face north or south. Only those bedrooms facing north will not receive direct sunlight, otherwise, all rooms will have good levels of outlook, natural light and privacy.
- 6.4.2 Both houses are provided with private garden areas to the side of the houses.

House 1 has an area of 62m² and House 2 an area of 61.5m². The Residential Design Guide has a minimum standard of 65m² for 3 bedroom houses. The shortfall in each case is therefore minimal at only 3m² and 3.5m² respectively. Each garden comprises a single, rectangular area to maximise its functionality and is south facing, so will receive good sunlight.

- 6.4.3 One of the reasons for refusal of the previous application related to the size of the garden areas. In her appeal decision, the Inspector commented that both houses could be considered as 4 bedroom, with a requirement for 80m² of garden space. She noted that one of the houses had a shortfall of 27m² and was insufficient for either a 3 bedroom or 4 bedroom house. She also noted that the garden areas were both L-shaped and would in part have limited functionality. She concluded that by reason of size and configuration of the garden areas, the proposed houses would not provide an acceptable level of living conditions.
- 6.4.4 In this case, the shortfall in area of each garden is minimal and both have good functionality and are south facing. It is therefore considered both will provide good quality garden space for the houses.

6.5 (d) Impact on adjoining properties

There are existing houses on 4 sides of the application site that could potentially be affected by the proposal.

6.5.1 *i)* 127-129, High Road

These houses are sited to the east of the proposed houses, with the application site being formed from their existing garden areas. House 2 is closest to the existing houses and is sited 20m from the main rear elevations, 16.4m from the rear extension of no.127, and 5.5-6.5m from the rear boundary of the gardens. The flank elevation faces these properties and has a width of 8.6m, an eaves height of 6.8m and a ridge height of 9.4m. The eaves and ridge heights are very similar to the existing houses in Chapel Close opposite, but are higher than those of nos. 127 and 129. There is a single window in the flank elevation which serves the void above the dining area. This can be obscure glazed to prevent overlooking of the windows and garden areas of nos. 127 and 129.

6.5.2 *ii)* 11, Sherwood Court

The application site adjoins the rear 10m of the 23m deep garden of 11, Sherwood Court, which is 7m wide. The 2 storey rear elevation of House 2 is set in 2.9m from the boundary. This house will appear as a prominent new structure when viewed from no.11, albeit towards the rear of the garden area. However, this type of relationship between houses is very common on corner plots where the houses on the adjoining road are sited at the rear of garden areas. As such, it is not considered

that this relationship is unusual or unduly harmful in this case.

- 6.5.3 As House 2 is sited due north of the garden and 19m from the existing house at its closest point, it will not give rise to any overshadowing or loss of light to the garden or the house.
- 6.5.4 In terms of privacy, windows at first floor level in House 2 comprise 2 windows to the study which would allow direct overlooking of the rear of the garden area of no.11 and the adjoining garden of no.9. These can be obscure glazed to prevent overlooking of the garden areas.

6.5.5 *iii)* 21, Chapel Close

This property is sited to the south-west of the application site. Its side garden area adjoins the electricity sub-station. House 1 is sited at a distance of 17m at its closest point. Given this distance and its siting, it will not give rise to any loss of light to this property. The single window in the flank elevation of House 1 faces towards the adjacent electricity sub-station and, beyond this, the side garden area of no.21 at a distance of 12m. This distance, together with the presence of boundary trees, will ensure no significant levels of overlooking to the garden area.

6.5.6 iv) 8-14 (evens), Chapel Close

The distance between House 1 and 12-14, Chapel Close opposite is 16.6-18.4m. The distance between House 2 and 8-10, Chapel Close is 20.2m. These are normal and acceptable distances for residential properties to face each other across a street and will give rise to no loss of light or privacy. Only bedroom and bathroom windows face Chapel Close at first floor level.

6.6 (e) Access and car parking

The scheme incorporates 4 on-site parking spaces, 2 for each house, accessed directly from Chapel Close. The spaces are aligned at right-angles to the highway and will be accessed via 2 new crossovers. Chapel Close has no on-street waiting restrictions and vehicles are often seen parked on-street. Most of the houses within the road have 1 or 2 on-site parking spaces. The letters of objection from residents suggest that most of the parking is associated with people working in/parents visiting Leavesden Green Primary School and the Children's centre located on the eastern side of High Road and the local shops a short distance to the north-east on Haines Way.

6.6.1 On site visits, cars were seen parked on-street alongside 129, High Road. This parking narrowed the road to a single lane and caused some restriction on cars exiting the driveways of the houses opposite, on the northern side of the road. They also restricted visibility around the bend in the road at the north-western

corner of the site.

- 6.6.2 The provision of 4 on-site spaces for the proposed houses is considered appropriate to prevent any additional on-street parking. The Council's current maximum parking standards would require a maximum of 4.5 spaces (2.25 spaces per house). The formation of the crossovers would limit the opportunities for on-street parking alongside the site which is considered beneficial. The crossover serving House 1 would also improve visibility around the bend. As all existing houses have on-site parking provision, it is unlikely to have any adverse impact on existing residents.
- 6.6.3 For cars exiting the parking spaces, visibility will be restricted to the west due to the bend in the road. However, Chapel Close is a cul-de-sac with only 25 houses beyond the bend, so traffic movements will be very low and there is no through traffic. Herts. County Council as the Highway Authority have not objected to the application.
- 6.7 (f) Impact on heritage assets
 129, High Road is a locally listed building built in 1868. It forms one of a pair of semi-detached houses with No.127 known as 'Denbigh Cottages'. The reason for listing is given as:
- 6.7.1 'Denbigh Cottages' are some of the oldest properties in this part of Watford. However, number 129 Leavesden High Road is of particular historical interest because of the stone tablet it has on the wall of its eastern elevation. The tablet commemorates a soldier named Ralph Swan who had lived in this property before leaving to fight in World War I. Swan died in active service with the 10th /11th Battalion of the Highland Light Infantry in France on the 9th April 1918. He was aged 18.
- 6.7.2 Both houses are typical of the Victorian era but both are small by modern standards. As a consequence, both have been extended, unfortunately in unsympathetic ways. No.127 has a particularly poor 2 storey front and side 'wraparound' extension which has destroyed the original appearance of the house. No.129 has been less impacted but nevertheless has a single storey infill extension to the front dating from 1968 which is also of poor design.
- 6.7.3 The main local interest in No.129 is historical, partly due to the age of the house but mainly relating to the remembrance plaque to Ralph Swan. As such, the proposed development within the rear garden area will have no impact on the significance of this asset.

6.8 (g) Trees and landscaping

The site contains several trees located along the garden boundary between the 2 existing houses. There are also existing small trees along the western boundary. None of these trees is protected and none meet the criteria for protection under a tree preservation order. As such, the trees can be removed at any time. The submitted plans show 2 small trees to be retained and indicative replacement tree planting, which can be secured by condition.

7.0 Community Infrastructure Levy and S.106 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.

The CIL charge applicable to the proposed development is £120m². The charge is based on the net increase of the gross internal floor area of the proposed development. In this case, the net additional floorspace is 244m² which equates to a charge of £29,280 (plus indexation).

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. In this case, no planning obligations are required.

8.0 Conclusion

8.1 There is no objection in principle to the development of this land for residential accommodation. Although it forms part of the existing garden areas of nos. 127-129, High Road, it has a direct frontage to Chapel Close. Having regard to the context of the site and the character and appearance of Chapel Close, the proposed houses are considered to be an appropriate scale and design for this site. The houses will provide a good level of amenity for future occupiers and are not considered to result in any significant harm to existing properties. The proposed scheme is considered to overcome the reasons for refusal of the previous application and the concerns of the appeal Inspector.

8.2 The proposed on-site parking provision will remove some unrestricted on-street parking from Chapel Close, however, given the existing issues experienced by residents from on-street parking associated with Leavesden Green Primary School, this will result in some highway benefits.

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:

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:-

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P149 GA 01 P3, 02 P3, 03 P3, 04 P3, 05 P3, 06 P3
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Reason: For the avoidance of doubt and in the interests of proper planning.

3. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roof, doors and windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: In the interests of the visual appearance of the building, the streetscene and the wider area, 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. The new dwellings hereby approved shall not be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the retention of the existing trees along the western boundary, measures to protect these trees during construction works, and new tree planting within the site. The approved tree protection measures shall be implemented before construction works commence and shall be retained throughout the construction period. The approved planting scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

5. The new dwellings hereby approved shall not be occupied until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing within the site, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

6. The new dwellings hereby approved shall not be occupied until a sustainable drainage scheme for the drainage of the car parking spaces has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full.

Reason: To prevent surface water flowing on to the public highway.

7. The first floor window to the study void in the east facing elevation and the first floor window to the study in the south facing elevation of House 2, facing towards nos. 127-129, High Road, shall be non-opening and fitted with obscured glazing at all times.

Reason: To prevent overlooking and a loss of privacy to nos. 127-129, High Road.

8. The flat roof areas of the single storey rear extensions of both houses shall not be used as a terrace or amenity area or for any other purpose.

Reason: To prevent overlooking and a loss of privacy to the adjacent properties in High Road, Sherwoods Court and Chapel Close.

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.

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).

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 streetnamenumber@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 on the proposal and sought amendments during the application process.

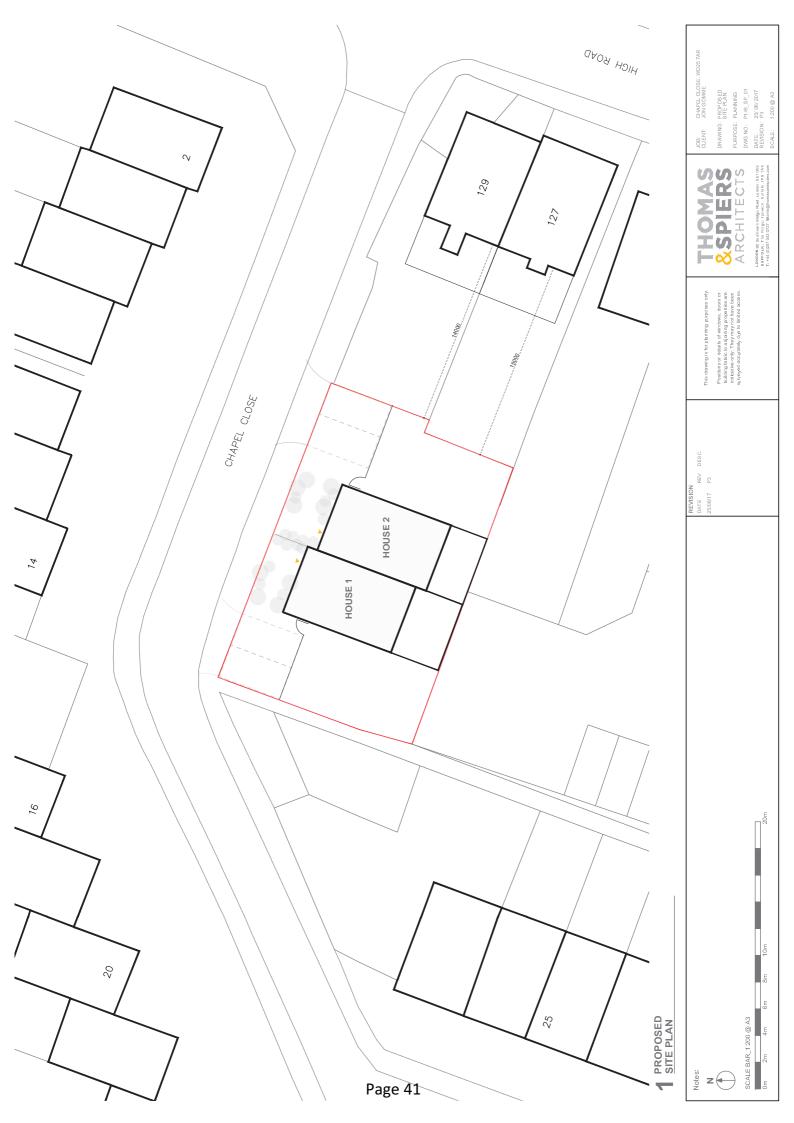
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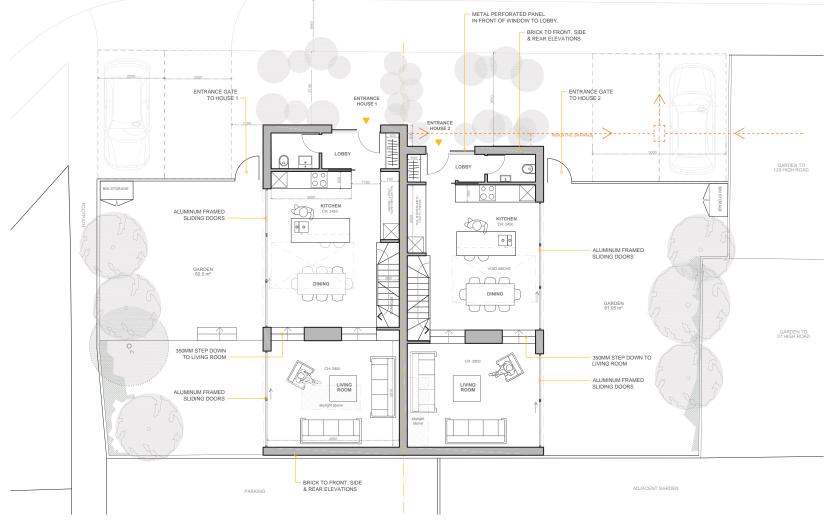
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Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

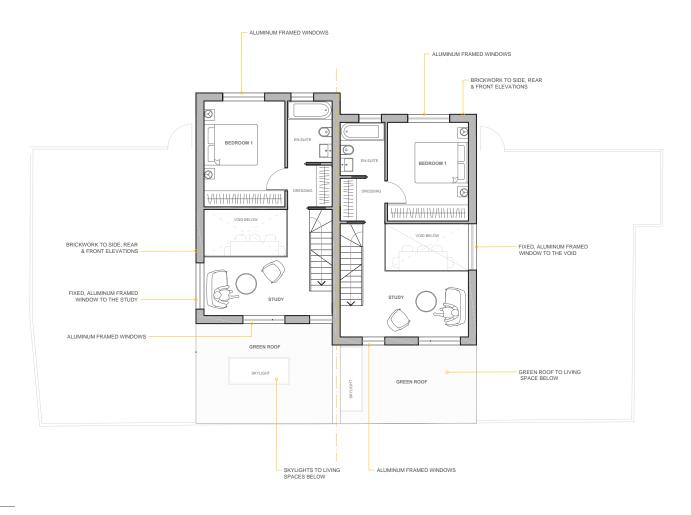
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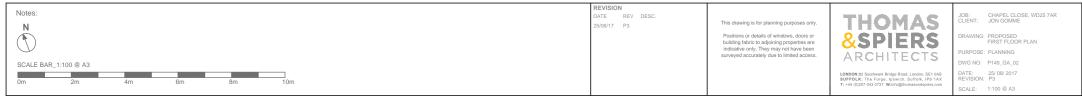


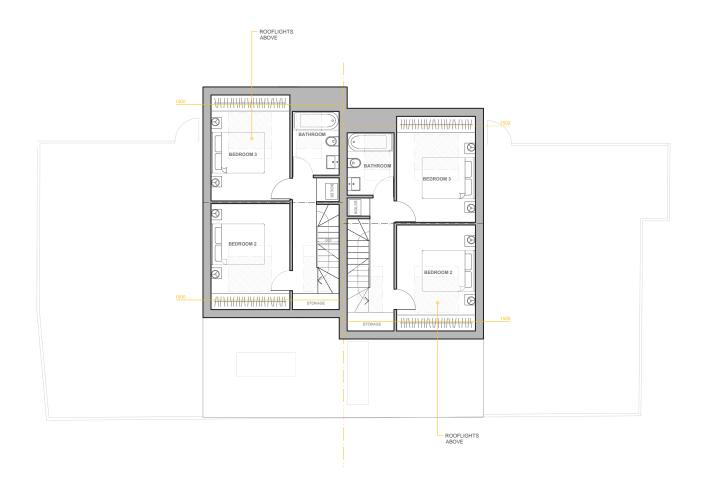
1 PROPOSED GROUND FLOOR PLAN





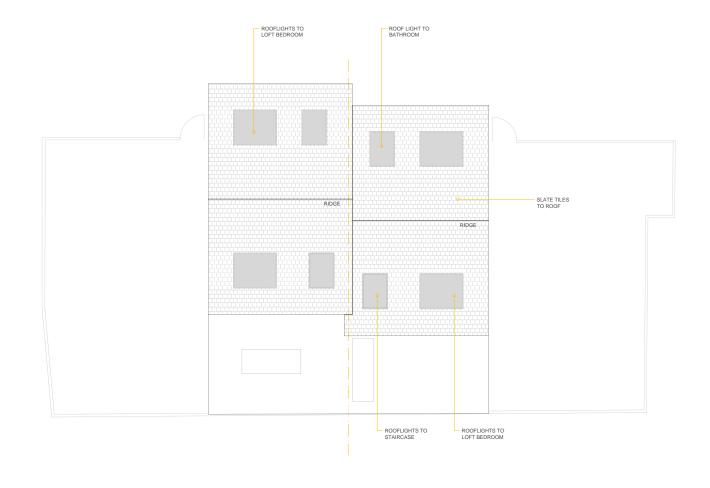
PROPOSED FIRST FLOOR PLAN





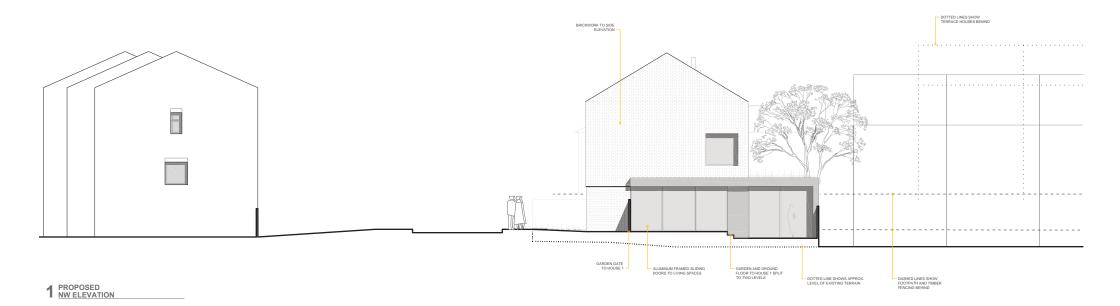
1 PROPOSED LOFT FLOOR PLAN

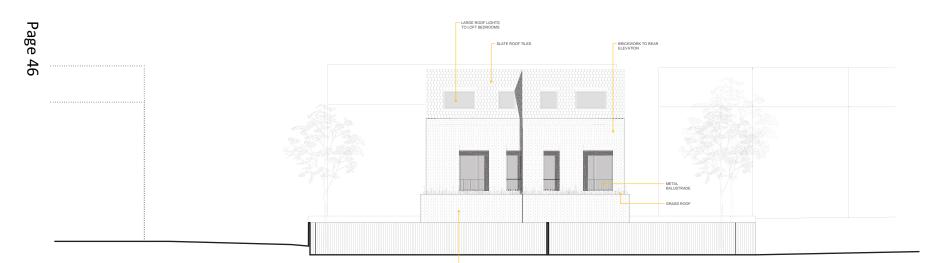




PROPOSED ROOF PLAN



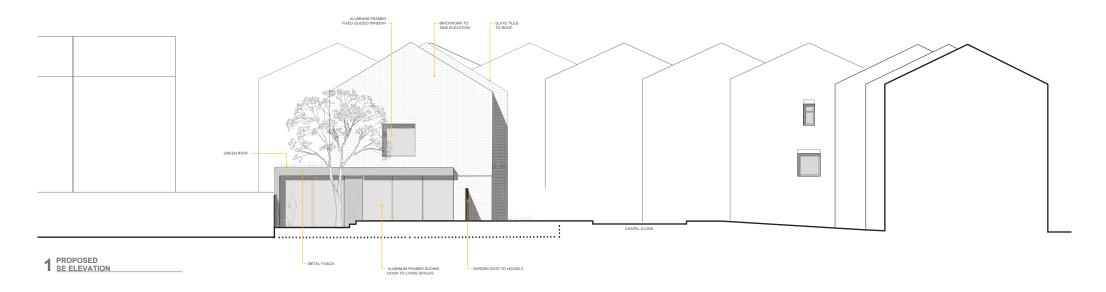




BRICK WALL TO REAR ELEVATION

2 PROPOSED SW ELEVATION









PART A		
Report of: Head of Development Management		
Date of committee:	1 st November 2017	
Site address:	37-39, Clarendon Road	
Reference Number:	17/00470/FULM	
Description of Development:	Proposed mixed use development comprising up to 11,180 sqm of Class B1(a) office space on 8 floors, 154 residential units on 23 floors, up to 496 sqm of Class A3 café/restaurant space on the ground and 9th floors, 1st floor gym, basement car and cycle parking, access, landscaped rooftop amenity space and associated works.	
Applicant:	Clarendon Road Developments Limited	
Date Received:	6 th April 2017	
13 week date (major):	6 th July 2017 (extended by agreement to 13 th December 2017)	
Ward:	Central	

1.0 Site and surroundings

- 1.1 The site is located on the western side of Clarendon Road close to the junction with Beechen Grove. It is rectangular in shape and has an area of 0.40 hectare. It adjoins Jury's Inn to the south and has a rear boundary that adjoins Beechen Grove. It comprises a 4 storey office block on the frontage (Hannay House) which dates from the 1960s and is currently occupied. To the rear is a second, 3 storey office block (Millbuck House) which has been vacant since 1997.
- 1.2 The site is located in the Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. There are parking restrictions, including Residential Control Parking Zone along the roads within the vicinity of the site. The site is not within a conservation area and there are no listed or locally listed buildings within or adjoining the site.

2.0 Proposed development

2.1 To demolish the existing office buildings on the site and erect a mixed-use, multi-

storey development comprising:

- i) A 7 storey building fronting Clarendon Road providing 11,180m² (GIA) of Class B1(a) office floorspace. The front of the building will be set back 13.2m from the highway, respecting the existing building line on Clarendon Road, with its main entrance facing the road.
- ii) Two café/restaurant uses located at ground floor level of the office building totalling 496m², fronting public space to the side of the building, with access from this space.
- iii) A part 7 storey, part 23 storey tower fronting Beechen Grove providing 154 residential flats (54 studios, 48 x 1 bed, 52 x 2 bed). Access to the flats is through the public space alongside the office building. Also included is a residents' gym, communal lounge, management suite and secure bin store, cycle store and storage rooms.
- iv) Basement car parking over 3 levels providing 200 parking spaces (150 for the office use and 50 for residential use) and cycle storage for the office use.
- v) A roof level café/restaurant and terrace open to the public on the roof of the office building.
- vi) Roof level terraces for the use of office employees and residents, including on the roof of the 23 storey tower.

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 polices 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 Residential Design Guide 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 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change 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 155 properties in the surrounding area. Nine replies were received, 8 from residents and 1 on behalf of intu Watford. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Loss of unobstructed view from	See paragraph 6.6 of this report.
flats in Clarendon Lofts.	
Loss of light from flats in	See paragraph 6.6 of this report.
Clarendon Lofts.	
Noise and disturbance during	This is not a material planning consideration.
construction.	
Residential tower too high. Will	See paragraph 6.3 of this report.
dominate Watford. Inappropriate	
due to scale, height and mass.	
Major impact on skyline. Double	
height proposed in tall buildings	
policy TB1.	
Dangerous as situated close to	The Highway Authority considers the access
busy corner.	arrangements to be acceptable and has
	raised no objection.
Roof top amenity area will	The roof top play area at St John's Primary
overlook St John's Primary	School opposite will be used only for sports
School.	activities and will be supervised. It will not
	be used as a general playground.
Inadequate car parking provision.	See paragraph 6.7 of this report.
Overshadowing of Hemingford	See paragraph 6.6 of this report.
Court and overlooking.	
No social housing provision.	See paragraph 6.5 of this report.
Will set precedence for further	Clarendon Road is an area designated for tall
tall buildings.	buildings in the emerging Local Plan Part 2.
Restaurant/café uses will	See paragraph 6.2 of this report.
undermine planned investment in	
Charter Place redevelopment.	
Site outside town centre	See paragraph 6.2 of this report.
shopping areas. Alternative units	

exist within designated shopping	
areas.	

5.2 **Statutory publicity**

The application was publicised by 4 site notices posted on 12th April 2017 and by advertisement in the Watford Observer published on 14th April 2017. The site notice period expired and the newspaper advertisement periods both expired on 5th May 2017.

5.3 **Technical consultations**

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

Has no objection to the proposal subject to suggested conditions. Has requested a financial contribution of £6,000 towards the monitoring of a Travel Plan.

Hertfordshire County Council (Lead Local Flood Authority)

No objections to the proposed surface water drainage scheme, subject to appropriate conditions being imposed.

Hertfordshire County Council (Waste and Minerals)

Has requested a Site Waste management Plan is secured for the development.

Thames Water

No objections to the proposed surface water drainage or foul water drainage. Adequate capacity exists within the sewer system to accommodate the proposal.

Arboricultural Officer

Has no objection to the loss of the 4 trees proposed from the site, subject to appropriate new planting.

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 uses.
- (b) Scale and design.
- (c) Quality of residential accommodation.
- (d) Affordable housing provision.
- (e) Impacts on surrounding properties.
- (f) Transport, access and servicing.

- (g) Car and cycle parking.
- (h) Impact on heritage assets.
- (i) Environmental considerations.

6.2 (a) Principle of the proposed uses

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. 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 90,000m² of B1a office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m² 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 latest Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners (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 164,000m² to 215,000m², 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 that that planned for in the Core Strategy.
- 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. This policy does not consider residential use to be acceptable within the employment area.
- 6.2.4 The proposed office element of the scheme is fully in accordance with planning

policy and will significantly increase the amount of office floorspace on the site. Hannay House currently provides approximately 2,000m² of floorspace which is now very dated. Millbuck House has been vacant for 20 years and can be discounted in this respect. On this basis, the proposal will increase the office floorspace by approximately 9,000m² and will provide modern, high quality floorspace to replace the existing, low quality floorspace. This is welcomed. The application is also accompanied by an office supply assessment by local commercial agents Perry Holt and Co. which summarises the current office market in Clarendon Road and supports this level of office provision.

- 6.2.5 The proposed residential element of the scheme is not in accordance with the adopted and emerging employment policies. However, there is strong national support for the delivery of new housing to meet demand and address a shortage in housing supply and the importance of delivering good quality housing is emphasised within the NPPF.
- 6.2.6 Policy HS1 of the Core Strategy lists the criteria that will be taken into account in assessing the suitability of windfall sites for residential use. In this case, the site is brownfield land, is within the town centre, is not at risk of flooding and has excellent access to public transport and a wide range of services. Furthermore, the site has no heritage significance or biodiversity or landscape value. Notwithstanding the high number of residential dwellings proposed, the site still meets its potential for providing a significant increase in the quantity and quality of office accommodation. The proposed residential development is therefore considered to meet the criteria set out in Policy HS1. This site is also within a location where the Core Strategy expects and encourages higher density housing to be delivered.
- 6.2.7 The Council also acknowledges that it currently does not have a 5 year housing land supply as required by the NPPF. Current figures indicate a supply of 3.0-3.5 years equating to a shortfall of 1,018-1,553 dwellings for the period 2016/17 to 2020/21. Paragraph 14 of the NPPF states that 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. As the proposal also delivers significant new office floorspace, there are considered to be no severe economic impacts that would outweigh these benefits.
- 6.2.8 Policy HS2 of the Core Strategy states that all proposals for residential development will be considered in the context of the local area's need for a variety of different types, tenures and sizes of accommodation. The proposed development provides 154 flats comprising 54 studios, 48 x 1 bed, 52 x 2 bed units. Given the location of the site in the Clarendon Road employment area and within the wider town centre

- policy area, this is considered to be an acceptable mix of units for a high density scheme of this nature and accords with aims of Policy HS2 of the Core Strategy.
- 6.2.9 Having regard to these various factors, a mixed-use development that delivers increased, high quality office floorspace and new housing is considered acceptable for this site.
- 6.2.10 The proposal also includes other, small scale uses comprising 2 cafe/restaurant units at ground floor level and a café/restaurant use on the roof of the office building. Emerging Policy EMP5 does support small scale supporting uses that support the employment uses. The proposed uses will serve office employees on the site and from other buildings within Clarendon Road during the daytime. However, they can be considered as more supporting uses in that they are also intended to operate during the evenings and weekends when the office use is not occupied and will, therefore, serve the wider community.
- 6.2.11 Given the introduction of residential use on this site and on other nearby sites (36 and 53, Clarendon Road), it is considered appropriate that some small scale café/restaurant uses are introduced to give greater activity during the evening period when Clarendon Road would otherwise be largely devoid of activity. Although the uses will be sited outside the primary and secondary shopping areas of the town centre, it is not considered they will undermine the viability and functioning of the town centre or the development of Charter Place that is currently underway. The site is not in a prime location and is more likely to be attractive to smaller or independent operators who do not wish to have a presence within the prime town centre area.
- 6.2.12 The roof terrace café/restaurant will be a unique feature within the town and will add a different experience to the current café/restaurant offer within the town centre. As such, it is likely to be attractive to a different clientele and will enhance the overall night-time economy of the town centre.

6.3 (b) Scale and design

The Skyline supplementary planning document sets out guidance on delivering quality taller buildings in terms of the building itself and the public realm interface. This SPD supports Policy UD1 of the Core Strategy. The guidance makes it clear that the majority of areas in Watford are unsuitable for taller buildings, and directs the taller buildings to central locations which have notable regeneration and economic development opportunities and high capacity public transport infrastructure. Clarendon Road is one of these identified areas.

6.3.1 Emerging Policy TB1 of the Local Plan Part 2 has suggested building heights for

Clarendon Road of around 10 storeys with a taller building on the site opposite the station of around 15 storeys. The northern end of Clarendon Road was considered to be a more appropriate location for the tallest building on Clarendon Road as it would mark the station and would also tie in with the taller buildings which are being promoted as part of the Watford Junction development. Clearly the height of the proposed tower on this site does not follow this guidance and would create a significant landmark tower at the southern end of Clarendon Road.

- 6.3.2 The height of the office building fronting Clarendon Road at 8 storeys would be higher than most of the existing buildings in Clarendon Road but would be in accordance with emerging Policy TB1. Earlier this year, an 11 storey office building was granted permission at 53, Clarendon Road. Although the tower is significantly taller at 23 storeys, as it is set back from Clarendon Road, it would not impact significantly on this frontage. The main visual impact of the tower will be seen along Beechen Grove from the north on the approach to the town centre, and within the wider townscape. In this respect it will provide a strong edge to the Beechen Grove frontage and a more animated frontage, which is positive.
- 6.3.3 The application is accompanied by an appraisal for the proposal against the criteria set out in the Skyline SPD. This has been reviewed in detail by the Urban Design and Conservation Manager. Although the proposed tower does not accord with the suggested location for a tower of this height (opposite Watford Junction), it will be viewed within the skyline of Watford in the context of the YMCA tower in the town centre, taller buildings along Clarendon Road (including the recently approved 11 storey building at no.53), the recently approved 12 storey building for TJX opposite Watford Junction and the cluster of tall buildings being promoted under the Watford Junction redevelopment masterplan. All of these buildings are essentially aligned along the Clarendon Road axis and the proposed tower will be seen alongside the YMCA tower as identifying the town centre. In this context, the proposed tower will sit comfortably within the skyline and is considered to be an appropriate response to the site.
- 6.3.4 Within Clarendon Road, the building will sit comfortably alongside Jury's Inn and other buildings along the road, which are generally 4-6 storeys in height and of an eclectic mix of styles and materials. The office building is to be of a curtain wall glazing system with 1.5m wide glazing panels that will give a simple and uniform appearance to the offices, very similar to that of Meridian House at 69, Clarendon Road. The flank elevation of the office building is set in 11m from the southern boundary at ground, 1st and 2nd floor levels to create a new public plaza. This will provide an open and spacious access to the residential entrance at the foot of the tower and an area for outdoor seating for the 2 ground floor cafes/restaurants, creating activity within the frontage. At 1st and 2nd floor levels, a series of vertical

fins are introduced above the ground floor café/restaurant uses to add visual interest and give a more human scale to the building where it interacts with the public realm. The relationship between the frontage of the site, which will be largely used by pedestrians but which will also be used for servicing, will need careful management and high quality hard and soft landscaping to ensure this space works successfully.

- 6.3.5 The proposed tower has been designed as a simple, elegant, glazed form using similar glazing panels to the office building but with a more domestic scale of 0.5m, 1.0m and 1.5m widths. These will include fixed glazing, opening windows and solid spandrel panels reflecting the layout of the flats and giving a random arrangement across the building. Winter gardens with sliding windows are located on the corners of the tower adding further visual interest whilst maintaining the elegance of the tower. The roof of the tower will be surrounded by 4m high glazed panels to give protection from the wind and allow the proposed roof top planting to be visible.
- 6.3.6 Overall, the proposal is considered to accord with the guidance in the Skyline SPD and your officers are confident that a high quality building can be achieved that will make a positive contribution both the Clarendon Road, Beechen Grove and the skyline of Watford.

6.4 (c) Quality of residential accommodation

The proposal will provide 154 residential flats comprising 54 studios, 48 x 1 bed and 52 x 2 bed flats. All will comply with the minimum floorspace of the nationally described space standard. The 54 studio flats are all single aspect and face west overlooking Beechen Grove. They will all have good levels of outlook, natural light and privacy. Given their proximity to Beechen Grove, an A Class road and major route into the town centre, a noise assessment and air quality assessment were undertaken to assess to impacts of road traffic on these flats. Five dual aspect, 2 bed flats also have their main living rooms facing Beechen Grove and these have also been included in the assessments.

6.4.1 The noise assessment was undertaken in accordance with the relevant British Standards and other national guidance on noise. This has demonstrated that the internal noise levels will exceed the recommended levels in the British Standard (and World Health Organisation guidelines) during the daytime and night-time periods. As such, appropriate acoustic double glazing is recommended to ensure good internal noise levels are achieved for future occupants. This can be secured by condition. Furthermore, in order to maintain an acceptable internal noise environment, the flats will also need to be mechanically ventilated to allow them to be adequately ventilated without the need to open windows.

- 6.4.2 The air quality assessment has concluded that predicted concentrations of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) from road traffic will not exceed any thresholds for residential use and, therefore, no mitigation measures are required.
- 6.4.3 Within the main tower (7th-22nd floors), 6 flats on each floor are arranged around the main lift/stair core. These will face in all directions and all will be either south facing or dual aspect with at least 1 elevation facing west, south or east. This will ensure the vast majority of the flats will have good levels of outlook, daylight, sunlight and privacy. At 7th-9th floor levels, where the residential tower adjoins the office building, 3 flats will be single aspect and north facing which will mean they will receive very limited direct sunlight. This is a very small percentage (1.9%) of the total number of flats and is acceptable.
- 6.4.4 Within the south-eastern corner of the tower, there are 10 flats (two each at 2nd -6th floors) that will have more limited levels of amenity. All of the flats will have windows in close proximity to the flank wall of Jury's Inn. Five will be single aspect, south facing and 5 will be dual aspect (south and east facing). The 5 south facing, single aspect flats will have their bedroom windows facing Jury's Inn at a distance of 5m with the living room window sited just beyond the rear elevation with an outlook down Beechen Grove. The 5 dual aspect flats will have the side windows of their living areas facing Jury's Inn with the main windows and balcony facing east towards the office building occupying the eastern and central parts of the site. Outlook for all of these flats will be more restricted than that of the other flats in the development. Natural light will also be more restricted although a daylight/sunlight assessment has demonstrated that all of the flats will still receive acceptable levels of natural light. The potential for overlooking from the adjoining office building is mitigated through the introduction of vertical fins which will prevent any direct views into the flats.
- 6.4.5 Overall, the level of amenity for these 10 flats will be more limited and less than would normally be expected within a residential area. However, given the flats form part of a high density, mixed-use development within an employment zone, and the limited number of flats affected 6.5%), it is considered that any harm is outweighed by the significant benefits of this proposal.
- 6.4.6 The majority of the flats will have a private winter garden, designed for use throughout the year, of 5-6m². In addition to this, 2 landscaped roof gardens are provided for the use of residents at 7th floor level (275m²) and on the roof of the tower (410m²). These will provide high quality communal space.
- 6.4.7 The proposal also incorporates a number of facilities to serve the future residents.

 These include a residents' gym at ground floor level; a secure cycle store with CCTV

for 154 cycles; 84 secure storage cages of 2.25m² each sited on 2nd-6th floors for large item storage; and an on-site concierge service and management offices.

6.5 (d) Affordable housing provision

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal, for 154 units, this would require the provision of 54 affordable units. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.

- 6.5.1 A viability assessment has been submitted in this case and has been the subject of detailed review by external consultants on behalf of the Council. Negotiations have been undertaken over a period of 4 months. The applicant's submitted assessment concluded that it is not viable for the development to provide any affordable housing, either on-site or in the form of a financial contribution, and this remains their position. Based upon the Council's emerging supplementary planning document (SPD) on affordable housing commuted sums, a payment of £6,156,313 would be sought. The final advice from the Council's consultants is that they consider the development is viable to make a financial contribution. The level of this contribution is dependent on the actual values of the various inputs into the viability model which are not exact and must be based on comparable evidence where this exists.
- 6.5.2 The applicant has not agreed these various input values. However, following further negotiations, it has been agreed that the applicant will make a minimum financial contribution of £1,400,000 towards affordable housing provision, which is the minimum figure considered viable by the Council's consultants. It has been agreed with the applicant that a review of the viability of the development will then be undertaken towards the end of the project when actual build costs, sales values of the flats and rental values of the offices are known. This will allow additional payments to be made, up to the maximum figure of £6,156,313, where the viability of the development can be shown to have improved.
- 6.5.3 Policy HS3 does not refer to financial payments in lieu of on-site provision, which is the preferred and most appropriate form of provision. However, in this case, it is considered that a financial payment would be the most appropriate option for meeting urgent housing need as it could be used by the Council either in its joint venture partnership with Watford Community Housing Trust or to directly deliver its own affordable housing, of the size and tenure required. The majority of the units within the scheme are studio and 1 bed and these would not meet the current urgent housing needs in the borough, with 2 bed, 4 person units being most

needed. The greatest urgent need is also for social and affordable rented accommodation, with shared ownership unable to meet urgent need within the current housing market. Furthermore, on-site provision within the scheme would incur high service charges which would not be acceptable to the Council or a registered provider. For these reasons, a financial contribution is considered acceptable in this case.

6.6 (e) Impacts on surrounding properties

The nearest residential properties to the site are located at Clarendon Lofts on the upper 2 floors of Jury's Inn, Hemingford Court, Gartlet Road and Arliss Court, Clarendon Road. The potential impacts of the proposal on these properties are considered below.

6.6.1 i) Clarendon Lofts, Jury's Inn

These comprise 22 flats on the upper 2 floors of the Jury's Inn, adjoining the southern boundary of the site. Twelve of the flats face south-west over Beechen Grove (and will be unaffected by the proposal) and 10 flats face north-east towards the application site and Hannay House. In each case, the field of view from the windows of the flats is partially over the roof of the front element (6 storeys) of Jury's Inn and partially over Hannay House (4 storeys). The proposed 23 storey tower is sited alongside the flank elevation of Jury's Inn and will not have any impact on the flats. The 10 flats in question will face towards the proposed office building which is virtually identical in height to Jury's Inn.

- 6.6.2 In terms of outlook, the main living rooms of 8 of the flats (4 on each level) will face towards the flank elevation of the office building at distances varying from 17-28m, with the flank elevation set at an oblique angle to the flats. The office building will have a significant impact on the outlook from the flats which currently look over the roof of the existing Hannay House building, which is lower. As the office building is at a very similar height, it is not considered that it will have an overly dominant or overbearing impact despite a partial loss of outlook. The main loss will be of the view over the roof of Hannay House. However, in planning law there is no right to a view so this is not a matter that could be used as a reason for refusal. Furthermore, the application site is allocated for employment use with a focus on providing new office development. It would not, therefore, be reasonable to prevent an office development of the site in order to protect the view of residential properties.

 Overall, although the outlook from 4 of the flats will change, it is not considered this will be so severe as to merit a refusal of planning permission.
- 6.6.3 A detailed daylight/sunlight study has been undertaken to assess the impact of the proposed development on natural light to these flats. This has demonstrated that the flats will still receive good levels of light daylight and sunlight in accordance

with the guidelines of the British Research Establishment's 'Site layout planning for daylight and sunlight: a guide to good practice'.

6.6.4 The flank elevation of the office building will comprise curtain wall glazing but this will incorporate solid panels behind the glazing which will prevent any overlooking of the flats from within the offices. This is acceptable.

6.6.5 ii) Hemingford Court, Gartlet Road

This is a recently completed block of flats on the eastern part of the former 36, Clarendon Road (Registry Office) site fronting Gartlet Road. It is approximately 40m to the north-east of the site. Most of the flats have their main elevations facing north or east. Significantly, on the western part of the site fronting Clarendon Road, a 5 storey office building (approved as part of the same development) is under construction. Once this is complete, the proposed development will not be directly visible from the flats. As such, it will have no adverse impact on the amenities of these flats.

6.6.6 iii) Arliss Court, Clarendon Road

This is a former office building converted to flats located on the south-east corner of the Beechen Grove/Clarendon Road junction. It is sited approximately 100m to the south-east of the site. Although the office block and the 23 storey tower will be visible from many of the flats, they will have no adverse impact on the amenities of these flats.

6.7 (f) Transport, access and servicing

The site is located in a highly accessible and sustainable location within a short walk of 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 and for carfree housing.

6.7.1 Access to the site will remain directly from Clarendon Road with the existing accesses being modified. The southern access will provide access for servicing vehicles (refuse collection and deliveries) with egress via the northern access. The northern access will also give access/egress to the basement car park. There will be no vehicular or pedestrian access from Beechen Grove. A detailed Transport Assessment submitted with the application demonstrates that these arrangements are acceptable and will not have any adverse impact on Clarendon Road.

6.8 (g) Car and cycle parking

The existing site includes a surface level car park of 87 spaces serving the office building at Hannay House. The proposal incorporates a basement car park of 200 spaces over 3 levels, with 150 spaces allocated to the office use and 50 to the residential use.

Based upon the Council's current maximum parking standards in the Watford District Plan (1 space per 30m²), the location of the site within Parking Zone 2 (a 50% restraint factor), and the gross internal office floorarea (11,180m²), the maximum number of spaces allowed would be 186 spaces. The provision of 150 spaces for the office use is therefore acceptable. For the proposed 154 residential flats, the maximum standard based upon the mix of units would be 154 spaces (1 space per dwelling). Given the highly accessible and sustainable location of the site, a reduced provision incorporating car-free units is acceptable in principle.

- 6.8.1 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 100m² giving a standard of 112 spaces for the office floorspace and 115 spaces for the residential use. This would give a total guideline figure of 227 spaces. The overall provision of 200 spaces therefore remains acceptable in principle.
- 6.8.2 The Transport Assessment accompanying the application has analysed the predicted net traffic flows arising from the proposed development and other committed developments within Clarendon Road. The calculation of net traffic flows took into account the existing 87 parking spaces on the site. Other committed developments included those recently approved at 32, 36 and 53, Clarendon Road. The assessment also included an analysis of junction capacity for the junctions serving Clarendon Road. The results of the assessment show that the net increase in traffic flows on Clarendon Road and through the relevant junctions would not have a significant impact. The provision of 200 parking spaces to serve the development is therefore acceptable.
- 6.8.3 As the site is located within a controlled parking zone, the proposed residential flats will need to be excluded from this in order to discourage car ownership and minimise any likelihood for overspill parking on surrounding residential roads. This can be secured through a planning obligation in the normal way.
- 6.8.4 The proposal also includes provision for 97 long term and 24 short term cycle spaces for the offices. The long term spaces are located within the basement car park with the short term spaces located within the basement and in a secure store adjoining the main entrance. For the residential use, 154 cycles spaces are provided

within a secure cycle store at ground level. This provision for cycles meets the minimum standards set out in the Watford District Plan and the emerging Local Plan Part 2.

6.8.5 The application is accompanied by a draft Travel Plan for the proposed office use, 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. A monitoring fee of £6,000 is also sought to monitor the implementation of the approved Travel Plan.

6.9 (h) Impact on heritage assets

There are several designated heritage assets within the area surrounding the site. These include the Estcourt Conservation Area to the east, the Civic Core Conservation Area to the west and the Grade II listed Beechen Grove Baptist Church to the south-east. The Council's Urban Design and Conservation Manager is satisfied that the proposal will have less than significant harm on the setting of these assets.

6.10 (i) Environmental considerations

6.10.1 i) Trees and landscaping

One tree on the site, a Norway maple, sited on the northern boundary is protected under TPO 165. This tree, together with 3 non-protected trees on the site frontage, is to be removed. The protected tree is set back 33m from the Clarendon Road frontage and can only be viewed between the existing buildings from a limited vantage point. Given the significant benefits arising from the proposal, the loss of this tree is considered acceptable. New tree planting is proposed on the Clarendon Road frontage.

6.10.2 ii) Surface water drainage

An acceptable surface water drainage scheme, which incorporates an attenuation tank and 2 deep bore soakaways, will reduce the risk of flooding and has been agreed with Hertfordshire County Council. This can be secured by condition. Overflow discharges from the attenuation tank at restricted rates to the public sewer have also been agreed with Thames Water.

6.10.3 iii) Clarendon Road improvement project

The Council is promoting an environmental improvement scheme for Clarendon Road, in partnership with Herts. County Council. This will involve a complete resurfacing and re-landscaping of the entire length of the road with the intended provision of making a more friendly environment for pedestrians and cyclists. The applicant has agreed to make a financial contribution of £600,000 towards this

project, to be secured by means of a s.106 planning obligation.

6.10.4 iv) Sustainable construction

A BREEAM pre-assessment has been submitted with the application to demonstrate that the offices can achieve a rating of 'Very Good' for the shell and core offices. This is acceptable. It is proposed to install a communal heat pump system for heating and hot water for the flats and heating for the non-residential uses. A separate air source heat pump system is proposed to provide heating and cooling for the non-residential uses. These measures are predicted to reduce energy emissions by 30% over the target levels.

6.10.5 v) Fire safety

The facades of the office and residential buildings will be constructed of glazed panels. The solid spandrel panels will have non-combustible insulation behind them. A fire safety design note has also been submitted setting out the various measures to be incorporated into the building including sprinklers and a fire detection and alarm system.

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:

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm
Office	£0 per sqm

The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

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.

In this case, the development requires planning obligations to secure a financial contribution towards the provision of affordable housing in the borough, to ensure the exclusion of the development from the local controlled parking zone, to secure a monitoring fee for the proposed Travel Plan, to secure any necessary fire hydrants to serve the development and to secure a financial contribution towards the environmental improvement of Clarendon Road. These requirements meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application.

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 element of the scheme is in accordance with local plan policy and will significantly increase the quantity and quality of office floorspace on the site. The proposed residential element of the scheme is not in accordance with the adopted and emerging employment policies, however, there is strong national support for the delivery of new housing to meet demand and address a shortage in housing supply and this is emphasised within the NPPF. Furthermore, the Council is currently unable to demonstrate a 5 year housing supply for the borough and the site is in a highly accessible and sustainable location. The proposal therefore exploits the opportunity afforded by the site to provide a significant number of dwellings whilst still providing a significant level of new office floorspace. It will therefore deliver significant economic, social and environmental benefits in accordance with the NPPF.
- 8.2 At 23 storeys, the proposed building is taller than that envisaged by the Skyline SPD and the emerging policies relating to tall buildings. However, it is within an area identified for tall buildings and on the skyline of Watford will be seen in the context of the YMCA tower, other tall buildings recently approved along Clarendon Road and the cluster of tall buildings being promoted through the Watford Junction redevelopment masterplan. The building is considered to be well designed and elegant and relates well to the public realm on Clarendon Road. In this context, it is considered that the proposed building will sit comfortably on the skyline of Watford and make a positive contribution to the town.

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, planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- To secure a financial contribution to the Council of £1,400,000 towards the provision of affordable housing in the Borough of Watford;
- ii) To secure a review mechanism of the viability of the scheme to secure additional contributions up to a maximum total contribution of £6,156,313 towards the provision of affordable housing in the Borough of Watford, subject to the review demonstrating the improved viability of the development;
- iii) To secure a financial contribution to the Council of £600,000 towards the environmental improvement of Clarendon Road;
- iv) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being issued to this site;
- v) To secure the provision of fire hydrants to serve the site as required by Hertfordshire County Council;

vi) 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.

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:-

PL_10, 100B, 101B, 102, 103B, 104B, 105B, 106A, 107B, 108A, 109A, 110A, 111A, 112, 120A, 121A, 122A, 130, 131, 132, 133, 134, 135, 200, 201A, 202, 501, 502, 503, 504

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

- 3. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy Report by SLR Consulting (ref. 402.06661.00004 Version 2.0 dated July 2017) and the following mitigation measures detailed within the FRA:
 - i) Limiting the surface water run-off rates to maximum of 54.3l/s for the 1in 100 year rainfall event with discharge into Thames Surface Water sewer.
 - ii) Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 - iii) Implementing the appropriate drainage strategy 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.

- 4. No development shall take place until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
 - i) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - ii) Routes of exceedance to be identified for rainfall events that exceed the 1 in 100 year + climate change event.
 - iii) Any areas of informal flooding should the system flood above the 1 in 30 year event.

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

5. No external facing materials shall be installed on the building until full details and samples of all the materials to be used for the external surfaces of the building, 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.

6. No external facing materials shall be installed on the building until a noise mitigation scheme for all the proposed residential dwellings on the 1st-6th floors with windows facing Beechen Grove, based upon the recommendations of the Environmental Noise Assessment by SLR dated March 2017 (Ref. No. 403.06661.00003, Version Final), has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

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

7. No external facing materials shall be installed on the building until the specification of a mechanical air supply/extract system for each of the residential dwellings on the 1st-6th floors with windows facing Beechen Grove has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the dwellings being closed. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake; extraction units; generators and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

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

8. No external facing materials shall be installed on the building until the specification of a mechanical air supply/extract system for each of the residential dwellings on the 8th-11th floors with windows on the south elevation facing Jury's Inn has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the dwellings being closed and be able to filter out cooking odours. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake; extraction units; generators and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent ingress of cooking odours to the flats from the kitchen extract of Jury's Inn adjoining the site, in the interests of the future occupiers of the dwellings.

9. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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

10. No part of the development shall be occupied until a detailed hard landscaping scheme for the site, including details of the roof gardens, 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 the Landscape Strategy contained within the Design and Access Statement dated 3rd April 2017 by PRC Architecture and Planning.

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

11. No part of the development shall be occupied until a detailed soft landscaping scheme for the site, including details of the roof gardens 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 the Landscape Strategy contained within the Design and Access Statement dated 3rd April 2017 by PRC Architecture and Planning. 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.

12. No part of the development shall be occupied until the modified access and egress arrangements from Clarendon Road, as shown in principle on the

approved drawings, and the servicing and delivery areas to the front and side of the building, have been completed in full.

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

- 13. No dwelling within the development shall be occupied until the following facilities have been provided for the use of residents, in accordance with the approved drawings:
 - i) the secure cycle store for at least 154 cycles;
 - ii) the bin store for waste and recycling;
 - iii) the storage cages within the storage rooms on the 1st-6th floors;
 - iv) the roof gardens at 7th floor level and on the roof of the tower.

These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.

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

- 14. No part of the office floorspace shall be occupied until the following facilities have been provided for the use of residents, in accordance with the approved drawings:
 - the secure cycle stores for at least 97 cycles and shower/locker facilities for employees;
 - ii) the secure cycle stores for at least 24 cycles for visitors;
 - ii) the bin store for waste and recycling;

These facilities shall be retained at all times.

Reason: To provide sustainable travel alternatives for employees and visitors, in accordance with saved Policy T10 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31, and to ensure adequate waste storage in accordance with saved Policy SE7 of the Watford District Plan 2000.

15. No part of the office floorspace shall be occupied until a detailed Travel Plan for the development, based upon the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance', has been submitted to and approved in writing by the Local Planning. 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.

16. No plant or equipment shall be installed within the roof level plant room until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the sound pressure level from the plant room will be at least 10dB below the lowest LA90 (15 minute) noise level measured at 1m from the adjoining residential flats when all plant and equipment is operational. The assessment shall include appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until the approved mitigation measures have been installed.

Reason: To ensure the operation of the plant and equipment does not give rise to noise nuisance to the residential occupiers.

17. All plant and equipment shall only be sited within the designated plant enclosure shown on the approved drawings. No plant or equipment shall be installed outside the approved plant enclosure unless details have been submitted to and approved in writing by the Local Planning Authority. Details to be submitted for approval shall include siting, size, appearance 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.

18. No dwelling shall be occupied until details of a communal terrestrial television aerial(s) and satellite dish(es) have been submitted to and approved in writing by the Local Planning Authority.

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

19. For the avoidance of doubt, no communications development permitted by Class B or Class C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be undertaken on the building.

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

20. The cleaning of the building shall only be undertaken using a monorail and cradle access system with the cradle stored at ground level, in accordance with the submitted details, unless otherwise agreed in writing by the Local Planning Authority.

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

21. The ground floor commercial unit adjoining the office entrance (eastern unit) shall only be used as a café/restaurant within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose. The use shall not be open to the public before 0800 hours or after 2300 hours on any day.

Reason: The site is located within a designated employment area and in the interests of the functioning and appearance of the site and the amenities of residents within the development.

22. The ground floor commercial unit adjoining the residential entrance (western unit) shall only be used as a café/restaurant within Class A3 or as offices within Class A2 or Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes. The use shall not be open to the public before 0800 hours or after 2300 hours on any day.

Reason: The site is located within a designated employment area and in the interests of the functioning and appearance of the site and the amenities of residents within the development.

Informatives

 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.

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).

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. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure a financial payment towards the provision of affordable housing in the Borough, a financial payment to exclude the development from the local controlled parking zone, a financial payment towards the monitoring of a Travel Plan, the provision of necessary fire hydrants to serve the development and a financial contribution towards the environmental improvement of Clarendon Road.

- 4. 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 streetnamenumber@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.
- 5. 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.
- 6. All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Drawing numbers

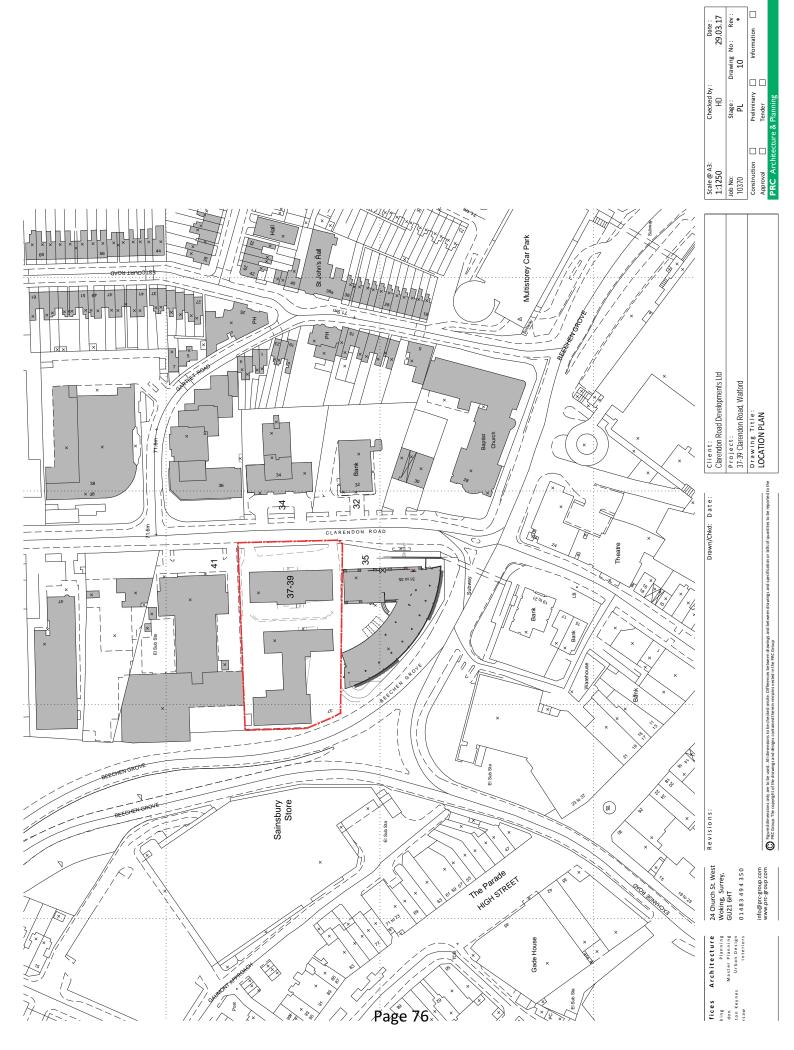
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Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284





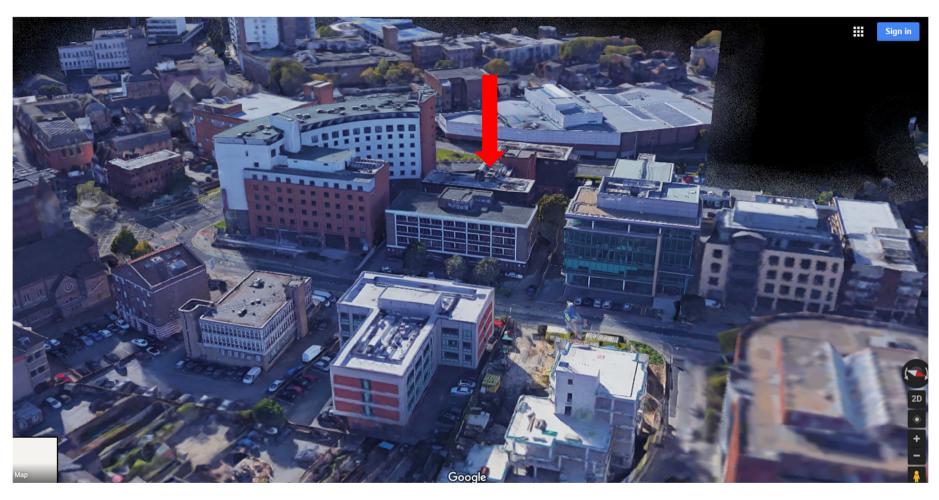
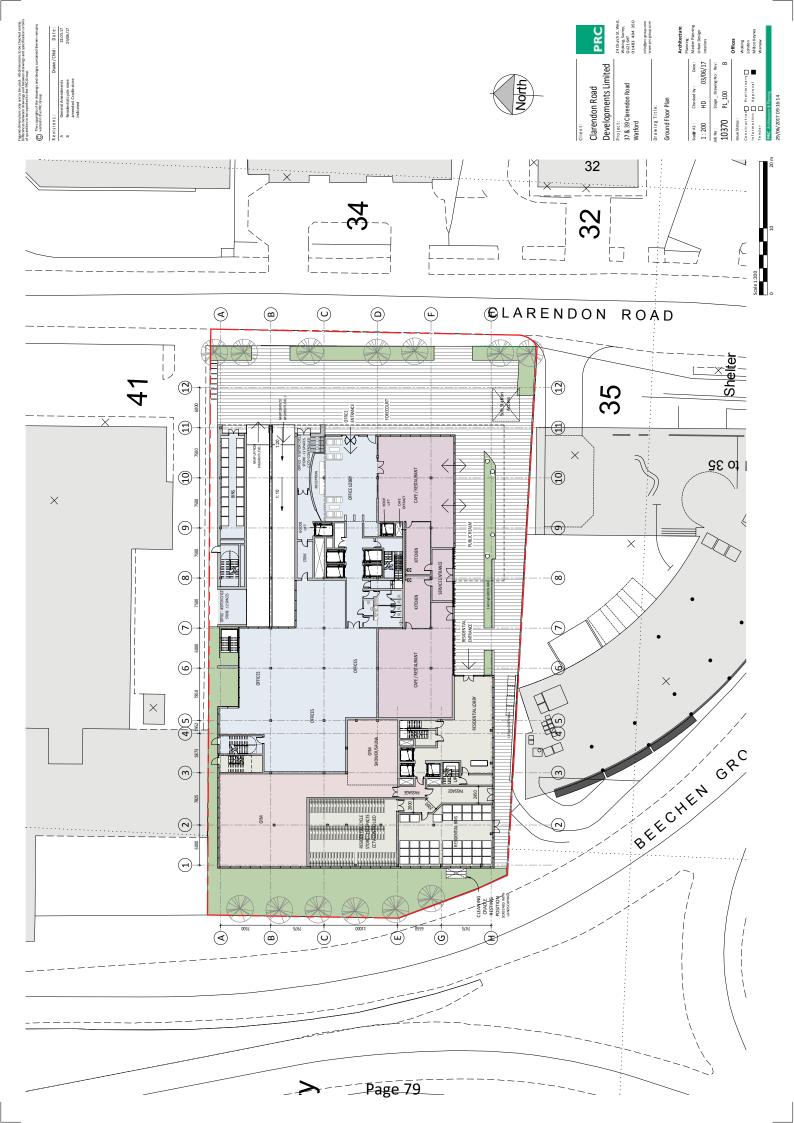
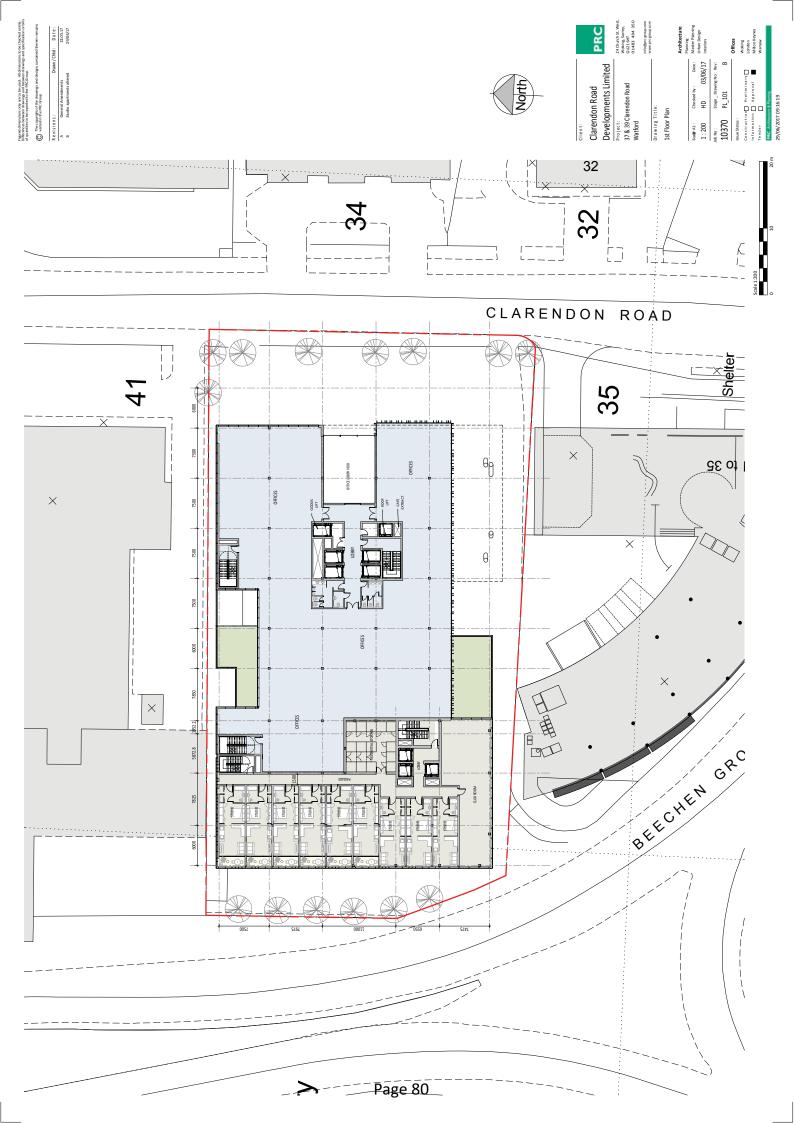


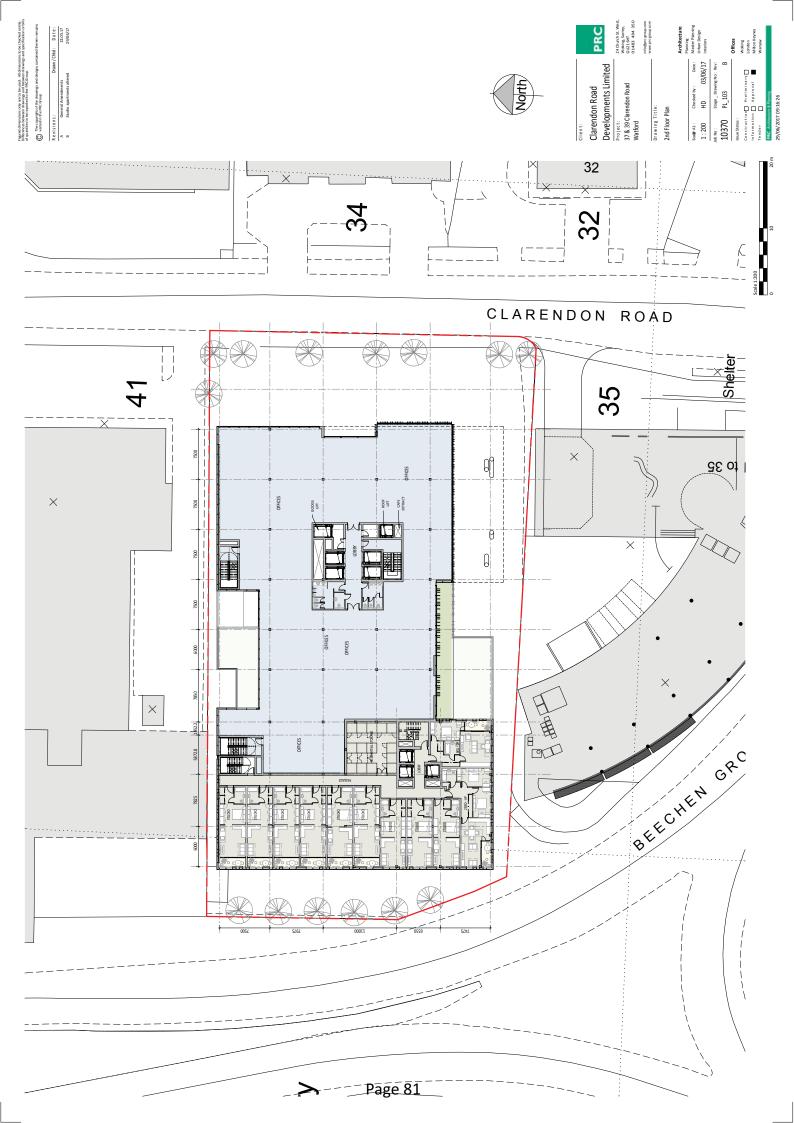
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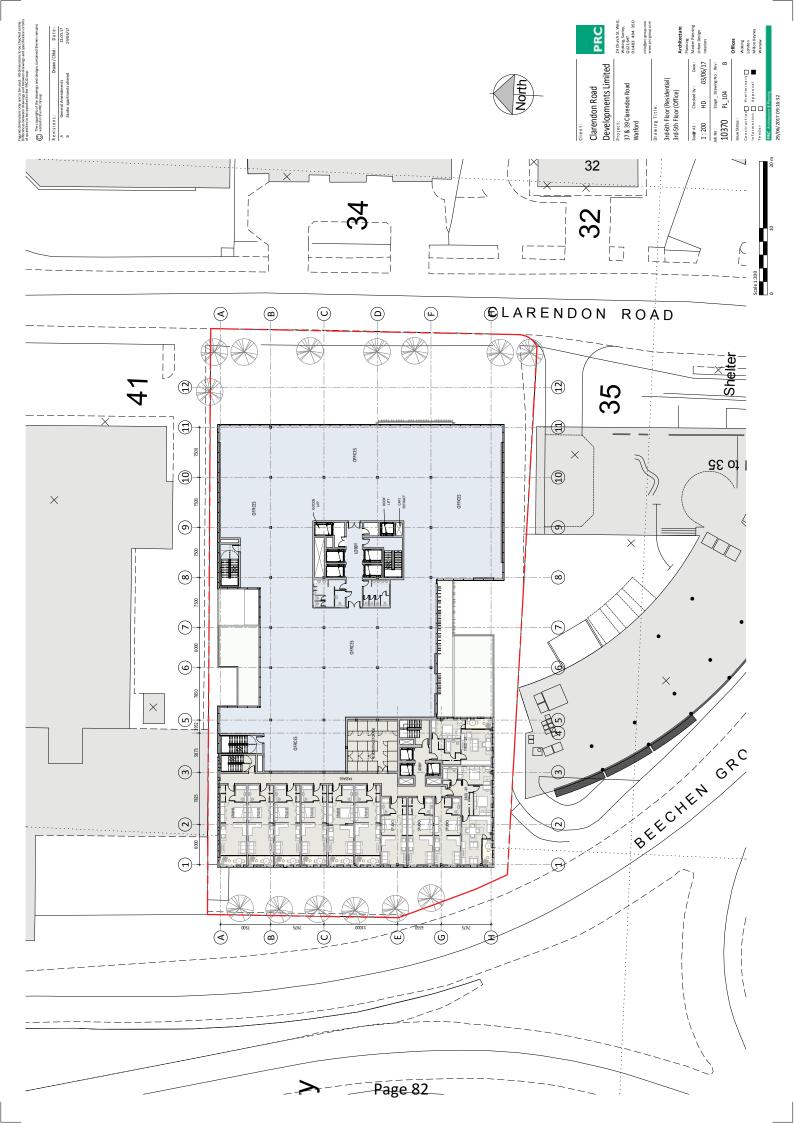


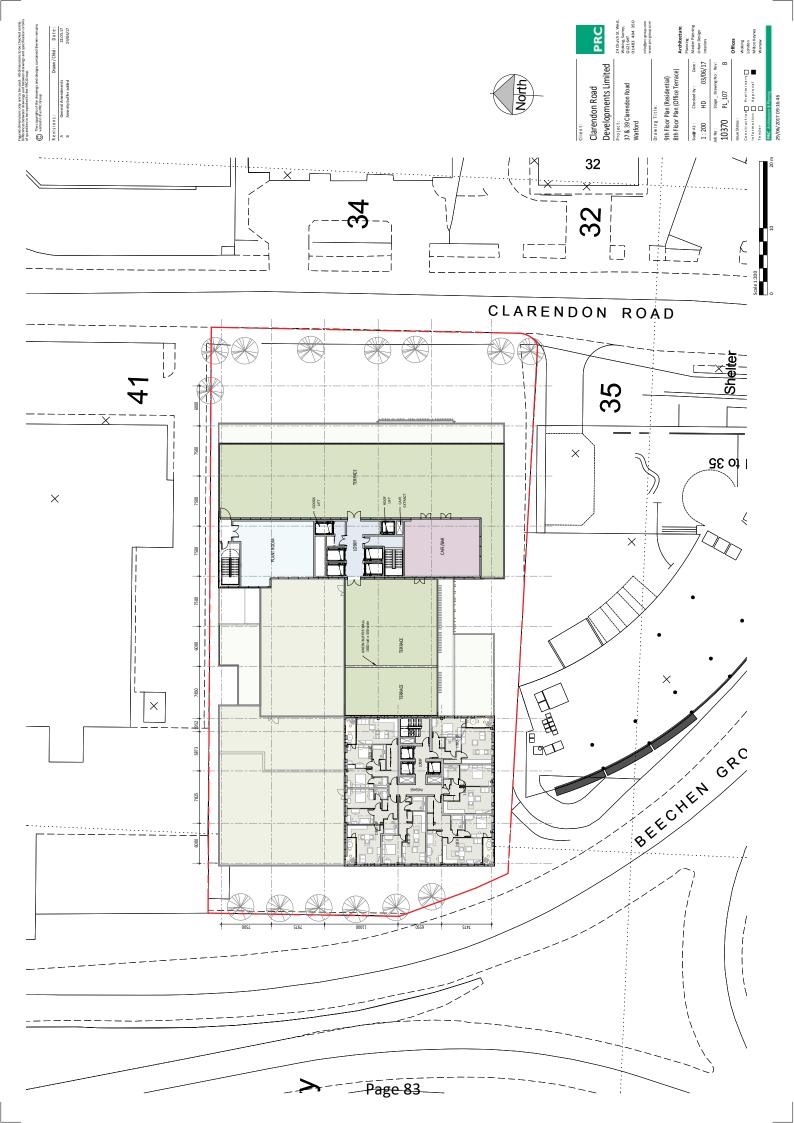
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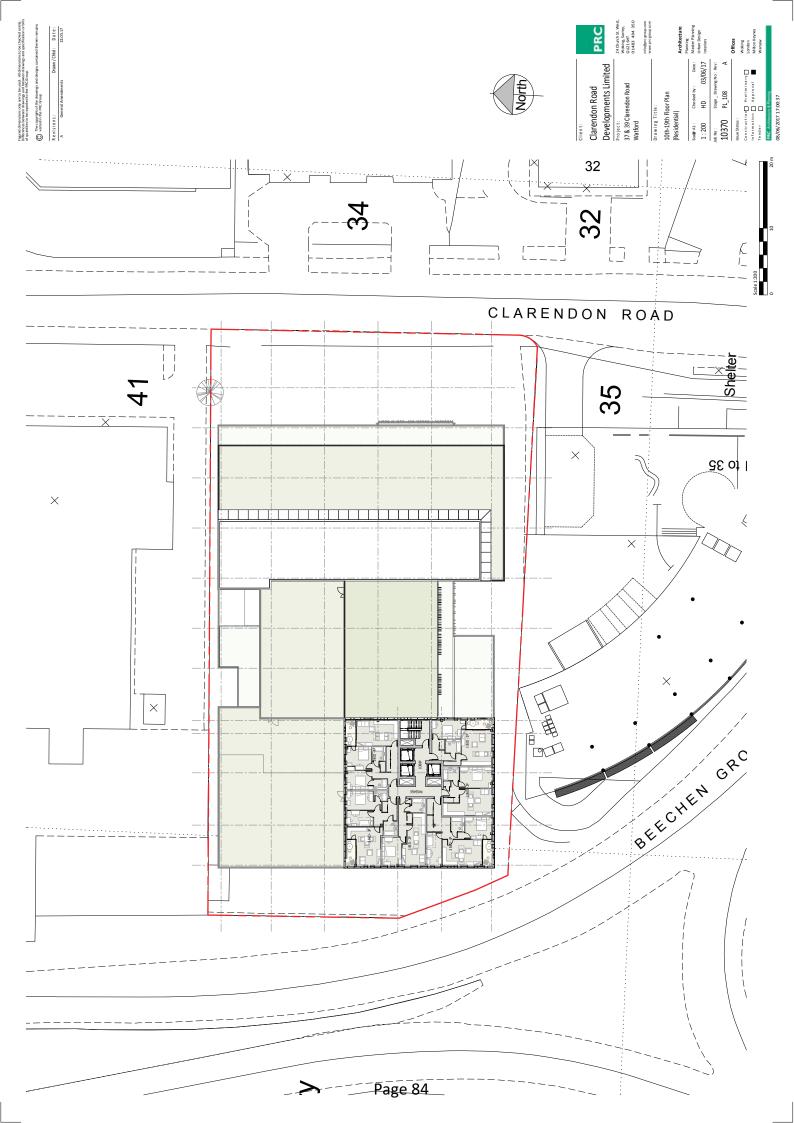












The copyright of the drawin grand designs complined the pain remains vested in the PRIC Group

Revisions: Drawn/Chkd Date:



Client: CLARENDON ROAD DEVELOPMENTS LIMITED

Project: 37 & 39 CLARENDON ROAD 020 35 95 35 40 WATFORD

info@pro-group.com www.pro-group.com

Drawing Title: EAST ELEVATION Elevations Sheet 3 of 5

Sale@A1; Chacked by: HD 03/17 1:200 JobN a Stage: Drawing No: Rev: 10370 PL 132 -

PRC

Architecture Planning Master Planning Ulban Design Interiors

Construction | Preliminary | Information | Approval | Tender |

Figured dimensions only are to be used. All dimensions to be checked on site. Differences between drawings and between drawings and specification or bills of quantities to be reported to the PRC Group.

The copyright of the drawin grand designs complined the pain remains vested in the PRIC Group

Revisions: Drawn/Chkd Date:



Client: CLARENDON ROAD DEVELOPMENTS LIMITED

Project: SEI 4YH

37 & 39 CLARENDON ROAD 020 35 95 35 40

WATFORD

Drawing Title: WEST ELEVATION Elevations Sheet 2 of 5

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London Construction | Preliminary | Information | Approval | Tender |

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info@gro-group.com www.pro-group.com

WEST ELEVATION
FACING BEECHEN GROVE



CLARENDON ROAD PART STREET ELEVATION SCALE 1:500 at A1





NORTH ELEVATION / STREET SECTION SCALE 1:500 at A1









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CONTEX	TUAL	ELEVATIONS

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10370	PL 135	5 -	Offices
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Construction	Prelimina	ry 🔲	Woking Milton Kew
Information	Approval		Warsaw
Tender			

PART A							
Report of: Head of Development Management							
Date of committee:	1 st November 2017						
Site address:	52A-56, High Street						
Reference Number:	n/a						
Description of Development:	Variation of Section 106 unilateral undertaking dated 24 th March 2015 pursuant to planning permission ref. 14/01617/VAR to vary the affordable housing provision.						
Applicant:	Home Group						
Date Received:	12 th October 2017						
13 week date (major):	n/a						
Ward:	Central						

1.0 Site and surroundings

1.1 The site is located on the western side of High Street between the junctions with Clarendon Road and Market Street and backs onto Wellstones. It adjoins the Five Guys restaurant and is opposite Wilko. The site is currently under construction to provide a ground floor retail unit and 56 flats.

2.0 Proposed development

2.1 To vary the Section 106 unilateral undertaking dated 24th March 2015 pursuant to planning permission ref. 14/01617/VAR to reduce the previously approved number of affordable housing units from 45 (80% provision) to 20 (35% policy compliant provision), comprising 17 x 2 bed affordable rent and 3 x 2 bed shared ownership units.

3.0 Relevant planning history

3.1 The following planning history is relevant to this application:

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

and basement.

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

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

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

14/01617/VAR – Planning permission granted on 27th March 2015 for the variation of Condition 11 (location of affordable housing) of planning permission ref. 13/00828/VAR for the redevelopment of the site to provide 4, 5 and 7-storey buildings comprising ground floor retail use and 56 flats and the variation of the Section 106 legal agreement to increase the number of affordable housing units from 17 to 45 and to reduce the sums payable to the Council towards the provision or improvement of open space and children's playspace by £150,862.

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 polices and site allocations in this document can be given limited weight at this time.

5.0 Consultations

5.1 **Neighbour consultations**

No neighbour consultations were required in this case.

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:

Housing Team

Support the request to vary the Section 106 undertaking.

6.0 Appraisal

6.1 Main issues

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

- (a) The number and mix of affordable housing units.
- (b) Section 106 financial contributions towards open space and children's playspace provision.

6.2 (a) The number and mix of affordable housing units

The original planning permission granted in 2010 and the subsequent renewal in 2013 both required a 30% provision of affordable housing (17 units), the policy requirement at that time. In the 2014 permission, the affordable housing provision was increased from 17 units to 45 units (80% provision). The remaining 11 units were to be for private sale. This application was made by the current applicant, Home Group, a registered provider of social housing who wished to maximise the affordable housing provision on the site. In recognition of the increase in the number of affordable housing units, the Council agreed to reduce the total financial contribution towards open space and children's playspace from £175,862 to £25,000, a reduction of £150,862.

6.2.1 Following discussions with the Housing team, a reduced provision of affordable housing has been agreed which provides 20 affordable housing units, a 35% provision, which complies with the Council's current Policy HS3 of the Core Strategy.

	Original mix	Approved mix	Proposed mix
Social rent			
1 bed	8		
2 bed	3		
Total	11		
Affordable rent			
1 bed	2	14	
2 bed		15	17
Total		29	
Intermediate			
1 bed	3	4	
2 bed	1	12	3
Total	4	16	
Grand total	17	45	20

The proposed mix is policy compliant, comprises all 2 bed units and 17 of these (30%) are affordable rent.

6.2.2 The applicant has given a brief justification for requesting this amendment in a supporting letter:

Home Group has been exposed to significant increases in costs through the course of the project, which have directly impacted on the viability of the scheme being delivered. The revised mix and reduction in the number of units bound by the S106 reflects these financial constraints. In 2015 and 2016, delays in obtaining party wall and demolition scaffold licenses were incurred. The overall programme delay ultimately amounted to 58.5 weeks. Due to the length of time the timber frame had been exposed to the weather, the need for remedial works was also confirmed and the whole frame had to be replaced. More recently, unforeseen costs have also been incurred as a result of the cost inflation of materials due to the current economic climate.

The key financial changes are as follows:

- The Build Cost has increased from £7.2 to £11.0 million;
- The total project cost has increased from £10.7 to £15.2 million;

- The net funding requirement has increased from £9.3 to £13.8 million.

In summary, due to financial restrictions associated with HCA funding and unforeseen delays and costs in the development of the scheme outside of their control, Home Group wish to reduce the number of units bound by the S106.

- 6.2.3 The applicant has confirmed that it is now their intention to provide all of the 56 units as affordable housing although the actual tenure mix will be dependent on additional funding being secured. At present it is proposed that of the remaining 36 units, 27 will be intermediate tenure and 6 affordable rent tenure. It is not proposed that any of the units will be for market sale (in the previous scheme 11 units were to be for private sale).
- 6.2.4 The applicant purchased the site in October 2013 and first occupation is not anticipated to be until June 2018, a period of 56 months. The project has clearly been the subject of significant delays and additional costs that have significantly impacted on the viability of the development. It is your officers' view that the Council should work with the applicant to facilitate the completion of this development whilst securing as much affordable housing as possible. The current proposed Section 106 mix of 17 x 2 bed affordable rent and 3 x 2 bed intermediate tenure units is policy compliant and provides the larger 2 bed units the Council has most need for. As such, there are no planning reasons why this request should be refused. The Housing Team will continue to work with the applicant to secure a 100% affordable scheme and to maximise the number of affordable rent units.
- 6.3 (b) Section 106 financial contributions towards open space and children's playspace provision

The planning permission granted in 2014 for the increase in the number of affordable housing units also included a reduction in the financial contributions payable to the Council towards open space and children's playspace. With the number of affordable units now being reduced, the Council could request the majority of this contribution, £150,862, be reinstated. However, it is evident that the project has suffered from significant delays and additional costs and the reinstatement of this payment would only undermine the ability of the applicant to deliver a 100% affordable scheme, as intended. Even if this is still achievable, it could reduce the additional number of affordable rent units that could be provided. For these reasons, it is not considered that the Council should seek to reinstate this payment.

6.3.1 One additional matter, not raised by the applicant, relates to the remaining £25,000 payment towards open space and children's playspace. This can be secured as previously agreed. However, the Council has recently upgraded all of its open

spaces and children's play areas and has also completed the major restoration of Cassiobury Park. There is, therefore, the option to transfer this payment from open space and children's play space and put it towards affordable housing as a commuted payment, where the payment could better meet the Council's key objectives. The applicant has agreed to this verbally. Your officers consider this would be a more valuable use of this money given the reduction in the number of affordable units secured through the Section 106.

7.0 Conclusion

7.1 The existing development has experienced significant delays and increased costs over the past 4 years which has had a significant impact on the viability of the development. The request of the applicant to reduce the number of units secured through the Section 106 has arisen directly as a result of these circumstances. The proposed number of 20 affordable units is policy compliant and all of the proposed units will be 2 bed, with 17 of them being affordable rent. The Housing Team consider this to be an acceptable policy compliant provision. The applicant is also willing to allow the existing £25,000 payment intended for open space and children's play space to be used for the provision of affordable housing within the Borough. Finally, as a registered provider, the applicant has stated their intention to deliver a 100% affordable scheme, with the tenure of the remaining units being dependent on additional funding. Overall, there is no planning reason to refuse this request.

8.0 Human Rights implications

8.1 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.

9.0 Recommendation

That the Section 106 unilateral undertaking dated 24th March 2015 be varied as follows:

- i) That clause 3(f) be varied to allow the provision of 20 affordable housing units comprising 17×2 bed units for affordable rent and 3×2 bed units for shared ownership.
- ii) That clause 3(c)(i) be varied to allow the financial contribution of £25,000 to be used towards the provision of affordable housing in the Borough.

Drawing numbers

None.

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