



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

5 March 2024

7.00 pm

Annexe, Watford

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Publication date: 26 February 2024

Committee Membership

Councillor P Jeffree (Chair)

Councillor R Martins (Vice-Chair)

Councillors N Bell, J Pattinson, A Saffery, G Saffery, R Smith, S Trebar and M Watkin

Agenda

Part A – Open to the Public

CONDUCT OF THE MEETING

The committee will take items in the following order:

1. All items where people wish to speak and have registered with Democratic Services.
2. Any remaining items the committee agrees can be determined without further debate.
3. Those applications which the committee wishes to discuss in detail.

1. Apologies for absence

2. Disclosure of interests

3. Minutes

The [minutes](#) of the meeting held on 6 February 2024 to be submitted and signed.

4. 23/01083/FULM - 40 Stratford Road, Watford, WD17 4NZ (Pages 5 - 22)

5. 23/01101/VARM - 50 Clarendon Road, Watford, WD17 1TX (Pages 23 - 41)

Introduction

Please note that the officer report is a summary of the issues including representations made and consultation responses. Full details of the applications, plans submitted, supporting information and documents, representations made, consultation responses and correspondence can be found on the council's web based [Public Access system](#) using the application reference or address.

Specific policy considerations for each application are detailed within the individual reports. The background papers and policy framework listed below have been relied upon in the preparation of the reports in this agenda.

Background papers

- The current planning applications under consideration and correspondence related to that application.
- All relevant third party representations and consultation replies received.

Policy Framework

- The Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance listed below:

Local Planning Documents

Local Development Documents provide the framework for making planning decisions. These can be found on the Council's [website](#) and include:

- The Watford Local Plan 2021-2038 (adopted 17 October 2022); and
- Supplementary Planning Documents.

County Planning Documents

The Hertfordshire Waste Local Plan and Minerals Local Plan prepared by Hertfordshire County Council are material considerations alongside the Watford Local Plan. These documents can be found on the county council's [website](#).

National Planning Documents

Key legislation can be found using this [weblink](#), including:

- Growth and Infrastructure Act (2013)
- Housing and Planning Act (2016)
- Localism Act (2011) and subsequent amendments

- Planning Act (2008) and subsequent amendments
- Planning and Compulsory Planning Act (2004) and subsequent amendments
- Town and Country Planning Act (1990) and subsequent amendments
- Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequent amendments.

National guidance can be found on the government service and information [website](#), including:

- National Planning Policy Framework (revised July 2021) and supporting Technical Guidance
- Planning Practice Guidance (PPG) (web based)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (which will be referred to in the individual reports as necessary)

Section 106 Planning obligations and Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted where relevant. Section 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 off-site highways works.

Human Rights implications

The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. This may take the form of conditions or planning obligations on any grant of planning permission or, in some cases, a refusal of planning permission. With regard to any infringement of third party human rights, where these are not considered to be of such a nature and degree as to override the human rights of the applicant the refusal of planning permission may not be warranted.

Committee date	Tuesday 5 March 2024
Application reference Site address	23/01083/FULM - 40 Stratford Road, Watford, WD17 4NZ
Proposal	Erection of 3 detached dwellings following demolition of the existing building on site.
Applicant	Mr Manish Malaviya
Agent	UPP Architects and Town Planners
Type of Application	Full Planning Permission
Reason for committee Item	More than 5 objections received
Target decision date	Wednesday 6 March 2024
Statutory publicity	Neighbour Letters
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Nascot

1. Recommendation

- 1.1 That planning permission be granted subject to a planning obligation under s.106 of the Town and Country Planning Act and conditions as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application site is located on the northern side of Stratford Road at the junction with Langley Road. The site contains a large two storey early to mid-twentieth century house. It is enclosed by a low wall to the front of the property on Stratford Road and by a higher close board timber fence on Langley Road. The site has two vehicle access points, one from either road.
- 2.2 The surroundings are residential having originally been developed from the mid-nineteenth century onwards as large houses on generous plots. Subsequently many of these plots were sub-divided and redeveloped. In the early twentieth century the subject site was part of the grounds of the locally listed building at 49 – 51 Langley Road to the north-west.
- 2.3 Lorane Court (originally 45 and 47 Langley Road) on the opposite corner was developed in the 1980's into a three storey flatted development. Today this development would be considered poor architecturally making a negative contribution to the character of the area. Woodgate Mews and Shillington Grove to the north-west are twenty-first century developments of terraced, two and a half storey houses developed from larger plots. Yorke Gate which is immediately to the south-west of the subject site, another former larger plot

was redeveloped into two and two and half storey properties following a grant of planning permission in 1998. A group of trees protected by a Tree Preservation Order exist close to the site boundary within Yorke Gate.

- 2.4 The application site is not located within a conservation area, though the Nascot Conservation Area borders to the north-east and north-west of the application site. There are no statutory listed buildings either on the site or within close proximity, though there are a number of locally listed buildings (non-designated heritage assets) in close proximity. These include, 49 – 51 Langley Road, 76 - 78 Langley Road, 80 Langley Road and 44 Stratford Road.

3. Summary of the proposal

3.1 Proposal

- 3.2 Proposed demolition of the existing detached house and the erection of three, four bed detached houses. Each house would have a driveway and on-site parking.

3.3 Conclusions

- 3.4 The proposal would provide three, four bed houses within an established residential area, which would contribute towards the need for family-sized homes in the Borough.
- 3.5 The proposed houses by virtue of their massing, position and design are considered appropriate in the context where similar sites such as Yorke Gate, which is adjacent to the site, have been redeveloped. The development would not harm the setting of the conservation area or locally listed buildings. Conditions requiring detailed drawings and details of the external materials is recommended to ensure that a high quality appearance is achieved.
- 3.6 The proposed houses would not cause a significant loss of light, outlook or privacy to neighbouring properties. Furthermore, a good living environment would be provided for future occupiers of the proposed development.
- 3.7 The proposed development, which includes an additional vehicle crossover to Langley Road is not considered to present a hazard to highway users.
- 3.8 The proposed development is also considered to be acceptable in terms of its impacts on trees, biodiversity and sustainability.

3.9 It is therefore concluded that the proposed development accords with the development plan as a whole and so it is recommended for approval, subject to conditions.

4. Relevant policies

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

5. Relevant site history/background information

5.1 An application for the demolition of the existing house and the construction of building comprised of 9 flats was submitted in December 2020 (application reference: 20/01479/FUL). This application was withdrawn following officer advice.

5.2 An application for the demolition of the existing house and the construction of building comprised of 8 flats was refused in June 2021 (application reference: 21/00571/FUL). This application was refused for the reasons of harm to the character and appearance on the area, a poor quality of accommodation and inappropriate cycle and refuse arrangements.

5.3 A pre-application request for the demolition of the existing house and the construction of a terrace of three houses fronting Stratford Road was submitted in January 2022 (application reference: 22/00077/PREAP2). A written response was issued in February 2022 which raised concern with the harm to the character and appearance on the area.

5.4 A pre-application request for the demolition of the existing house and the construction of a terrace of four houses fronting Stratford Road was submitted in May 2022 (application reference: 22/00725/PREAP2). A written response was issued in June 2022 which raised concern with the harm to the character and appearance on the area.

5.5 An application for the demolition of the existing house and the construction of a terrace of three houses fronting Stratford Road was refused in December 2022 (application reference: 22/01252/FUL). This application, which was designed by a different architect, was refused for the reasons of harm to the character and appearance on the area and impact to trees.

5.6 This application differs from previous applications as it proposes three detached houses, as opposed to a block of flats or a terrace of three / four houses.

6. Main considerations

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

- (a) Principle of residential development
- (b) Impact on the character and appearance of the area
- (c) Standard of amenity for occupiers
- (d) Impact on the living conditions of neighbouring properties
- (e) Access, parking and highway matters
- (f) Environment and biodiversity

6.2 (a) Principle of the proposed development

Strategic Policy HO3.1 of the Local Plan states that proposals for residential development will be supported where they contribute positively towards meeting local housing needs and achieving sustainable development.

Residential developments should make optimal use of land and provide a mix of homes. In this case, the proposal provides three, four bedroom houses on a site which contains a single five / six bedroom house within an established residential area, which would contribute towards the need for family-sized homes in the Borough.

6.3 In respect of density and optimising the use of land, the site is outside the Core Development Area where Policy HO3.2 sets out that new residential developments are expected to achieve at least 45 dwellings per hectare, but the optimal density for individual sites should be established through careful consideration of local character, context and access to amenities and public transport.

6.4 The proposed development would have a density of 32 dwellings per hectare, which is below the target density. Nevertheless, the proposed development would respect the context of the area, which is comprised of larger plots, many of which have been subdivided and redeveloped. As such, having regard to the site specific circumstances, the amount of development is considered to be appropriate and acceptable.

6.5 (b) Impact on the character and appearance of the area

Strategic Policy QD6.1 seeks to deliver high quality design across the borough. The borough is divided into 3 distinct areas – Core Development Area, Established Areas and Protected Areas - with a separate approach for each

area. The application site is within an Established Area where a gentle uplift in the density is accepted and development proposals should be led by the existing characteristics of the local area and enhance the character of the local area.

- 6.6 Policy QD6.2 gives more detailed design principles for new development including sustainable design, character and identity, built form and views. In relation to built form it notes that the scale and massing of proposed buildings will need to relate to the local context and the role of the area. Building footprints are to be of an appropriate scale, enhance the relationship between buildings individually, collectively and the spaces between them to create environments that are relatable to people, easy to understand, have good light, minimise wind effects and improve connections with the surrounding area. Policy QD6.4 gives detailed design guidance on building design outlining that the proportions of new buildings need to be appropriate to the existing or emerging character of the area.
- 6.7 The subject site contains an early to mid-twentieth century house. Its features include a large front facing gable end, a double storey bay window, timber detailing, a cat side roof and a recessed arched porch. The property is neither nationally nor locally listed.
- 6.8 The site would be divided into three, broadly rectangular plots and each would contain a three storey house. One house would face Stratford Road, one would face Langley Road and one would be sited towards the corner addressing both roads. All three houses would have dual pitched roofs with the top floor of each house set largely within the roof space. The house to the corner would have a roof pitch with runs diagonally across its footprint which creates an architectural feature facing the corner. The two other houses would have more conventional roof pitches which are in line with the side walls with gables to the front and rear.
- 6.9 The proposal would deliver a gentle uplift in density, which is broadly in line with adjacent and nearby sites which have been redeveloped in recent decades such as Yorke Gate, Woodgate Mews and Shillington Grove.
- 6.10 The development would increase the massing of development on the site, however, the massing would be broken up into three distinct buildings and their footprints are well set back from the pavements on both Stratford Road and Langley Road, behind landscaping which ensures a sense of openness is maintained around this junction. In terms of height, the buildings would be similar to those in Yorke Gate and relate well to the buildings on the other

three corners of the junction. The proportions are therefore considered to be appropriate within the context.

- 6.11 The gabled design with protruding chimneys would reflect the historic and redeveloped residential houses which form the character of the area. The corner house with its roof shape and corner windows would be a contemporary addition at this junction which has modern buildings dating from the late twentieth century on the eastern and southern corners.
- 6.12 The houses would be finished in render at ground floor levels with red / orange brickwork above and a tiled roof. The window openings would be topped by stone lintels. These materials are characteristic of the area, however, conditions requiring detailed drawings and details of the external materials is recommended to ensure that a high quality appearance is achieved.
- 6.13 The three plots would be bounded by hedgerows which are lower adjacent to the pavements. This means that the boundary would be lower along Stratford Road, which is currently bounded by a high close board timber fence. These boundaries ensure a sense of openness and would soften the appearance of the site from the public realm.
- 6.14 Overall the proposed design is considered to be appropriate, in accordance with Local Plan policies, enhancing the character and appearance of the area which includes the adjacent Nascot Conservation Area and locally listed buildings.
- 6.15 (c) Standard of amenity for occupiers
Policy HO3.10 of the Local Plan states that all new housing should be meet the nationally described internal space standards. All three houses would exceed the minimum floor space requirements for a three storey, four bedroom, eight occupancy house. All of the houses would also be dual aspect at a minimum which indicates good light and ventilation throughout.
- 6.16 Policy H03.11 of the Local Plan states that all new homes should be provided with private outdoor amenity space. All three houses would provide policy compliant garden space. The corner house does have a small rear garden relative to its front garden and the separation between its rear and the proposed house to the north is compromised, however, this is considered acceptable on balance as positioning the house significantly closer to the pavements would increase the dominance of the development to the detriment of the character and appearance of the area. Overall, the proposal would deliver three houses which provide a good quality of accommodation.

6.17 (d) Impact on the living conditions of neighbouring properties

Yorke Gate which is immediately to the south-west of the subject site, was redeveloped in the late 1990's into 7 houses. The side wall of number 5 Yorke Gate faces the site at a distance of around 2 to 4 metres and has centrally positioned windows at all three levels. These windows are not primary windows serving habitable rooms. The adjacent proposed house facing Stratford Road would be broadly in line with this neighbouring house and of similar proportions, therefore number 5 would suffer no significant loss of light to its main front or rear windows. Some loss of light would result to the side facing windows though this is not considered to result in a harmful impact to neighbouring amenity.

6.18 Number 4 Yorke Gate has a garden which wraps around side and rear of the property. The rear elevation of the house facing Langley Road faces the side boundary of the garden of number 4. The distance between this boundary and the proposed house at the closest point would be 6.2 metres. At this distance loss of light to the rear of this neighbouring house would be negligible. The proposed house does have windows in the rear elevation at first and second floor levels, however, these windows are recessed, angled away from, and positioned forward of the front elevation of number 5. This relationship means that there would be a small degree of overlooking to the garden of number 5 from two proposed bedrooms, however, this would be a small part to the side of the house towards the front of the property. Within residential areas mutual overlooking of gardens is to be expected, and this impact and small loss of privacy to a part of the garden is not considered unacceptable in this context.

6.19 Number 49 Langley Road to the north-west of the site is a large semi-detached property, within large grounds which is positioned to the rear of the proposed development. The proposed house facing Stratford Road would be 4.5 metres from the shared boundary with their front garden at the closest point and has no side facing windows. Given this separation and lack of side facing windows the proposal would not cause any significant loss of light or privacy to this neighbour.

6.20 The development is not considered to cause any detriment to the amenity of any other dwellings not referenced above given their distance from the site. For the above reasons, the proposed development would have no significant adverse effect on the living conditions of the occupiers of neighbouring properties in accordance with section 7.3 of Watford's Residential Design Guide and Policy CC8.5 of the Local Plan.

6.21 (e) Access, parking and highway matters

The houses facing Stratford Road and Langley Road would use the existing vehicle crossovers. A new vehicle crossover would be created onto Langley Road for the corner house. This vehicle crossover is at a sufficient distance from the road junction as to not present a hazard and there is sufficient hardstanding to allow vehicles to both enter and leave the highway in forward gear, as requested by the highway authority. The highway authority has no objection to the additional vehicle crossover, though did request drawings which demonstrate visibility splays and a swept path which were subsequently provided.

6.22 Each house has on-site parking for one vehicle in accordance with the maximum parking standards outlined in Local Plan Policy ST11.5. The site is in a sustainable location, however, it is within controlled parking zone D which experiences high parking demand, particularly in the evenings. Therefore, in accordance with Local Plan Policy ST11.5, a Unilateral Undertaking to remove permit entitlement for future occupants of the proposed houses has been completed.

6.23 Cycle parking provision has not been depicted on the plans, however, all of the houses have large gardens where cycles could be stored.

6.24 Sufficient space for refuse storage is shown close to the access point for each house. Refuse bins would have to be presented at the on the highway for collection as is typical in this area.

6.25 (f) Environment and biodiversity

Policy CC8.1 states that the Council will support proposals that help combat climate change and new development will need to demonstrate how it contributes positively towards this. Policy CC8.3 seeks to minimise the impact of new housing on the environment through energy and water efficiency measures. The proposed houses are designed to be energy efficient including air source heat pump systems to deliver the heating and hot water demands, as well as 4 panel PV arrays to the roof of each house.

6.26 Policy CC8.3 requires developments to achieve a 19% improvement for carbon emissions over the target emission rate (TER) as set out in National Building Regulations Part L (2013) and to meet the technical standard for water efficiency of 110 litres per person, per day. The Energy and Sustainability Statement confirms compliance with both of these measures. The also avoids overheating by using passive ventilation as requested by this policy.

6.27 In order to facilitate the development, three trees would be removed within the site, though the majority of trees would remain. These trees to be removed are all category C, the lowest value trees. No trees surrounding the site, including the protected trees close to the site boundary within Yorke Gate, would be impacted. A landscaping plan has been submitted with the application which demonstrates significant planting within each site including hedges around each of the three proposed plots. Although the application does not quantify a biodiversity net gain, the proposal does demonstrate a positive impact on the natural environment as required by Policy NE9.1 of the Local Plan.

7 Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment
Hertfordshire County Council (Highways Authority)	Objected due to the plans not demonstrating visibility splays or that vehicles can park on the proposed new hardstand parking area for unit 2, manoeuvre and able to enter/leave the highway in forward gear. Visibility splays and a swept path drawing demonstrating this was received and the Highways Authority were re consulted.

7.2 Internal Consultees

Name of Internal Consultee	Comment
Waste and Recycling	No comment.
Arboricultural Officer	Noted that there are no are arboricultural constraints on site and is satisfied with the landscaping plan.

7.3 Interested Parties

Letters were sent to 34 properties in the surrounding area. 15 responses were received with objections from 13 addresses. 1 neutral response was also received. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Impact on the character and	See section (b) which addresses the impact

appearance of the area.	on the character and appearance of the area.
Loss of light, outlook and privacy	See section (d) which addresses the impact on the living conditions of neighbouring properties.
Access, parking pressure and highway impacts	See section (e) which addresses the access, parking and highway matters.
Impact of the proposal on trees and biodiversity.	See section (f) which addresses environment and biodiversity matters.

8 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

- (i) The sum of £350 (three hundred and fifty pounds) towards the Council's administrative and monitoring costs; and
- (ii) The sum of £2,000 (two thousand pounds) towards the variation of the Borough of Watford (Controlled Parking Zones) (Consolidated) Order 2023 to exclude future residents of the Development from entitlement to resident and visitor parking permits for the controlled parking zone in Zone D as defined by that order in accordance with paragraph 11.58 of the Watford Local Plan 2021-2038.

Conditions

1. Time Limit

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

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

2. Approved Drawings and Documents

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

040ST-A-01-001
040ST-A-01-002
040ST-A-02-001
040ST-A-02-002
040ST-A-03-001
040ST-A-03-002
040ST-A-03-003
040ST-A-03-004
040ST-A-05-001
040ST-A-05-002
040ST-A-06-001
040ST-A-06-002
040ST-A-06-003
040ST-A-06-004
040ST-A-01-001 Rev: 3
040ST-A-01-002 Rev: 3
040ST-A-02-101 Rev: 3
040ST-A-02-102 Rev: 3
040ST-A-02-103 Rev: 3
040ST-A-02-104 Rev: 3
040ST-A-03-101 Rev: 3
040ST-A-03-102 Rev: 3
040ST-A-03-103 Rev: 3
040ST-A-03-106 Rev: 3
040ST-A-05-101 Rev: 3
040ST-A-05-102 Rev: 3
040ST-A-06-101 Rev: 3
040ST-A-06-102 Rev: 3
040ST-A-06-103 Rev: 3
040ST-A-06-104 Rev: 3
001
TRK01 (1)
L-200

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

3. Materials

No development above ground level shall be carried out until full details of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows,

fascias, rainwater and foul drainage goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development applies high quality materials that make a positive contribution to the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

4. Detailed drawings

No development above ground level shall be carried out until detailed section drawings of the external elevations of the proposed dwellings, including walls/brick detailing, door and window reveals, cills, gable edges, parapets/eaves design and rainwater and foul drainage goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development achieves high quality design that makes a positive contribution to the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

5. Accessible Dwellings

The development hereby approved shall be constructed to The Building Regulations (2010) Access to and Use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

Reason: To meet the needs of older people and those with mobility issues, in accordance with Policy HO3.10 of the Watford Local Plan 2021-2038.

6. Water efficiency

The development hereby approved shall be constructed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

Reason: To minimise the environmental impact of the proposed development, in accordance with Policy CC8.3 of the Watford Local Plan 2021-2038.

7. Permitted development rights removed

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no enlargements of a dwellinghouse permitted under Classes A or B or the provision of hard surfaces permitted under Class F shall be carried out or constructed without the prior written permission of the Local Planning Authority.

Reason: The removal of permitted development rights for enlargements to the dwellinghouse is necessary to ensure that any developments are carried out in a manner which will not be harmful to the character and appearance of the area. The removal of permitted development rights for the laying out of additional hard surfaces is necessary in the interests of the visual appearance of the site and to restrict additional on-site parking that could undermine the Council's sustainable transport objectives.

Site Location Plan



Visual from Junction of Stratford Road and Langley Road



Aerial Visual Front



Aerial Visual Rear



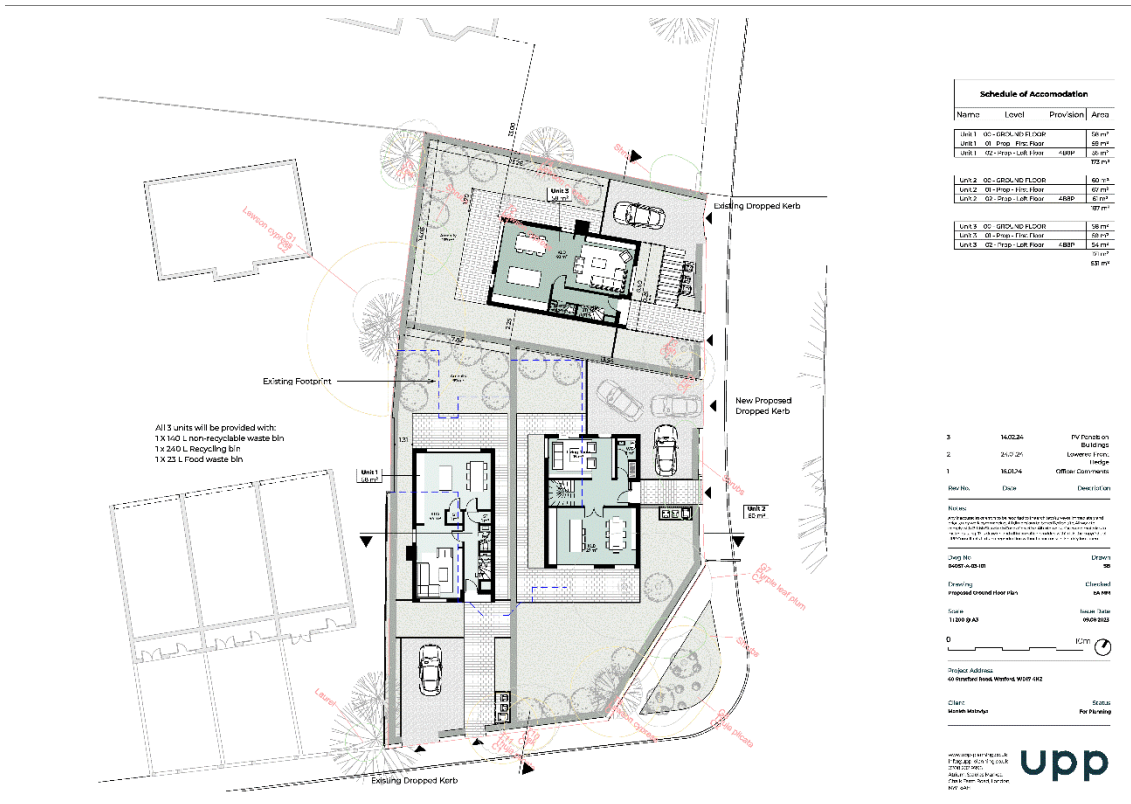
Stratford Road Elevation



Langley Road Elevation



Ground Floor Plan



First Floor Plan



Second Floor Plan



Roof Plan



Committee date	Tuesday 5 March 2024
Application reference Site address	23/01101/VARM - 50 Clarendon Road, Watford, WD17 1TX
Proposal	Variation of Condition 2 (approved plans) and Condition 9 (offsite highway improvements in accordance with Condition 2) to amend the fire strategy and introduce a second stair core to the residential tower, with associated layout and elevational changes pursuant to planning permission 22/00484/FULM.
Applicant	Vedose Ltd
Agent	Cerda Planning Limited
Type of Application	S73 Variation of Condition to Major Application
Reason for committee Item	Variation to a Major Application
Target decision date	Thursday 8 February 2024
Statutory publicity	Watford Observer, Neighbour Letters and Site Notice
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Central

1. Recommendation

- 1.1 That planning permission be granted subject to a deed of variation under s.106 of the Town and Country Planning Act and conditions as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the western side of Clarendon Road at the junction with St Johns Road. It is approximately square in shape and has an area of 0.56 hectares. The site ground level slopes down from Clarendon Road to the boundary with the rear of Estcourt Road properties with a change of approximately 3m ground level between the west and east site boundaries.
- 2.2 The site currently contains a vacant 4 storey red brick office block with sub level parking with vehicle access from St Johns Road. It was formerly occupied by TJX.
- 2.3 The Watford Local Plan 2021-2038 designates the site as being within the Watford Gateway Strategic Development Area, the Clarendon Road Primary Office Location and within a Transport Improvement Area. The Estcourt Conservation Area is located immediately to the east of the site. The site is not within a conservation area and there are no nationally listed or locally listed

buildings within or adjoining the site. Parking restrictions operate within the vicinity.

3. Summary of the proposal

3.1 Proposal

3.2 This application seeks permission to vary the approved drawings under Condition 2 (and those referenced in Condition 9) in order to amend the fire strategy and introduce a second stair core to the residential tower, with associated layout and elevational changes.

3.3 Conclusions

3.4 The variation of approved plans is acceptable representing a minor amendment to the consented proposal. All other conditions remain unchanged except for the time limit which is adjusted to align with the consented application. This application is subject to a deed of variation to vary the section 106 agreement accordingly.

4. Relevant policies

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

5. Relevant site history/background information

5.1 Conditional planning permission was granted at appeal for the subject redevelopment of the site on 26th September 2023 following refusal at Development Management Committee on 6th September 2022 (application ref: 22/00484/FULM). This permission allowed the redevelopment of the site to provide a mixed use scheme including the provision of 247 build to rent residential units (Class C3) and 4,798sqm Class E floorspace in buildings ranging from 5 to 24 storeys with associated cycle parking, car parking, landscaping and amenity.

6. Main considerations

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

(a) Principle of the development

- (b) The effect of the proposal on the character and appearance of the area
- (c) Quality of residential accommodation
- (d) Other Matters

6.2 (a) Principle of the development

Planning permission has been granted for the proposed development. The principle of amending the internal layout and elevational changes is accepted.

6.3 (b) The effect of the proposal on the character and appearance of the area

Due to the second stair core being extended upwards to the top of the tower, the footprint of dwellings would be adjusted between floors 8 to 22.

Realigning the internal walls has required minor changes to the fenestration of 3 elevations. The reworked elevations at floors 8 to 22 is continued down to ground level for consistency in appearance and a seamless transition between the office and residential storeys above. Relative to the consented plans, the amendments to the façade are minor and would have no impact on heritage assets or the character and appearance of the area.

6.4 (c) Quality of residential accommodation

The reworked internal arrangements means that the housing mix would be amended insofar as there would be 15 fewer 2 bedroom dwellings and 15 additional 1 bedroom dwellings. This equates 1 fewer bedroom per floor at floors 8 to 22. On this basis, the housing mix is not materially different to the approved scheme. The reworked façade ensures that all habitable rooms would still receive outlook and natural light consistent with that of the approved scheme.

6.5 (d) Other Matters

The affordable housing provision of 13 dwellings to be affordable housing, in the form of discounted private rented units, which is subject to a late stage viability review, remains unchanged.

6.6 The proposed amendments will not change the impact to surroundings in terms of loss of light, outlook or privacy.

6.7 The office floor space provision, transport, access, parking, servicing and environmental considerations remain unchanged.

7 Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Internal Consultees

None required.

7.3 Interested Parties

Letters were sent to 93 properties in the surrounding area, the application was publicised in the Watford Observer and a site notice was erected outside the site. No responses were received.

8 Recommendation

That planning permission be granted subject to the entering into of a Deed of Variation to the s106 agreement dated 20 September 2023 in relation to this site and the following conditions:

Conditions

1. Time Limit

The development hereby permitted shall be begun before 26th September 2026.

Reason: To comply with the time period for the commencement of planning permission 22/00484/FULM.

2. Approved Drawings and Documents

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

21473-CW-XX-A-DW-0201-P00; 0202-P00; 0203-P00; 0204-P00; 0210-P00; 0211-P00; 0220-P00; 0221-P00; 0301-P00; 0302-P00; 0303-P03; 0304-P00; 21473-CW-XX-B1-A0310-P13; 00-A-0311-P12; 01-A-0312-P10; 02-A-0313-P09; 03-A-0314-P09; 04-A-0315-P10; 05-A-0316-P11; 07-A-0318-P07; 08-A-0319-P10; 17-A-0328-P11; 20-A-0331-P08; ZZ-A-0350-P09; 0351-P05; 0352-P06; 0353-P07; 0360-P04; 0361-P03; 0362-P03; 0363-P01; XX-A-0370-P03; 0341-P02; 0342-P01; 0343-P01; 0344-P01; 0345-P01.

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

Pre-commencement

3. No development, including demolition, shall commence until a Demolition Environmental Management Plan (DEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The DEMP must include details of:
 - a) demolition vehicle numbers, type, routing;
 - b) access arrangements to the site;
 - c) traffic management requirements;
 - d) demolition and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) siting and details of wheel washing facilities;
 - f) cleaning of site entrances, site tracks and the adjacent public highway;
 - g) timing of demolition activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) provision of sufficient on-site parking duplication;
 - i) where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - j) all air quality mitigation measures consistent with the Air Quality Assessment, dated 23 June 2022.

Thereafter the demolition of the development shall only be carried out in accordance with the approved DEMP.

Reason: To ensure impacts are managed, pursuant to Policies CC8.4 and CC8.5 of the Watford Local Plan 2021-2038.

4. No development shall commence until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority. This Risk Assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with BS10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The Assessment shall include:
 - a) a survey of the extent, scale and nature of contamination;
 - b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;

- ecological systems; and,
- archaeological sites and ancient monuments

Reason: To ensure appropriate remediation of any contamination, pursuant to Policy CC8.5 of the Watford Local Plan 2021-2038.

5. (A) No development shall take place where (following the Risk Assessment) land affected by contamination is found which poses risks identified as unacceptable in the Risk Assessment, until a detailed Remediation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The Scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- (B) The approved Scheme shall be carried out and upon completion a Verification Report by a suitably qualified contaminated land practitioner shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied.

Reason: To ensure appropriate remediation of any contamination, pursuant to Policy CC8.5 of the Watford Local Plan 2021-2038.

6. No development shall take place, excluding any demolition, until a detailed Surface Water Drainage Scheme (SWDS) for the site, including the details below based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority. The SWDS must include:
- a) a fully detailed drainage strategy showing all SUDS/drainage features, manholes and pipes, demonstrating how the entire site will be drained including the access roads, basement ramp, roof surfaces and shared/communal areas;
 - b) detailed network calculations (informed by FEH2022 rainfall data) for all rainfall events up to and including the 1 in 100 year + 40% climate change storm, including half drain down times;
 - c) further consideration of the proposed discharge rate to determine if a restriction to greenfield runoff rates (or as close as is practicable) is feasible;
 - d) further consideration of the feasibility of SUDS features such as permeable paving, tree pits, rain gardens and swales to promote open, multifunctional SUDS in preference to below-ground storage;

- e) a detailed assessment of how runoff quality treatment will be provided on site for drainage from roads and parking, through the use of SUDS features;
 - f) detailed ground investigations to confirm the height of groundwater on site, in consideration of the proposed basement parking and belowground drainage features such as attenuation tanks;
 - g) detailed engineered drawings of the proposed SUDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs; and,
 - h) identification of the exceedance flow paths for surface water for events greater than the 1 in 100 year +40% climate change storm.
- The SWDS shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

7. Development shall not commence until details and a Method Statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to, and approved in writing by, the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved Method Statement.

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

8. No development, excluding demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP must include details of:
- a) construction vehicle numbers, type, routing;
 - b) access arrangements to the site;
 - c) traffic management requirements;
 - d) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) siting and details of wheel washing facilities;

- f) cleaning of site entrances, site tracks and the adjacent public highway;
- g) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) provision of sufficient on-site parking prior to commencement of construction activities;
- i) post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) all air quality mitigation measures consistent with the Air Quality Assessment, dated 23 June 2022.

Thereafter the construction of the development shall only be carried out in accordance with the approved CEMP.

Reason: To ensure transportation impacts are managed, pursuant to Policies ST11.1, CC8.4 and CC8.5 of the Watford Local Plan 2021-2038.

Pre-specific part of development

9. No works above slab level shall commence until a detailed scheme for the off-site highway improvement works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall reflect drawing Ref 21473-CW-XX-A-0311 Rev P12 but be updated to provide continuous footway crossover at the proposed access on St John's Road. Prior to first occupation of the development, the highways works shall be completed in accordance with the approved details.

Reason: To ensure appropriate walking infrastructure, pursuant to Policies ST11.1, ST11.3 and ST11.4 of the Watford Local Plan 2021-2038.

10. Prior to first occupation of the development, a Car Parking Management Plan (CPMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CPMP must include details of:
 - a) car parking allocation and distribution;
 - b) the operation, management, and implementation scheme for the car club, including a minimum of five car club spaces and cars to be provided prior to first occupation of any residential unit, and to be retained for a minimum period of five years;
 - c) methods to prevent on-site car parking outside of the designated spaces, including inappropriate parking within the layby;

- d) a timetable for agreement of a monitoring plan regarding the implementation of the CPMP; and,
- e) the provision of active EV charging spaces and chargers (at minimum 20%) and confirmation that all other spaces provide passive infrastructure.

Reason: To ensure appropriate transportation impacts, pursuant to Policies ST11.1, ST11.3 and ST11.5 of the Watford Local Plan 2021-2038.

11. No external facing materials shall be installed on the development until samples of all external facing materials have been submitted to, and approved in writing by, the Local Planning Authority. This shall include obscure glazing to the two windows for the gym nearest the north east corner of the courtyard. The relevant works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site, pursuant to Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

Pre-occupation

12. Prior to first occupation of the development, details of both hard and soft landscape works shall have been submitted to, and approved in writing by, the Local Planning Authority. These details must include:
- a) the roof gardens including irrigation systems;
 - b) hardstanding areas;
 - c) soft landscaping including tree planting;
 - d) boundary treatments;
 - e) the children's play area;
 - f) external lighting;
 - g) an extended terrace to Flat Nu G.1; and,
 - h) a Landscape Management and Maintenance Plan.

The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development. The soft landscaping works shall be carried out in accordance with the approved details 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.

Reason: In the interests of the visual appearance of the site, pursuant to Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

13. No dwelling shall be first occupied until the bin storage has been provided for the use of residents, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

14. No part of the office floorspace shall be first occupied until the bin storage has been provided for the use of staff and visitors, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the office occupiers.

Reason: To ensure appropriate amenity for all occupants of the development, pursuant to Policies EM4.3 and QD6.4 of the Watford Local Plan 2021-2038.

15. No dwelling shall be first occupied until full details of the cycle storage for the residential occupiers has been submitted to, and approved in writing by, the Local Planning Authority. Details must include a security scheme for the parking of cycles and the type of cycle stands must also be clarified. The storage approved under this condition shall be installed and made available for use prior to the first occupation of any dwelling and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

16. No part of the office floorspace shall be first occupied until full details of the cycle storage for the office occupiers has been submitted to, and approved in writing by, the Local Planning Authority. Details must include a security scheme for the parking of cycles and the type of cycle stands must also be clarified. The storage approved under this condition shall be installed and made available for use prior to the first occupation of any part of office floorspace and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure appropriate amenity for all occupants of the office development, pursuant to Policy EM4.3 of the Watford Local Plan 2021-2038.

17. No part of the development shall be first occupied until details of the proposed energy saving and renewable energy measures have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be based on those set out in the Energy and Sustainability Statement, dated March 2022. Thereafter the construction of the development shall only be carried out in accordance with the approved details.

Reason: To ensure energy and sustainability measures are delivered, pursuant to Policy CC8.1 of the Watford Local Plan 2021-2038.

18. No dwelling shall be first occupied until the recommendations of the Noise Assessment, dated 8 February 2023, have been implemented and/or undertaken in full.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

19. The residential development hereby approved shall not be first occupied until details have been submitted to, and approved in writing by, the Local Planning Authority to confirm that the dwellings have been completed to meet the water efficiency requirement of 110 litres of water per person per day.

Reason: To ensure energy and Water efficiency measures are delivered, pursuant to Policy CC8.3 of the Watford Local Plan 2021-2038.

20. The office premises shall not be first occupied until a scheme to obscure the glazing of some of the windows in the eastern elevation of offices has been submitted to, and approved in writing by, the Local Planning Authority. The offices shall not be first occupied until the scheme, as approved, has been carried out in full, and it shall be retained thereafter.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

21. Prior to first occupation of the development, a detailed Verification Report, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the Surface Water Drainage Scheme, has been submitted to, and approved in writing by, the Local Planning Authority.

The Verification Report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism, as well as the following:

- a) provision of a complete set of as built drawings for site drainage;
- b) a management and maintenance plan for the SUDS features and drainage network; and,
- c) arrangements for adoption and any other measurements to secure the operation of the scheme throughout its lifetime including name and contact details of any appointed management company.

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

For observation

22. The offices premises shall be used only as for offices within Classes E (g)(i) and shall be used for no other purpose.

To protect the office use in the Clarendon Road Primary Office Location pursuant to Policy EM4.3 of the Watford Local Plan 2021-2038.

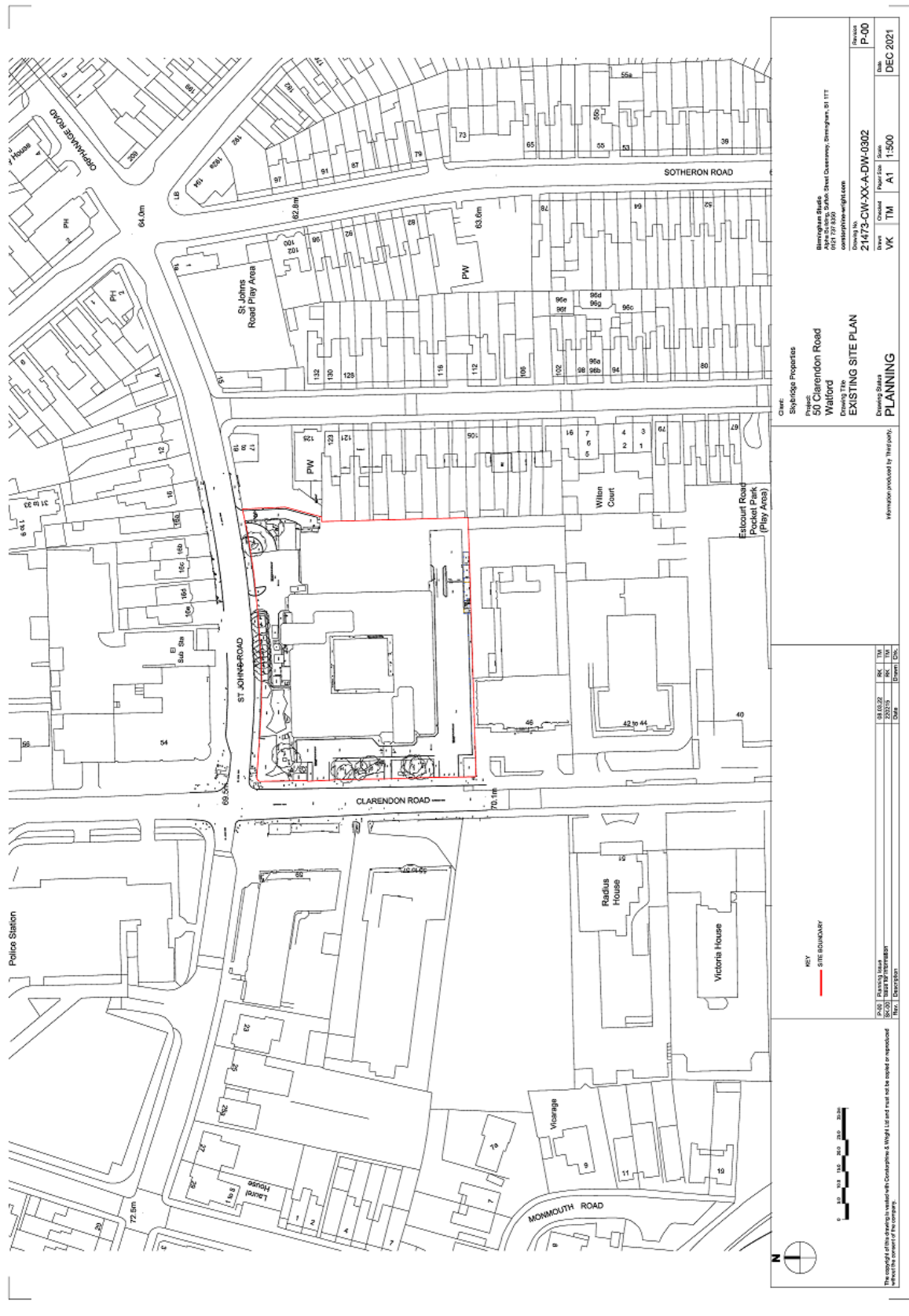
23. Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a Risk Assessment carried out and submitted to, and approved in writing by, the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to, and approved in writing by, the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure appropriate remediation of any contamination, pursuant to Policy CC8.5 of the Watford Local Plan 2021-2038.

24. The development shall be undertaken in accordance with the Drainage Strategy and SuDS Assessment, dated 18 March 2022, and must include the following measures:
- a) a safe vehicular and pedestrian access through creation of an evacuation plan to ensure vehicular access is maintained for emergency services; and,
 - b) finished floor levels should be 300mm above the flood level of the 100 year plus climate change event.#

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

Site Location Plan



2.2 Amendment Comparison

Levels 8-16

1:500 at A3

The consented Appeal scheme G4 plans contain the M4(3) apartments and the updated landscaping that were not included in the original Planning Application.

The lower revision cloud highlights the adjusted dimensions of the 13 person lifts, the addition of a smoke shaft for the lift lobby and the re-configuration of the risers to optimise the smoke shaft at the residential levels to service the corridor. It also shows the re-arrangement of multiple apartments due to the additional stair core.

The smaller clouds to the right highlight the adjusted size / location of a smoke shaft, resulting in the improved re-arrangement of a bathroom to a standard layout, this smoke shaft now terminates at an earlier level, giving back some area to the dual aspect apartment to the corner.

Appeal Scheme



Section 73 - Amended Scheme



2.2 Amendment Comparison

Levels 17-22

1:500 at A3

The consented Appeal scheme G4 plans contain the M4(3) apartments and the updated landscaping that were not included in the original Planning Application.

The large revision cloud highlights the adjusted dimensions of the 13 person lifts, the addition of a smoke shaft for the lift lobby and the re-configuration of the risers to optimise the smoke shaft at the residential levels to service the corridor. It also shows the re-arrangement of multiple apartments due to the additional stair core.

Due to the additional stair core being located where the previous Southern private terrace entrance was, the access door has been changed to a window, the private terrace has therefore been removed and the size of the shared residential terrace increased to maximise the rooftop space. The smaller clouds to the right highlight the adjusted sizes / locations of smoke shafts as well as the addition of one to the top right hand side apartment to service the corridor to the terrace.

Appeal Scheme



Section 73 - Amended Scheme



3.1 Amendment Comparison

Clarendon Road Elevation

1:500 at A3

Amendments are highlighted with a red revision cloud.
Please refer to plans.

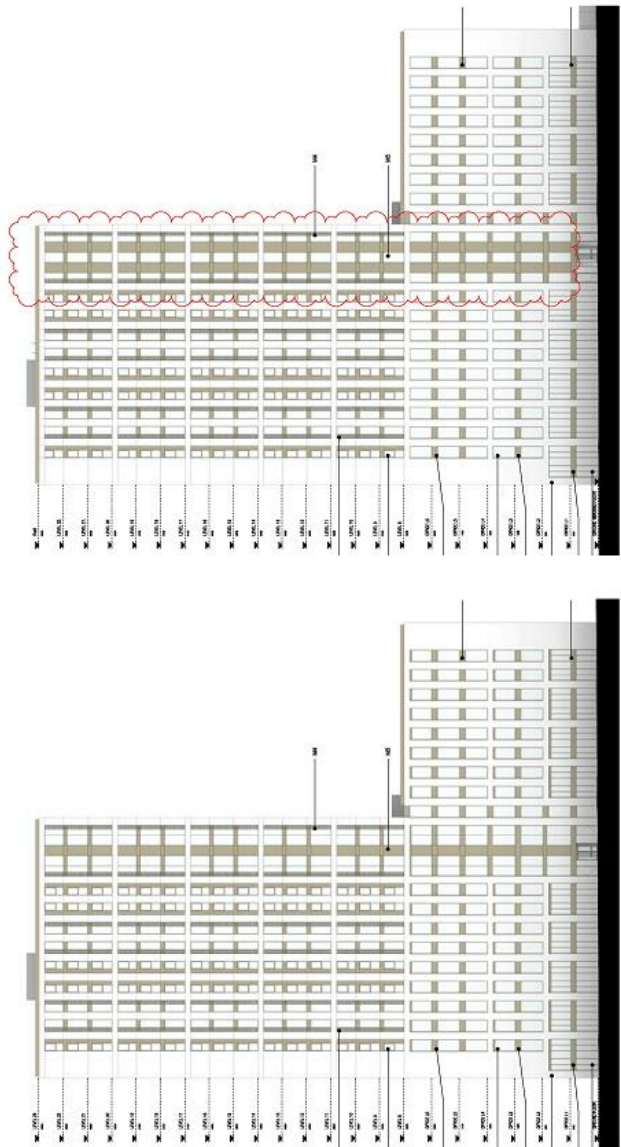
Appeal Scheme

Section 73 - Amended Scheme

Due to the second core being added into the tower, the apartments were adjusted between floors 8-22.

Moving the walls and fixtures meant that a change needed to be made to the facade to ensure that a sufficient amount of glazing was still present within bedrooms and living spaces.

The facade style at Levels 8-22 was continued down from Ground to Level 7 for consistency and a seamless transition between the office and residential storeys.



3.1 Amendment Comparison

East Elevation

1:500 at A3



Amendments are highlighted with a red revision cloud.
Please refer to plans.

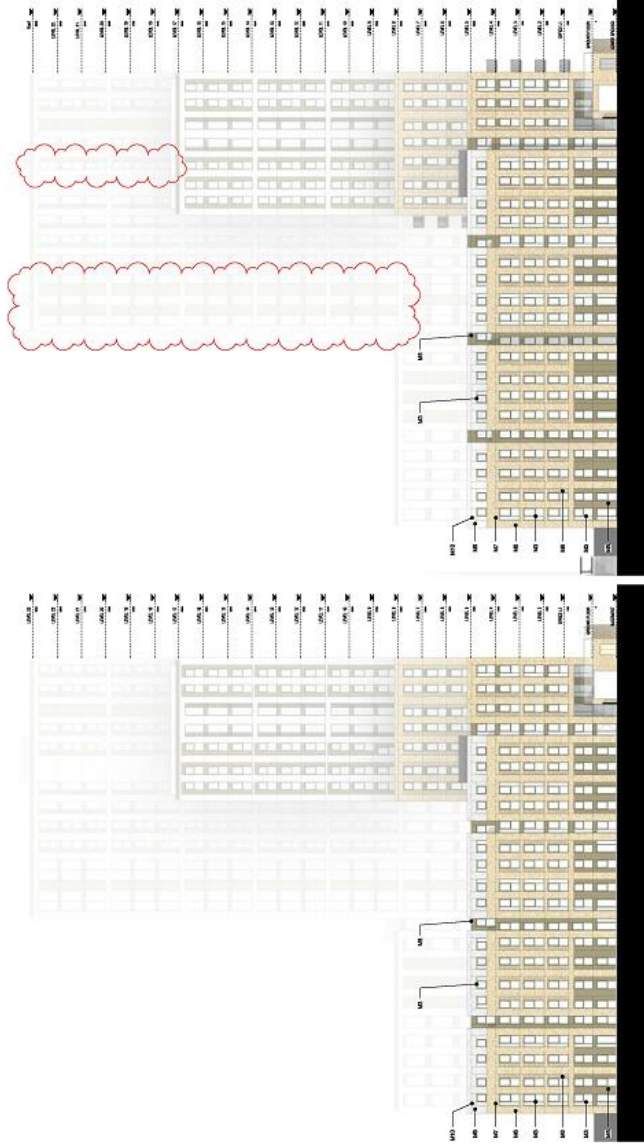
Appeal Scheme

Section 73 - Amended Scheme

Due to the second core being added into the tower, the apartments were adjusted between floors 8-22.

The revision cloud to the right highlights that one of the windows has been mirrored, this is so that the textured panel hides the smoke shaft that now services the lift lobby to the core on Levels 17-22.

The revision cloud to the left is positioned where the dual aspect 2 bedroom apartment's layout was reconfigured. Walls / fixtures that were repositioned would have conflicted with the original positioning of glazing, this has been resolved by changing which panels are opaque or glazed in the façade.



3.1 Amendment Comparison

South Elevation

1:500 at A3

Amendments are highlighted with a red revision cloud.
Please refer to plans.



Appeal Scheme

Section 73 - Amended Scheme

Due to the second core being added into the tower, the apartments were adjusted between floors 8-22.
Moving the walls and fixtures meant that a change needed to be made to the highlighted section of the facade. To ensure that a sufficient amount of glazing was still present within the bedroom, the window panel was mirrored so that the wall is positioned behind the textured panel instead of the glass.

