

PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee:	18th February 2016
Site address:	112-114, The Parade, Watford
Reference Number:	14/00954/FULM
Description of Development:	Retention of ground floor Class A4 uses (drinking establishments) and the extension and conversion of the upper floors to provide 15 residential flats.
Applicant:	Aimrok Developments Limited
Date Received:	8th July 2014
13 week date (major):	7th October 2014 (extended by agreement to 22nd February 2016)
Ward:	Central

1.0 SITE AND SURROUNDINGS

1.1 The site is located on the western side of The Parade facing towards the newly refurbished pond. It comprises a 3 storey building with 2 ground floor units in Class A4 use (drinking establishments), albeit 1 of these has been empty for many years, with offices and 2 residential flats on the upper floors. It was constructed in 1930 and has a mock Tudor appearance. To the north is the 3 storey Faircross House with Class A uses at ground floor and 2 storeys of residential flats above. To the south is the former JSA House also with Class A uses at ground floor. The upper 2 floors of offices are currently being converted to residential use. To the rear of the site is Halsey Road and the 3 storey block of flats at Ballinger Court.

2.0 PROPOSED DEVELOPMENT

- 2.1 Full planning permission is sought to retain the 2 existing Class A4 units at ground floor and for the rebuilding, extension and conversion of the upper floors to provide 15 one bedroom flats. The works include the rebuilding of the front façade and the addition of a mansard roof incorporating residential accommodation. The development provides no car parking and will be car-free. Bin and cycle stores are provided at the rear of the site, accessed from Halsey Road.

3.0 RELEVANT PLANNING HISTORY

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

96/0183/9 – Planning permission granted in September 1996 for the change of use from Class A2 (financial and professional services) to Class A3 (food and drink).

07/01287/COU – Retrospective planning permission granted in November 2007 for the change of use of the ground floor from Class A3 use (restaurant/café) to a Class A4 use (bar).

14/00671/JPD – Prior approval application refused in July 2014 for the change of use of the upper floors from Class B1(a) office use to residential use.

There have also been numerous minor applications over the years relating to advertisements and shopfronts.

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 Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 **Watford Local Plan Core Strategy 2006-31**

- SS1 Spatial Strategy
- SPA1 Town Centre
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- TLC1 Retail and Commercial Leisure Development
- HS1 Housing Supply
- HS2 Housing Mix
- HS3 Affordable Housing
- T2 Location of New Development
- T3 Improving Accessibility
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

4.4 **Watford District Plan 2000**

SE7 Waste Storage and Recycling in New Development
SE22 Noise
T10 Cycle Parking Standards
T21 Access and Servicing
T22 Car Parking Standards
T24 Residential Development
T26 Car Free Residential Development
H10 Educational and Community Facilities
S11 Use Class A3 Food and Drink
S12 Planning Conditions for Use Class A3 Food and Drink
L8 Public Open Space
L9 Children's Play Space
U18 Design in Conservation Areas
U20 Demolition in Conservation Areas

4.5 Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026

No relevant policies.

4.6 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

4.7 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.

4.8 *Residential Design Guide*

The Residential Design Guide was adopted in July 2014. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant

planning applications.

4.9 *Shopfront Design Guide*

The Shopfront Design Guide was adopted in February 2013. It is intended to provide helpful guidance for designing new shopfronts or making alterations to existing ones. The document sets out a range of design principles for works to shopfronts and is a material consideration in the determination of relevant planning applications.

4.10 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.11 *Conservation Areas Management Plan*

The Conservation Areas Management Plan was adopted in July 2013. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.12 *Conservation Area Character Appraisals*

These character appraisals examine the Borough's Conservation Areas and describe why they are an area of special architectural and historical interest. Their purpose is to help inform the design of any future development proposals so that they enhance the area and acknowledge its features. The following appraisal is relevant to this application and is a material consideration in its determination:

Civic Core Conservation Area Character Appraisal (adopted March 2009).

4.13 *SPG10 Open Space Provision*

This guidance sets out the standards of open space provision required per thousand population as part of new developments. The guidance was adopted in

October 2001 and is a material consideration in the determination of relevant planning applications.

4.14 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 12 Conserving and enhancing the historic environment

Decision taking

5.0 CONSULTATIONS

5.1 Neighbour consultations

Letters were sent to 42 properties in The Parade. Two replies have been received and can be summarised as follows:

Central Town Residents Association:

- Roof extension should not detract from current Tudor style appearance.
- Flats will be prone to noise from Chocolate bar.
- No residents permits should be given to the proposed flats. This could impact adversely on parking in surrounding residential roads.

Alliance Planning on behalf of Luminar Leisure Limited (operators of Oceana):

- Lack of a noise assessment with the application (*this has since been submitted*).
- Likely to be significant adverse conflict between the proposed residential uses and existing commercial operators, such as Oceana.

5.2 **Statutory publicity**

The application was publicised by site notice posted on 25 July 2014 and by advertisement in the Watford Observer published on 18 July 2014.

5.3 **Technical consultations**

The following responses have been received from technical consultees:

No technical consultations were necessary in respect of this application.

5.4 Crime Prevention Design Advisor

Has made the following comments:

- I am not clear as to how Flat 6 on each floor is accessed as the doors from the rear seem to be a fire exit from Retail 1 and also a fire exit from Retail 2 in to the communal staircase which is not acceptable. The only other door appears to open on to the staircase, could this be clarified please.
- The alleyway beside the building to be cleared and not opened out on to established and locked alleyway from The Parade.
- Will the rear area be used for parking?
- There is no indication of the security for the cycles, could this be expanded please as I will be looking for cycles to be secured as they can be a commodity in Watford.
- I would like to see the rear area fenced off to prevent unofficial free parking and for the security of the flats which may be accessed of the rear courtyard.
- There is no indication of lighting.

5.5 Environmental Health

The application was submitted with a noise assessment '*Assessment of the Ambient Noise Climate in the Vicinity of the Proposed New Residential flats at 112-114, The Parade, Watford*' (Leema Technologies).

Following discussions with Environmental Health, two further noise reports were subsequently submitted, '*Sound Insulation Assessment of the Separating Floor Between The Chocolate Bar and the First Floor Spaces at 112-114, The Parade, Watford*' (Leema Technologies) and '*Assessment of the Low Frequency Noise Climate Within the Existing First Floor Spaces at 112-114, The Parade, Watford*' (Leema Technologies), addressing respectively noise from the ground floor Class A4 use (Chocolate) and noise from the electricity sub-station to the side of the property.

A further report was subsequently submitted to assess noise level egress from the Chocolate Bar and potential sound insulation measures '*112-114, The Parade, Watford – Acoustic Report*' (Entran).

These reports were the subject of extension discussions with Environmental Health who considered that they dealt adequately with the noise sources from The Parade and the Chocolate Bar at ground floor level. Noise attenuation details relating to these noise sources are secured by Conditions 6 and 7 in the recommendation.

However, Environmental Health were still concerned that the noise issue relating to the electricity sub-station sited to the rear of the site had not been adequately addressed. At this stage, following advice from Environmental Health, it was decided to appoint an independent noise consultant (Stephen Turner Acoustics Limited) with an expertise in low frequency noise from electricity sub-stations to advise the Council. Following a visit to the site with Environmental Health, his conclusions were as follows:

In order to understand better the likely impact of the noise from the sub-station, consideration was given to the use of the criterion curve shown in Section 4.1

of the research report published by the Department for Environment, Food and Rural Affairs, in December 2011 (NANR 45: Procedure for the assessment of low frequency noise complaints).

The criterion curve value in the 100 Hz 1/3 octave frequency band is 38 dB.

In the language of current noise policy, the criterion curve probably represents the Lowest Observed Adverse Effect Level (LOAEL). Consequently, if the building envelope insulation could be designed to achieve that level internally, without placing an undue burden on the developer, then the risk of complaint is minimised and, should a complaint arise, the risk of it being deemed a statutory nuisance is also minimised.

Because of the potential noise sources at the front of the building, the glazing specification for that façade comprises 6mm, 150mm, 6mm units (Appendix 2, Figure 2 in the 15th August 2015 report). The 125Hz octave frequency band attenuation is shown to be 30 dB (Table 11 of that report), which probably equates to around 25 dB in the 100 Hz, 1/3 octave frequency band.

Consequently, were that glazing specification applied to the windows on the rear and side facades, the 63 dB in the 100 Hz 1/3 octave frequency band measured outside would reduce roughly to 38 dB inside, once the glazing attenuation has been taken into account. This would mean that the criterion curve value for that frequency band is just met inside. The detailed calculations are more complex than that, but this simple estimate shows that it is likely that, with this glazing specification and with windows closed, the internal level would be no more than the LOAEL.

With this arrangement, it is likely that the internal levels would be no more than a LOAEL, with windows closed, and according to the Planning Practice Guidance (Noise), “no specific measures (are) required” meaning that the noise planning policy has been met.2

For the residents of those flats, therefore, when the windows are closed, the sound of the sub-station should not be at a level that causes any material disturbance (and, in fact, it could be inaudible). Obviously when the windows are open, the sub-station sound would be more noticeable (depending on what other sound sources are occurring, either inside or outside).

With windows closed, the occupiers would be reliant on the alternative ventilation. At the moment, it appears that the proposed ventilators are passive. An alternative would be to use powered acoustically treated ventilators (i.e. which include a fan), which would be likely to provide a better ventilation performance.

Subsequently, the following condition was recommended to be imposed on any planning permission granted:

'Prior to the commencement of the development hereby permitted, a scheme of glazing shall be prepared and submitted to the local planning authority for approval. The scheme shall be designed so that the sound from the nearby electricity sub-station does not exceed 38 dB in the 100 Hz one-third octave frequency band within any habitable room of any of the dwellings, with windows closed. The information to be provided with the scheme shall include data about the relevant façade sound level from the sub-station; the proposed glazing system (including the expected sound reduction across the frequency range of 63 Hz to 4 kHz) and the calculated expected internal sound level, over the same frequency range, taking account of the sound insulation provided by the building envelope. Information shall be provided for each room potentially affected. Information shall also be supplied regarding the alternative ventilation that will be provided to the affected rooms so that windows can be kept closed and yet the required ventilation achieved without compromising the internal acoustic design target.'

This suggested condition has been proposed as Condition 7 (reworded) in the recommendation.

5.6 Urban Design and Conservation Manager

“The site is within the Civic Core Conservation Area. Although the current building has some attractive features, such as console brackets and cornice detailing on the shopfronts, it has a broadly neutral appearance within the Conservation Area. Relevant NPPF guidance at paras 64; 134 and 137 is clear that any development on this site should take opportunities available to improve the character and quality of the area and the way it functions; and in the case of the conservation area new development should seek to better reveal the significance of the conservation area.

Character of the area: key points are the set piece designs along The Parade and Faircross House; many of the buildings are of high quality and there is a consistency in approach (ground floor shops; first and second floor comprising the main part of the elevation and a third floor built into the roof); there is also a consistency in terms of the materials used and the fenestration pattern used to set up the rhythm pattern on the elevations; the solid to void ratio is also consistent and important. To meet the policy requirements the facelift and additional storeys to this building should seek to enhance these key points of character.”

The original scheme did not fully fulfil this objective and amendments were requested to the scheme. Following meetings and correspondence with the applicant and their agent, amended drawings were submitted to address these issues. The amended drawings are considered acceptable by the Urban Design and Conservation Manager.

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) Housing policies.
- (c) Design and appearance.

- (d) Impact on neighbouring properties.
- (e) Transportation, access and parking.
- (f) Sustainable development, energy and waste.

6.2 (a) Principle of development

The site is located within the secondary retail frontage of the town centre on the Proposals Map of the Watford District Plan 2000 and within Special Policy Area 1: Town Centre in the Watford Local Plan Core Strategy. It is also within the Civic Core Conservation Area.

The principle of new residential dwellings on the upper floors of buildings within the town centre is acceptable. Policy SPA1 states that on the upper floors, uses which encourage a lively and vibrant town centre will be encouraged, including residential, office and leisure use. The proposed residential units need, however, to be considered in the context of the immediate environment and against other relevant policies to ensure an acceptable quality of accommodation and level of amenity can be achieved.

6.3 (b) Housing policies

The application as submitted proposed 18 flats. Following amendments to the scheme, this number has been reduced to 15. All of the flats will be accessible from a central corridor on each floor linked to stair cores at the front and rear of the building. The front stair core will allow each flat to be accessed from The Parade as the main entrance with the rear stair core providing a secondary entrance to the rear off Halsey Road for deliveries and access to bin and cycle stores.

6.3.1 i) Residential amenity

All of the proposed flats are one bedroom which is considered acceptable in this town centre location where family sized accommodation is considered to be less appropriate. All of the flats exceed the Council's internal space guidelines within the Residential Design Guide with internal floorareas of 49.1-59.9m². The internal layouts are, in themselves, all acceptable but 2 of the flats (Flat 4 on the first floor and Flat 4 on the second floor) both have their two windows (to the living room and

bedroom) in close proximity to the 3 storey flank wall of the adjacent JSA House building. In each case, the living room window is sited at right angles to the flank wall at a distance of 3.2m. This will ensure reasonable levels of outlook and natural light to the room but the levels will be significantly lower than that for other flats in the building. The bedroom windows in both flats directly face the flank wall at a distance of only 4.8m. As such, both flats will experience very poor outlook and natural light to the bedrooms. Whilst this is far from ideal, it is not considered fatal to the scheme which is a high density scheme within the town centre. The proposal is also bringing back into use an underused building, parts of which have been vacant for many years. All other flats on each floor will have good levels of outlook, natural light and privacy.

Two environmental considerations that have the potential to have a significant adverse impact on the amenities of future occupiers are noise and odours.

6.3.2 ii) Noise

The application site is located in a part of the town centre where there are a number of significant noise sources. These include the general noise and activity within The Parade, both during the daytime and night-time; noise from the various clubs and bars in the vicinity of the site and adjoining the site, especially during the night-time; noise from the ground floor units (when occupied); traffic noise from Rickmansworth Road; low frequency noise from the electricity sub-station sited adjacent to the site; and potential noise from extract flues and other plant associated with the ground floor units. As detailed in paragraph 5.6 of this report, there has been extensive discussion surrounding the potential impacts of these various noise sources on the future occupiers of the proposed flats. It is now considered that these impacts have been adequately assessed and that, subject to appropriate conditions, an acceptable level of amenity can be secured for future occupiers.

6.3.3 iii) Odours

With the ground floor units having a use for Class A4, both are likely to require fume extract and ventilation/cooling equipment. An existing extract flue currently

exists on the western corner of the building attached to the rear stair core. The application drawings indicate that this would remain or be replaced with a similar flue. Any flue of this nature has the potential to give rise to fumes and odours although this could be mitigated by the type of flue, the effectiveness of its filters, and its height above windows. The use of the proposed roof garden could, however, be seriously compromised by the flue as this would be discharging at the same level as the roof garden. The amended drawings show a new flue extending above the level of the roof to the top of the rear stair core. This, in principle, is considered acceptable but subject to details of the flue and extraction system being approved. These details can be secured by condition.

6.3.4 Affordable Housing

As the proposal is for 15 dwellings, there is a requirement to provide 35% affordable housing, equating to 5 units, in accordance with Policy HS3 of the Core Strategy. This would comprise 1 social rented unit, 3 affordable rented units and 1 shared ownership unit. In this case, following discussions with the Council's Housing Supply Manager, it has been agreed that the applicant will provide 5 affordable rented units. This can be secured by a Section 106 planning obligation.

6.4 (c) Design and appearance

The site is located within the southern part of the Civic Core Conservation Area. The conservation area is characterised by a number of set piece civic and municipal buildings, located to the north of Rickmansworth Road, with the Town Hall, Central Library and Lanchester Building being the most prominent examples. The southern section of the conservation area, to the south of Rickmansworth Road, also contains many buildings that reflect this restrained municipal style of building, with Faircross House and St Albans House acting as a foil to the Town Hall and providing a strong visual and design link across the Rickmansworth Road. Many other buildings within this section of The Parade, around the pond, reflect this style of building and exhibit a strong vertical rhythm in the arrangement of their windows on the upper floors. Steeply pitched roofs and mansard roofs are also common features in the area. There is also a strong link between the buildings in terms of materials with red/brown brick and stone being predominant.

In this context, the existing building on the site, with its mock Tudor appearance of black timber and white render, sits at odds with the prevailing character and appearance of the conservation area. Although at one time locally listed, this status was removed as part of the conservation area character appraisal carried out in 2009. Overall, the building is considered to have a neutral impact on the character and appearance of the conservation area. The relevant policy test is that new development within a conservation area should preserve or enhance the character and appearance of the conservation area. The NPPF states that local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance.

The proposal involves the rebuilding of the front façade of the building and adding a mansard roof incorporating residential accommodation. The new façade will have a modern appearance with brick and reconstituted stone as the main materials, reflecting those materials predominant in the locality. The elevation will have a central main entrance core rising to eaves level and framed in stone. Either side of this will be 3 bays of equally spaced windows at first and second floor level. The mansard roof will also incorporate narrow dormer windows aligned directly above these windows. At ground floor level, new shopfronts will also be defined by stone surrounds with a clear horizontal separation from the residential floors above. The design will give the building a strong vertical rhythm and a high degree of symmetry, reflecting the restrained design of the adjacent Faircross House and other prominent buildings in the conservation area. Each element of the façade, the ground floor units, the first/second floor residential, and the mansard roof can be read as distinct elements which combine to give a pleasing appearance to the building. Mansard roofs of varying design and materials are also a common feature within this part of the conservation area and the proposed mansard roof will compliment the character and appearance of the conservation area. Overall, it is considered the proposal is a more appropriate design for this part of the conservation area than the existing building which will sit more comfortably alongside the existing historic buildings and will at least preserve and even enhance the character and appearance of the conservation area.

6.5 (d) Impact on neighbouring properties

The adjacent building to the north, Faircross House, comprises ground floor commercial units with 2 floors of residential flats above. The proposal will have no adverse impact on either the existing commercial units or the proposed residential accommodation.

To the south, JSA House comprises ground floor commercial units with 2 floors of vacant offices above. These offices are currently in the process of being converted into residential accommodation. The proposal will have no adverse impact on either the existing commercial units or the proposed residential accommodation.

To the rear of the site, located off Halsey Road is the 3 storey block of flats at Ballinger Court. The proposed flats at the rear of the building will have windows facing the flats at Ballinger Court. The distance between these facing windows is 33.5m which is in excess of the minimum distance of 27.5m in the Residential Design Guide and will ensure the flats at Ballinger Court will not suffer any loss of amenity.

6.6 (e) Transportation, access and parking

The site is located within the town centre and is highly sustainable. The site currently has no car parking provision and no parking spaces are proposed as part of the application. A car-free development is acceptable in this location, subject to the development being excluded from the local controlled parking zone. This can be secured as a planning obligation.

The proposal incorporates two communal cycle stores for up to 18 cycles which will further encourage sustainable, non-car travel. These will need to be weatherproof and secure and final details of these can be secured by condition.

6.7 (f) Sustainable development, energy and waste

Policy SD1 of the Core Strategy requires all new development to incorporate sustainable design measures and to comply with or exceed the current standards

set out in the Code for Sustainable Homes. As the site is located within a special policy area (SPA1) the policy seeks Code Level 4 for the new residential units. However, the Code for Sustainable Homes has now been abolished by the Government and the development will now be required to comply only with the current Building Regulations. At the present time, the Council is not able to consider requiring the enhanced Building Regulations standards for energy efficiency and water usage as it does not have an adopted Local Plan Part 2 setting out these requirements.

In respect of waste, the proposal incorporates one bin store for the residential units and one for the existing commercial units, located at the rear of the building off Halsey Road. Both are of adequate size to accommodate bins for waste and recycling.

7.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

7.1 Community Infrastructure Levy (CIL)

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

As the proposed development creates new residential dwellings, the CIL charge applicable to the proposed development is:

Watford Charging Schedule

Type of Development	CIL Rate
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Residential	£120 per sqm
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The charge is based on the net increase of the gross internal floor area of the proposed development. For the net additional floorspace created by the development, this is calculated at £67,800. 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.

In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

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.

The proposed development is one where affordable housing should be provided, in accordance with Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31.

The development proposed in this application is also one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial contribution towards the variation of the Borough of Watford (Watford Central Area

and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission.

In addition, the proposed development is one where Hertfordshire County Council, in pursuance of its duty as the statutory Fire Authority to ensure fire fighting facilities are provided on new developments and that all dwellings are adequately served by fire hydrants in the event of fire, seeks the provision of hydrants required to serve the proposed buildings by means of a planning obligation. The requirements for fire hydrant provision are set out within the County Council's *Planning Obligations Toolkit* document (2008) at paragraphs 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The provision of affordable housing is directly related to the proposed development, and is fairly and reasonably related in scale and kind to that development. It is also

necessary to make the development acceptable in accordance with the Council's planning policies.

The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.

As the County Council's requirement for the provision of fire hydrants accords with the provisions of the *Planning Obligations Toolkit*, this obligation is also directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the County Council's statutory duty as the Fire Authority.

Accordingly, the provision of affordable housing, the contribution sought by the Council towards the amendment of the Controlled Parking Zones Traffic Regulation Order and the County Council's requirement for fire hydrants 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. Both the Council's approach to seeking affordable housing provision and a financial contribution and the County Council's approach to seeking the provision of fire hydrants by means of planning obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

The affordable housing requirement in this case is for the provision of 5 one bedroom units for affordable rent.

The Council's contribution in the case of the development proposed in this application is set out below:

<i>New residential development</i>	The sum of £2000 (two thousand pounds) towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the site in accordance with saved Policy T24 of the Watford District Plan 2000.
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8.0 CONCLUSION

- 8.1 The site is located within the Civic Core Conservation Area which is characterised by buildings exhibiting a restrained municipal style of building and with a strong vertical rhythm in the arrangement of their windows on the upper floors. Steeply pitched roofs and mansard roofs are also common features in the area. In this context, the existing building on the site, with its mock Tudor appearance of black timber and white render, sits at odds with the prevailing character and appearance of the conservation area. In the conservation area character appraisal carried out in 2009, the building is considered to have a neutral impact. As such, the proposed scale and design of the building, subject to the use of appropriate materials, is considered to enhance the character and appearance of the conservation area.
- 8.2 There is no objection in principle to new residential dwellings on the upper floors of this building within the town centre. However, due to its location, the site is subject to significant noise impacts. Following extensive assessment of different noise sources, an acceptable level of amenity for future occupiers can be achieved through the imposition of appropriate conditions to secure various acoustic insulation measures. The proposal will have no adverse impacts on adjoining properties.
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9.0 HUMAN RIGHTS IMPLICATIONS

9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

10.0 RECOMMENDATION

(A) That planning permission be granted subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

Section 106 Heads of Terms

- i) 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 allocated to this site.
- ii) To secure 5 of the one bedroom units as affordable rented housing.
- iii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

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:-

1304/P01a, P02, P03e, P04b, P05g, P06c

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

3. No demolition or construction of the development hereby permitted shall take place before 8am or after 6pm Mondays to Fridays, or at any time on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to saved Policy SE22 of the Watford District Plan 2000.

4. No demolition or construction works shall commence within the site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of temporary access for construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed.

5. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows and dormer 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 site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

6. The development shall only be constructed in accordance with the specification set out in paragraph 4.2 of the report '112-114, *The Parade, Watford – Acoustic Report (Ver.1, dated 02-04-2015)* by Entran Limited, unless otherwise agreed in writing by the Local Planning Authority. No flat shall be occupied until documentary and photographic evidence has been provided from the manufacturer or authorised contractor that the approved system has been installed in full.

Reason: In the interests of the amenity of future occupiers to ensure they experience no noise nuisance from the existing ground floor uses, in accordance with saved Policy SE22 of the Watford District Plan 2000.

7. No development shall commence until a scheme of glazing for the windows to Flats 1, 2 and 3 at first, second and third floor levels (as shown on the approved drawing no. 1304/P03e) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to achieve the following sound reduction levels (where OBCF is the Octave Band Centre Frequency):

OBCF, Hz	125	250	500	1k	2k	4k	Overall Rw dB
	30	39	43	48	44	48	45

The scheme shall also include details of a mechanical ventilation system to the affected rooms to demonstrate that the background and purge ventilation requirements of the Building Regulations can be achieved without compromising the internal acoustic design target so that windows can be kept closed. None of the dwellings referred to in this condition shall be occupied until the approved scheme of glazing and approved mechanical ventilation system have been installed in full.

Reason: In the interests of the amenity of future occupiers to ensure they experience no noise nuisance from the adjacent electricity sub-station, in accordance with saved Policy SE22 of the Watford District Plan 2000.

8. No development shall commence until a scheme of glazing for the windows to Flats 4 and 5 at first, second and third floor levels (as shown on the approved drawing no. 1304/P03e) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to demonstrate that the sound from the nearby electricity sub-station does not exceed 38 dB in the 100 Hz one-third octave frequency band within any habitable room of any of the dwellings, with windows closed. The information to be provided with the scheme shall include data about the relevant façade sound level from the sub-station; the proposed glazing system (including the expected sound reduction across the frequency range of 63 Hz to 4 kHz) and the calculated expected internal sound level, over the same frequency range, taking account of the sound insulation provided by the building envelope. Information shall be provided for each room potentially affected. The scheme shall also include details of a mechanical ventilation system to the affected rooms to demonstrate that the background and purge ventilation requirements of the Building Regulations can be achieved without compromising the internal acoustic design target so that windows can be kept closed. None of the dwellings referred to in this condition shall be occupied until the approved scheme of glazing and approved mechanical ventilation system have been installed in full.

Reason: In the interests of the amenity of future occupiers to ensure they experience no noise nuisance from the adjacent electricity sub-station, in accordance with saved Policy SE22 of the Watford District Plan 2000.

9. No part of the building shall be occupied until full details of a hard landscaping scheme, including details of the railings to the site boundary, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the building shall be occupied until details of the design, materials and construction of the bin stores and the cycle stores, shown on drawing nos. P03e and P05g, to ensure they are secure have been submitted to and approved in writing by the Local Planning Authority and the bin stores and cycle stores have been constructed in accordance with the approved details. The stores shall be retained at all times and shall not be used for any other purpose.

Reason: To ensure all of the stores are secure and in the interests of the visual appearance of the site, in accordance with saved Policies SE7 and T10 of the Watford District Plan 2000 and Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

11. The external flue shown on the approved drawings shall not be installed until full details of the size and specification of the flue and the associated extraction system for odour control have been submitted to and approved in writing by the Local Planning Authority. The flue shall only be installed as approved.

Reason: In the interests of the appearance of the site and the amenities of future occupiers and adjacent occupiers.

12. No external plant or equipment shall be installed on the building without the prior written approval of the Local Planning Authority.

Reason: In the interests of the appearance of the site and the amenities of future occupiers and adjacent occupiers.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure 5 units of affordable housing and the exclusion of the development from the local controlled parking zone, to ensure future occupiers are not entitled to parking permits. The agreement also requires the provision of necessary fire hydrants to serve the development.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council undertook extensive discussions with the applicant's agent during the application process.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Drawing numbers

1304/P01a, P02, P03e, P04b, P05g, P06c

- (B) That, in the event that a planning obligation under s.106 of the Town and Country Planning Act 1990 is not completed by 24th February 2016, the Head of

Development Management be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and for the remarking of parking bays on Granville Road and, as such, is contrary to saved Policy T24 of the Watford District Plan 2000.
3. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

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