

PART A	
Report of: Head of Development Management	
Date of committee:	4th January 2017
Site address:	De Beers House, 56 Willow Lane, Watford WD18 OJA
Reference Number:	02/00650/FUL
Description of Development:	Deed of Variation to s106 Agreement that Accompanied the Planning Application for the Construction of Eight Bedsits to Allow the Issuing of a Single Parking Permit which will allow a single vehicle to be parked in the surrounding Controlled Parking Zone
Applicant:	Mr. S. Taylor
Date Received:	
13 week date (major):	
Agreed extended date:	
Ward:	Holywell

1.0 Site and Surroundings

- 1.1 The application site comprises the land formally known as land to the rear of 20 Rose Gardens. Planning permission was granted in 2004 for the erection of eight bedsits on the site within a detached, two storey building with pitched roof.
- 1.2 The site is located at the south western end of Willow Lane, directly adjacent to the Watford Health Campus site as identified within Watford Local Plan Part 2 – Site Allocations. The site is also located opposite Watford General Hospital with the former Willow Lane allotment site (now appropriated) to the south.
- 1.3 The site sits directly adjacent to one of the new roundabouts that forms part of Thomas Sawyer Way – the new access road to the hospital and the first phase of the Watford Health Campus development that opened in November 2016. To enable the construction of this roundabout, part of the hardstanding that comprised the front garden area of De Beers House was taken under The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014 (CPO) which was confirmed on 21st January 2016.
- 1.4 No part of the site is subject to either a Local or Statutory Listing. The site is not

located within a Conservation area and there are no Tree Preservation Orders on the site. The surrounding area is subject to a Controlled Parking Zone.

2.0 Proposed Development

- 2.1 Conditional Planning Permission for the erection of eight bedsits was granted by the Council's Development Control Committee in February 2004. This was subject to the completion of a s106 Planning Obligation that was signed on 6th February 2004. Through the Agreement, the applicant undertook to agree to the following:
- a) Financial contributions towards the provision or improvement of open space in the Borough;
 - b) Financial contributions towards the improvement or implementation of new cycle routes in the vicinity of the development;
 - c) Financial contributions towards the cost of varying the Traffic Order (Watford Central Area and West Watford Controlled Parking Zone Consolidation Order 2002) to exclude future development from entitlement to resident permits within the Controlled Parking Zone;
 - d) That the development be occupied only by keyworkers defined in this Agreement as nurses/health workers, teachers, firefighters or police officers working within the Council's area.
- 2.2 As part of The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014, which was confirmed in January 2016, a parcel of land comprising twenty four square metres was acquired from the front garden area of 56 Willow Lane. This was to enable the construction of the new roundabout and to ensure that sufficient and appropriate pavements could be laid to the side of the road. The land required was vested on 22nd April 2016 and was transferred into the ownership of the Council to undertake the works.
- 2.3 Due to the required land take, the freehold owner of the site is liable to compensation under the Compensation Code due to being directly affected by the CPO. The fundamental principle of the Code is that of 'equivalence' and that the owner of the land shall be compensated 'neither less nor more than his loss'. The compensation offer in this instance is entirely governed by the Compensation Code and relates directly to the Settlement Proposal which has been recommended by LambertSmithHampton who have advised the Council.
- 2.4 Previously on the site, four vehicles could be accommodated to the front of the property. On completion of the works, the finished hardstanding is now able to

accommodate only two vehicles, which results in a net loss of two spaces. Under separate agreement that also falls under the Settlement agreed under the Compensation Code the Council are transferring some land currently under the ownership of the Council directly to the north west of the site to the freehold owner of the property to enable the formation of a third off street parking space. This provides a total of three parking spaces, which is still one space short of the original provision and would not be considered as 'equivalent' under the Code.

- 2.5 It was agreed that, in order for 'equivalent' compensation to be provided in accordance with the Compensation Code, a single parking permit to enable one vehicle to park in the surrounding Controlled Parking zone could be provided. However, as the property was exempt from applying for such a permit due to the variation to the Traffic Regulation Order secured under the s106, a Deed of Variation is required to amend the Order to allow a single parking permit to be issued.
- 2.6 As part of the Settlement Proposal recommended by LambertSmithHampton, it was also agreed that the requirement that the development be occupied only by Key Workers as identified in Para. 2.1(d) above be deleted in its entirety to allow the development to be used as open market housing.
- 2.7 As Members approved the recommendation for the granting of planning permission at Development Control Committee subject to the completion of a s106 Planning Agreement, it was considered necessary to bring the proposed Deed of Variation back to Committee to allow Members to again make the decision on this.

3.0 Relevant Planning History

02/00267/FUL - Erection of a detached 2-storey building to provide 10 studio bedsits
application withdrawn

02/00650/FUL - Construction of 8 bedsits **Conditional Planning Permission Granted**

08/00470/PREAPP - Pre application enquiry - add 1-2 storeys to existing block

4.0 Planning Policies

4.1 Development Plan

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

4.2 The *Watford Local Plan 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**

WBC1 Presumption in favour of Sustainable Development

SS1 Spatial Strategy

SPA3 Health Campus

SD1 Sustainable Design

HS1 Housing Supply and Residential Site Selection

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

INF1 Infrastructure Delivery and Planning Obligations

4.4 **Watford District Plan 2000 (saved policies)**

T21 Access and Servicing

T22 Car Parking Standards

T24 Residential Development

T26 Car Free Residential Development

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

1A Presumption in Favour of Sustainable Development

12 Sustainable Design, Construction and Demolition

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.

4.7.1 Residential Design Guide (RDG)

A revised Watford Residential Design Guide was adopted as a Supplementary Planning Document by Watford Borough Council's Cabinet on 23rd July 2014 following public consultation between 4th November and 16th December 2013. This supersedes the Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004). An amended version was adopted by the Council in August 2016. The amendment was required to bring the internal space standards in line with the nationally described standard. The changes were consulted on between 15th June and 15th July 2016 and approved on 23rd August 2016. New residential development and extensions to existing properties are expected to comply with the Residential Design Guide.

4.7.2 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.

4.8 National Planning Policy Framework

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

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment
- Section 12 Conserving and enhancing the historic environment
- Decision taking

5.0 Consultations

5.1 Site Notices

Not required

5.2 Press Notice

Not required

5.3 Neighbour consultations

Not required

5.4 Technical Consultations

Not required

6.0 Appraisal

6.1 Main issues

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

- (a) Loss of Key Worker Units
- (b) Need for an additional parking permit

(a) Loss of Key Worker Units

6.2 The original application that was submitted in 2002 was for eight 'bedsits rather than eight 'key worker units'. At the time, the units were not considered to constitute a House in Multiple Occupation (HMO) due to the lack of communal living spaces, but the unit sizes are smaller than the requirements for self-contained flats. There was no planning policy relating to Key Worker Housing in

2004 although SPG 1 did state that 'Key Worker Housing should be genuinely affordable for those in housing need. This could be secured via a s106 agreement. In addition, there was no mention in the Committee reports in respect of the demand for key worker housing in the Borough or the reasons for the development to be restricted only to key workers. However, this now needs to be considered under the current planning policies to ascertain whether the loss of legally secured key worker housing would result in significant harm.

- 6.3 There are currently no planning policies relating to Key Worker Housing. This lack of policy support would indicate that this type of housing is not a significant requirement for the Borough's housing market in terms of either need or demand. Even when affordable housing is required by policy on sites of ten or more units, the breakdown of these affordable units does not contain any requirement for key worker housing. As such, there is no policy requirement to either provide or retain key worker housing. There will be no loss of overall housing units within the Borough from removing this designation, but the removal of the designation will allow anybody to occupy these smaller residential units, thus contributing to an identified need for smaller, affordable units within the Borough.
- 6.4 It is also material that there is no record of the Council ever having enforced against the provisions of the s106 in ensuring that the dwelling is occupied by Key Workers. The building has been in residential use for at least ten years.
- (b) Access, parking and highways impacts resulting from an additional parking permit
- 6.5 Willow Lane is located within Zone K of the Watford Central Area and West Watford Area Controlled Parking Zone. The development was previously exempt from applying for resident parking permits through provisions made within the original s106 Agreement. This is the standard approach to new developments in areas which are subject to a CPZ where there is a net increase in residential units.
- 6.6 The background on the need to vary the existing s106 Agreement has already been set out. The need for a single parking permit to be issued to the property arises from the requirements of the Compensation Code associated with the CPO for the Watford Health Campus in ensuring that 'equivalent' compensation is provided by the Council. The additional parking permit will address the loss of the fourth parking space which has not been able to be re-provided on site.

6.7 The issuing of a parking permit to a property such as this is not considered standard practice for the Council. However, is considered acceptable in this instance due to the need for the Council to provide compensation to the freehold owner as a result of the land interests that were taken by the Council to facilitate the construction of Thomas Sawyer Way. No further land could be provided within the site to provide additional off street car parking and the offer of a parking permit to allow parking in the surrounding CPZ has been deemed as acceptable compensation for this by all parties. There would be no increase in trips as the permit will provide for a car parking space which was within the site and the impact on street parking capacity will be minimal given only a single permit would be provided.

7.0 Conclusion

7.1 The lack of any policy reference under the provisions of the current Local Plan to the need for Key Worker housing in the Borough, along with no requirement for key worker housing in schemes large enough to provide 'affordable housing' demonstrate that there is no requirement or need for this type of housing within Watford. There will be no net loss of residential units as a result of this proposal.

7.2 The issuing of a single parking permit to the property that will enable one vehicle to park in the surrounding CPZ is not considered to constitute significant harm. There is a need for this permit to ensure the Council commits to its obligations of 'equivalent' compensation under the Compensation Code further to The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014. This forms part of the settlement proposal negotiated with the freehold owner of the site by LambertSmithHampton on behalf of the Council.

8.0 Human Rights Implications

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

9.0 Recommendation

9.1 **(A)** That, a Deed of Variation to the existing s106 Planning Obligation be entered into to:

Section 106 Heads of Terms

- i) To allow a single vehicle to be parked within the surrounding Controlled Parking Zone and the Traffic Regulation Order (Watford Central Area and West Watford Area Controlled Parking Zone Consolidated Order 2010) will be varied accordingly;
- ii) Paragraphs 3 (d) and 3 (e) (Key Worker restrictions) are deleted in their entirety

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