

PART A	
Report of: Head of Development Management	
Date of committee:	25 January 2017
Site address:	73-77, Clarendon Road
Reference Number:	16/01569/FUL
Description of Development:	Demolition of existing buildings, site clearance and associated works, erection of perimeter hoarding and provision for a temporary commercial structure (Class A1)
Applicant:	TJX Europe Limited
Date Received:	23 November 2016
18 week date (minor):	18 January 2017
Ward:	Central

1.0 Site and surroundings

- 1.1 The site is located at the northern end of Clarendon Road at its junction with Station Road. It comprises 4 properties – 2 detached Victorian villas at nos. 73 and 75, Clarendon Road (formerly used as offices), a car repair workshop to the rear of nos. 73 and 75 accessed from Verulam Passage, and a 4 storey office building with car parking at 77, Clarendon Road. All 4 properties are now vacant.
- 1.2 Nos. 73 and 75, Clarendon Road are both locally listed buildings. The site also contains 5 preserved trees covered under Tree Preservation Order 256, 2 located on the southern boundary of 73, Clarendon Road and 3 located on the boundaries of 77, Clarendon Road. The site currently has 2 access points from Clarendon Road and 2 from Verulam Passage.

2.0 Proposed development

- 2.1 To demolish all the existing buildings on the site, clear the site and erect a secure hoarding, pending redevelopment of the site. The proposal also includes a small area facing Watford Junction Station for a potential temporary Class A1 unit.
- 2.2 The application is supported by a Construction Traffic Management and Demolition Plan, Heritage Statement, Ecological Assessment and Arboricultural Impact

Assessment.

3.0 Relevant planning history

- 3.1 There is no planning history of relevance to the current application. The Victorian villas at 73 and 75, Clarendon Road were built circa. 1865. The 4 storey office building at 77, Clarendon Road was built in 1978.

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
- SPA1 Town Centre
- EMP1 Economic Development
- EMP2 Employment Land
- UD2 Built heritage Conservation
- GI1 Green Infrastructure

4.4 Watford District Plan 2000

- SE24 Unstable and Contaminated Land
- SE37 Protection of Trees, Woodlands and Hedgerows
- E1 Employment Areas
- U15 Buildings of Local Interest

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

No relevant policies.

- 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.

4.8 *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.

4.9 **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 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking

5.0 **Consultations**

5.1 **Neighbour consultations**

The following properties were notified:

Letters were sent to 29 properties in Clarendon Road, Station Road and Westland Road.

5.2 The following is a summary of the representations that have been received:

Number of original notifications:	29
Number of objections:	14
Number in support:	0
Number of representations:	14

All of the letters object to the demolition and loss of the 2 locally listed buildings and the consequent erosion of Watford's architectural heritage.

In addition to these representations, an online petition hosted at 'change.org' has been signed by 321 persons at the time of preparing this report. Many of the petitioners have also made individual comments. The petition states:

"Proposals have recently been put forward to demolish two of the last remaining Victorian villas in the centre of Watford. In an area that has been aggressively developed, they are one of the few reminders of Watford's historic past - something we are now in danger of losing - and the time to act is now.

What's the story?

"These properties were built in approximately 1865, when Clarendon Road was first developed, and were originally grand Victorian villas. Clarendon Road would have been filled with houses just like these, but over time, the rest of the buildings have been knocked down and replaced with unimaginative modern office blocks. Residents of the houses on this road included Alphonse Legros, a French painter whose works are now exhibited at the Tate, the V&A and the British Museum.

"73 and 75 Clarendon Road are now the last remaining villas on the street, and are the only reminder of what was once here. Due to their architectural and historic importance, the Council have designated these properties as "locally listed", which means that they should, where possible, be preserved. The Council state that, "*of all the grand Victorian villas that originally lined Clarendon Road, [these properties are] almost the only [survivors] and [are] correspondingly of value*", and that they add "*architectural interest to Clarendon Road*".

"TJX Europe Limited (who operate as TK Maxx) have applied to demolish

these buildings, and replace them with a modern office block to accommodate their European HQ.

Why does it matter?

“Because Watford's historic buildings are, slowly and steadily, being destroyed. Developers are now justifying the demolition of these buildings on the basis that the few that remain "no longer represent the character of the area".

What does the campaign aim to achieve?

“We are seeking to prevent the demolition of these buildings so that they can continue to be enjoyed for many more years to come.”

It should be noted that the applicant has not to date submitted an application for the redevelopment of the site, but this is expected in the near future.

5.3 **Statutory publicity**

The application was publicised by site notice posted on 02 December 2016. The site notice period expired on 23 December 2016.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Policy (Urban Design and Conservation)

Demolition:

The two buildings at 73-75 Clarendon Road are both included on the Council's local list of buildings; as such they are considered to be non-designated assets in terms of the NPPF. Paras 135 and 136 are relevant here:

Para 135:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para 136:

Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure new development will proceed after the loss has occurred.

Note this para does not distinguish between designated and non-designated so

applies to all heritage assets.

Local Plan policies:

Both the adopted Plan saved policies and the emerging local plan part 2 have the same approach to the demolition of locally listed buildings stating that proposals involving the loss of a locally listed building are unlikely to be approved.

Significance and value of the assets: the local listing for both these buildings refers to their architectural value along with streetscape and function. In terms of the value types defined in Conservation Principles and Policies (EH 2008) the value is considered to be aesthetic - the ways in which people draw sensory and intellectual stimulation from a place.

Both the buildings are representative of good Victorian villas which was the building type along Clarendon Road in the late 1800s. They are the only two still to survive, the other remaining one at No 36, also locally listed was demolished to allow a mixed use commercial and residential development to go ahead. Other than these two villas the building type now found on Clarendon Road is that of large commercial buildings housing major businesses and is the heart of the town's office area.

In terms of assessing the value as a non-designated asset the value is less than for a designated asset; there are other examples of the type of building in Watford and widely across the country; we don't have a note of the architect – this was researched at the time the building was added to the local list and no records could be found which provided that information. The buildings have been altered with replacement windows which could be rectified to some degree with good modern copies. The quality of the interiors is not known but is likely to be typical of Victorian buildings of this type and some are likely to have been lost over the years. As the proposals involve demolition rather than alteration the impact on the significance is high.

It is expected that an application will be received for a major national headquarters building on the site and pre-application submissions indicate that this will be of high quality and of significant benefit to the town in terms of its economy and to quality of place. At present we do not have a formal application to consider so the future is indicated but not fixed. Under the terms of the NPPF the LPA is required to take reasonable steps to ensure that new development will proceed after demolition has occurred.

Conclusions:

In this case, the assets are of local value and are not unique so in terms of all

heritage assets they are of lower value. The impact to the significance is high as demolition is proposed. To justify the loss of assets there should be strong long term benefits to the area. Whilst a new development is proposed it is at pre-application stage only so it is not certain that it will go ahead. The applicants have indicated that to meet their project delivery timetable they want to have a decision regarding the demolition now rather than at the time of the approval. They have also indicated that they will consider conditions other than a recording one, which should be applied here, if it would allow permission at this stage for demolition and site works.

In terms of the NPPF and the adopted local plan policies permission for demolition should only be given where measures are in place to ensure redevelopment will take place and will provide some benefit. This can only really be done if the demolition is conditional on the approval of a planning application; so in principle demolition can be made along with the requirement to record allowing site works and recording to take place ahead of the application be approved but the demolition should really be dependent on that approval.

Hoardings:

The principle of erecting hoardings around the site is acceptable but given the height, their extent and the length of time they are likely to be in place I would recommend that they should be decorated and where possible windows inserted into the hoardings

5.4.2 Arboricultural Officer

The site contains five protected trees T1-T5 of TPO 256. Reference to an Arboricultural Impact Assessment is made however this has not been submitted as part of this application. *[This was subsequently submitted]* Comments in the Construction Traffic Management and Demolition Plan indicate that no trees of sufficient quality for retention were found. Until a detailed scheme is submitted the protected trees should be retained and protected during the demolition and temporary use phase and not be peremptorily be removed. Details of tree protection should be submitted and approved prior to any work commencing on site.

6.0 **Appraisal**

6.1 **Main issues**

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

- (a) Loss of the locally listed buildings.
- (b) Loss of the preserved trees.
- (c) Visual impact of the hoarding.

- (d) Incorporation of temporary retail use.
- (e) Environmental Impacts.

6.2 (a) Loss of the locally listed buildings

The application is supported by a Heritage Statement which includes an assessment of the locally listed buildings at 73 and 75, Clarendon Road as heritage assets. It includes a description of the main features of the buildings and an assessment of the impact of the loss of these buildings. The conclusions of the assessment are:

“Our assessment of the buildings and the site has shown the following:

The two locally listed buildings at the site are vacant and in poor physical condition. They offer very limited architectural quality to the site, and therefore do not contribute to the wider aesthetics of the area.

The buildings no longer represent the wider character of Clarendon Road, due to their age and small scale. The locally listed buildings relate poorly to the street scene with a large area of poor quality hardstanding to the front.

The removal of the two locally listed buildings will not have an adverse impact on architectural, historic or archaeological interest at the site or in the wider area. The buildings are isolated from any other buildings of local merit or interest.

Furthermore, the removal of the buildings and the clearance of the site is an essential part of the realisation of the comprehensive redevelopment of what is a key, ‘gateway’ site into Clarendon Road and Watford as a whole. TJX is finalising proposals for a new, landmark building that will become the Company’s European headquarters and will help to deliver significant investment and job creation within Watford. The new building will make a positive contribution to Clarendon Road and the town as a whole.

In line with Paragraph 135 of the NPPF, a decision should be made which compares the very limited and localised positive contributions the existing buildings make, against the significant benefits of the proposed redevelopment of this gateway site.

In light of the above, the proposed demolition of the buildings at the application site, including two which are locally listed, is not considered to be contentious.”

The comments of the Council’s Urban Design and Conservation Manager are detailed at paragraph 5.4.1 of this report. Of particular relevance are paragraphs

135 and 136 of the NPPF. These paragraphs require, firstly, that a balanced judgement is made on any application weighing the benefits of a proposed scheme against the disbenefits arising from the loss of heritage assets, and secondly, that all reasonable steps should be taken to ensure the proposed development (and the benefits associated with it) proceeds after the loss of the heritage assets.

In this case, no application has yet been submitted by the applicant for the redevelopment of the site. As such, it is not possible to weigh the loss of the locally listed buildings against the benefits of a new scheme. Whilst it is acknowledged that a substantial redevelopment of the site for new office floorspace, as being proposed by the applicants, would be in accordance with the Council's Core Strategy and the NPPF and would provide significant planning and economic benefits, nevertheless, no application has yet been submitted. Until such time as an application for redevelopment of the site has been submitted and approved by the Council, the locally listed buildings should be retained. An appropriate condition can be imposed to ensure that the locally listed buildings are not demolished until i) a detailed building record has been made of each building and ii) planning permission has been granted for the redevelopment of the site.

6.3 (b) Loss of the preserved trees

The submitted Arboricultural Impact Assessment identifies all of the 5 preserved trees as Category C under BS 5837:2012, defined as 'those trees of low quality and value: currently in an adequate condition to remain until new planting could be established (>10 years)'. On the basis of this assessment, the applicant originally proposed to remove all 5 trees as part of the demolition. However, following the comments of the Council's Arboricultural Officer, they have agreed to retain the trees at this stage. Any loss of the trees will be justified as part of the future application for the redevelopment of the site.

6.4 (c) Visual impact of the hoarding

It is permitted development for a hoarding to be erected around a site prior to the imminent commencement of construction works. In this case, as no planning permission has been granted for the redevelopment of the site, planning permission is required. The normal industry standard for health and safety reasons is 2.4m and this is what is proposed. This is acceptable in terms of site security and visual impact. In order to ensure a high quality hoarding that is not detrimental to the locality, the applicant is proposing images and logos on the hoarding. This is subject to the a separate application for advertisement consent (ref. 16/01570/ADV).

6.5 (d) Incorporation of temporary retail use

In order to avoid a completely vacant, closed site and to provide a level of activity and interest at the site, it is proposed to make provision for a small, temporary retail unit that could serve the large numbers of commuters using Watford Junction Station and the existing employees of the office buildings on Clarendon Road. As this is likely to be for a period of no more than 6 months, this is considered to be acceptable.

6.6 (e) Environmental Impacts

The Construction Traffic Management and Demolition Plan sets out in detail how the demolition works and site clearance will be undertaken and the measures to be implemented to minimise impacts from construction traffic, noise, dust and waste. Due to the nature of the car repair workshops at the rear of 73 and 75, Clarendon Road, further investigation should be carried out for ground contamination. This can be secured by condition.

6.6.1 The Ecological Assessment was undertaken to assess any ecological interest on the site. No evidence of protected species was found on the site and no habitats of ecological value exist, with the whole site being covered by buildings and hardstanding.

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. Liability to CIL does not arise in the case of this proposal.

7.2 S.106 planning obligation

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

8.0 CONCLUSION

- 8.1 All of the existing buildings on the site have been purchased by the applicant for the proposed redevelopment of the site to provide a new office building and are now vacant. The proposal is for the demolition and clearance of the site pending redevelopment. However, to date, no planning application has been submitted for the redevelopment of the site.
- 8.2 There is no objection in principle to the demolition of the 4 storey office building at 77, Clarendon Road or of the car workshop buildings to the rear of 73 and 75, Clarendon Road. However, 73 and 75, Clarendon Road are both locally listed buildings and the loss of these heritage assets must be weighed against the benefits of any redevelopment scheme. In the absence of an approved scheme, these assets should be retained.
- 8.3 The 5 preserved trees on the site are now to be retained to allow their potential loss to be considered as part of any redevelopment scheme.
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9.0 Human Rights implications

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

That planning permission be granted subject to the following conditions:

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

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

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

TJX-SRA-XX-00-DR-A-01-100B, 101B, 102B

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

3. Demolition works shall only be carried out in accordance with the Construction Traffic Management and Demolition Plan (amended version received 13.01.17) by Mace.

Reason: In the interests of the amenities of surrounding residential and commercial occupiers and highway safety.

4. No demolition works shall commence until the tree protection measures shown on drawing no. 02571P-TPP-01A have been installed in full. These measures shall remain in place at all times until all works on the site have been completed.

Reason: To ensure the existing preserved trees on the site are retained and protected from damage during demolition and clearance works, in accordance with saved Policy SE37 of the Watford District Plan 2000 and Policy GI1 of the Watford Local Plan Core Strategy 2006-31.

5. No demolition or construction works shall commence until a detailed scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) a preliminary risk assessment (PRA) which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site;
- ii) where the PRA in (i) above identifies the need for further investigation, a site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- iii) where a site investigation scheme referred to in (ii) above is required, the results of the site investigation and risk assessment and, based on

these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

- iv) where a remediation strategy referred to in (iii) above is required, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 2) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

- 6. Where a remediation strategy has been approved pursuant to Condition 5, no construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 2) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

- 7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until

the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 2), in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

8. The buildings at 73 and 75, Clarendon Road shall not be demolished until:
 - i) A Historic Building Record for each building has been submitted to and approved in writing by the Local Planning Authority; and
 - ii) A separate planning permission has been granted by the Local Planning Authority for the redevelopment of the site at 73-77, Clarendon Road, the implementation of which requires the demolition of these buildings.

Reason: The buildings are locally listed and are heritage assets that should be retained unless the benefits of a scheme for the redevelopment of the site is judged by the Local Planning Authority to outweigh the harm arising from the loss of these heritage assets, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31 and the NPPF.

Drawing numbers

TJX/CR/SLP

TJX-SRA-XX-00-DR-A-01-100B, 101B, 102B

02571P-TPP-01A

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