

<b>PART A</b>	
<b>Report of: Head of Development Management</b>	
Date of committee:	<b>3<sup>rd</sup> January 2018</b>
Site address:	<b>Wetherspoon House, Reeds Crescent</b>
Reference Number:	<b>17/00779/FULM</b>
Description of Development:	<b>Mixed used development in a 3 storey building over existing basement car park, comprising 40 hotel rooms (80 beds), conference rooms, kitchen and dining facilities, 8 residential units (Class C3) within the roofspace, additional recycling areas, bicycle racks, refuse areas and storage areas.</b>
Applicant:	<b>JD Wetherspoon plc</b>
Date Received:	<b>16<sup>th</sup> June 2017</b>
13 week date (major):	<b>15<sup>th</sup> September 2017</b>
Ward:	<b>Tudor</b>

## **1.0 Site and surroundings**

- 1.1 The site is located on the eastern side of Reeds Crescent and comprises a 2 storey office building occupied by the applicant as their head office. To the west, the site backs on to railway land associated with Watford Junction comprising open storage land, maintenance depot and railway sidings. To the east on the opposite side of Reeds Crescent is the former Reeds Orphanage residential development comprising a series of grade II listed buildings and new build blocks of flats. Adjoining the site to the north is another 3 storey office building, Maple Court (occupied by Hilton International).
- 1.2 The site is not located within a conservation area and is not a listed building but is sited opposite the former Reeds Orphanage complex of buildings which are Grade II listed. The trees along the western boundary of the site are preserved under Tree Preservation Order 232.
- 1.3 The application proposal relates to the existing open car park, at basement level, adjoining the northern end of the office building. Access to this car park is via a ramped access road shared with Maple Court.

## **2.0 Proposed development**

- 2.1 To erect a 3 storey building above the existing car park, which is to be retained, comprising 40 hotel rooms, conference rooms, cafe and ancillary facilities at ground, first and second floor levels and 8 residential flats at third floor level within the roof space. The design and materials of the building are to match the existing office building. There will be a link between the existing office building and the proposed building at ground floor level. It is intended that the hotel rooms and conference facilities will generally be used by the applicant for meetings and training courses and for accommodating staff visiting Watford from around the country. The existing access ramp to the basement level car park will be retained.

## **3.0 Relevant planning history**

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

9/00004/89 – Conditional planning permission granted in August 1989 for the erection of 16,412 square metres (176,657 square feet) gross office buildings comprising two 3-storey blocks and one 2-storey block with 603 car parking spaces. *[This permission included Wetherspoon House, Maple Court and Oak House]*

10/01083/FUL – Conditional planning permission granted in December 2010 for proposed new rooflights and gable elevation windows to allow the conversion of attic space to office accommodation. *[This permission does not appear to have been implemented]*

## **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 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

*Residential Design Guide*

*Watford Character of Area Study*

## 4.3 **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 12 Conserving and enhancing the historic environment

Decision taking

4.4 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. The Court of Appeal has recently confirmed that a "realistic prospect" of a site coming forward within the required timeframe will be sufficient to meet the deliverability test set by national planning policy, thereby endorsing an earlier decision of Mr Justice Ouseley (*St Modwen Developments Limited v Secretary of State for Communities and Local Government & Ors*. Case Number: C1/2016/2001 ). Officers have undertaken a recent review of the housing supply having regard to these judgements and are of the view that the Council is able to demonstrate a 5 year supply based on the OAN. Accordingly, the Council's housing policies can be considered up to date.

## 5.0 **Consultations**

### 5.1 **Neighbour consultations**

Letters were sent to 115 properties in Exeter Close, Hallam Close and Keele Close,

all comprising residential blocks off Reeds Crescent. Letters of reply were received from 13 properties with 11 raising objections. These are summarised in the table below:

Representations	Officer's response
Concerned about noise, dust and traffic disturbance during construction.	These matters are covered under environmental protection legislation.
Lack of any additional parking provision. Reeds Crescent already experiences on-street parking congestion.	See Section 6.7 of the report.
Lack of parking will lead to overspill parking on Norbury Avenue and the private parking areas of the Reeds development.	These are private roads and parking areas and parking enforcement is a private matter.
Proposal will increase traffic on Reeds Crescent.	Reeds Crescent only serves the dwellings and offices on Reeds Crescent and Norbury Avenue. It does not carry through traffic. Consequently, outside of peak times, traffic flows are very low.
Loss of light to Andrew Reed Court.	The proposed building is sited to the north of the existing Wetherspoon House, which is sited opposite Andrew Reed Court. The proposed building will have no impact on light to Andrew Reed Court.
Overdevelopment of the site.	The proposed building will sit comfortably between the existing buildings and not give rise to overdevelopment.
Hotel use will increase noise in the evenings and at weekends.	It is not considered the proposed hotel will give rise to any significant harm through its normal use.

## 5.2 Statutory publicity

The application was publicised by site notice posted on 30<sup>th</sup> June 2017 and by advertisement in the Watford Observer published on 30<sup>th</sup> June 2017. The site notice period and the newspaper advertisement period both expired on 21<sup>st</sup> July 2017.

### 5.3 Technical consultations

The following responses have been received from technical consultees:

#### Network Rail

No objection to the proposal.

#### Hertfordshire County Council (Highways Authority)

No objection to the proposal.

#### Hertfordshire County Council (Lead Local Flood Authority)

An acceptable surface water drainage scheme has been submitted and agreed. No objection to the proposal.

#### Thames Water

No objection to the proposal.

#### Arboricultural Officer

The plans indicate the removal of two protected trees, both horse chestnuts, T1 and T3 of TPO 232. Both trees have previously been reduced and are showing reasonable regrowth. The buildings falls outside the adjusted root protection area but significant further cutting back and reduction would be required to accommodate it. Due to the relatively short life expectancy of these two trees, I have no objection to their removal, however, I am concerned that there is limited opportunity for replacement planting on the western boundary. A detailed landscaping scheme should be submitted and approved.

#### Environmental Health

No comments on the proposed scheme in respect of land contamination matters. In relation to noise impacts, an acoustic assessment is requested to ensure noise from nearby sources (railway lines, concrete batching plant) and noise from any building plant is adequately mitigated to achieve acceptable internal noise levels. *[A noise impact assessment has subsequently been submitted]*

## 6.0 Appraisal

### 6.1 Main issues

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

- (a) Principle of the use
- (b) Scale and design
- (c) Quality of residential accommodation
- (d) Affordable housing provision

- (e) Impacts on surrounding properties
- (f) Transport, servicing and parking
- (g) Loss of trees

## 6.2 (a) Principle of the use

The site falls within Employment Area E3 on the Proposals Map of the Watford District Plan and 'saved' Policy E1 is relevant. Also relevant is Policy EMP2 of the Core Strategy. The site abuts but is not within Special Policy Area 2: Watford Junction of the Core Strategy. It is accepted by the Council that hotel uses can provide ancillary supporting facilities for the business community under Policy EMP2 as well as providing employment opportunities and regeneration benefits. In this case, the proposal would not result in the loss of any existing employment floorspace as it is being constructed above an open car park. The site is located close to the Clarendon Road employment area, is within walking distance of Watford Junction Station and bus interchange and is in an accessible and sustainable location. Although it is intended that the hotel and conference rooms will generally be used by the applicant as part of their business, the proposed hotel and conference use is considered to be acceptable in principle on this site.

- 6.2.1 The proposed residential flats are not in accordance with the relevant employment policies. However, the area immediately adjoins the existing residential development on the former Reeds Orphanage site with further residential development to the north on Norbury Avenue. Furthermore, the residential element of the proposal is secondary to the hotel/conference use. The residential use is also compatible with the existing office use of Wetherspoon House and the adjoining Maple Court office building. In this context, a small element of residential use is considered to be acceptable.

## 6.3 (b) Scale and design

The existing office building is 2 storeys with a large, pitched roof which conceals plant and equipment. The main elevations are finished in a buff brick with red brick detailing. At ground floor level, the window fenestration incorporates brick piers, with strip windows at first floor level. The roof is finished in dark grey sheet metal. The Maple Court building to the north is 3 storeys with a pitched roof and is of the same design and materials.

- 6.3.1 The proposed building adopts the same design and materials as Wetherspoon House and Maple Court but with the addition of dormer windows in the roof slopes to serve the residential flats. These principally comprise single, flat roofed dormers evenly spaced within the roofslopes. The only exceptions are 2 larger dormers which conceal the lift overruns. The building will be taller than Wetherspoon House at eaves and ridge levels but lower than Maple Court. As such, it will sit comfortably

between these 2 existing buildings and will infill a large open gap that currently exists between the buildings. This will give a more complete and cohesive streetscene.

6.4 (c) Quality of residential accommodation

The proposed provides 8 flats comprising 2 x 1 bed, 1 person flats, 4 x 1 bed, 2 person flats and 2 x 2 bed, 4 person flats. Each of the flats meets or exceeds the nationally described space standard. All of the flats will also have good levels of natural light, outlook and privacy.

6.4.1 A noise impact assessment has been submitted with the application. This has identified noise from the railway and more distant road traffic noise as the main noise sources. The concrete batching plant located 280m to the north-west of the site was not found to be a significant noise source. Having regard to the measured external noise levels and the recommendations for internal noise levels contained in British Standard BS8233:2014, the report concludes that standard thermal double glazing (4mm/12mm/4mm) is sufficient to ensure acceptable internal noise levels. Appropriate mechanical ventilation will be required to the flats in order to allow them to be adequately ventilated (purge ventilation) without the need to open the windows. This can be secured by condition.

6.4.2 In order to avoid a cluttered and unsightly roof form, balconies that were originally proposed to the residential flats have been removed at your officer's request. However, a central area of communal amenity space of 80m has been provided at roof level within the envelope of the roof form. Although this space will have no outlook from the building it will, nevertheless, provide some open space for the future occupiers to use.

6.5 (d) Affordable housing provision

As the proposal provides only 8 flats, there is no requirement for any affordable housing provision, either on-site or by commuted payment, pursuant to Policy HS3 of the Core Strategy.

6.6 (e) Impacts on surrounding properties

The nearest residential properties are located in Lancing House sited 35m due east of the site on the opposite side of Reeds Crescent. Lancing House is a 3 storey block of flats with undercroft car parking and accommodation in the roofspace served by dormer windows. The distance between the proposed building and Lancing House is slightly greater than that between Wetherspoon House and Andrew Reed Court, the residential block opposite, which is 29m. This is a 2 storey building with accommodation in the roof. This relationship is therefore acceptable in principle.

6.6.1 The 35m distance between Lancing House and the proposed building is more than sufficient to ensure the flats in Lancing House will suffer no significant loss of outlook, natural light or privacy.

6.7 (f) Transport, servicing and parking

The site is in an accessible and sustainable location close to Watford Junction Station and the bus interchange. It is therefore acceptable in principle for no additional car parking to be provided for the proposal. In respect of the use of the conference rooms during the day, staff would already be attending the site. The hotel rooms would be in use during the evening period when the offices would be closed and the car parking not used. The site is not within a controlled parking zone although yellow line parking restrictions exist on one side of Reeds Crescent. On-street parking currently occurs on Reeds Crescent during the daytime. It is alleged by local residents that this is associated with the existing office use but some is likely to be associated with commuters using Watford Junction. This parking would be available for the occupiers of the flats during the evening and weekend periods. The existing blocks of flats on Reeds Crescent all have existing on-site parking facilities.

6.7.1 Additional bin and cycle storage is provided at basement level for the hotel use and the residential flats.

6.8 (g) Loss of trees

Tree Preservation Order No.232 covers a number of trees sited along the western boundary of the site. Two of these, T1 and T3 (T2 has previously been removed) will need to be removed to accommodate the proposed building.

## **7.0 Community Infrastructure Levy and s.106 planning obligations**

### **7.1 Community Infrastructure Levy (CIL)**

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. The CIL charge applicable to the proposed development is £120m<sup>2</sup> for both the hotel and residential floorspace.

### **7.2 S.106 planning obligation**

Following the adoption of the Community Infrastructure Levy, s.106 planning

obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in controlled parking zones and the provision of fire hydrants. In this case, there is no requirement for a planning obligation.

## **8.0 Conclusion**

- 8.1 There is no objection in principle to the provision of hotel and conference facilities on this site to serve the applicant's existing offices and adjoining offices. The site is located within an employment area and is also within walking distance of Watford Junction. The proposed residential dwellings are not in accordance with the employment allocation, however, they remain a minor element of the proposal and the site adjoins the Reeds Crescent residential development immediately to the east. The proposed mixed-use is therefore acceptable.
- 8.2 The scale of the proposed building will sit comfortably in between the existing Wetherspoon House and Maple Court and will infill the gap in the streetscene. The design and materials will match the existing buildings. No additional parking provision is proposed but this is considered acceptable given the sustainable and accessible location of the site. The proposal will have no adverse impacts on existing residential properties opposite the site.
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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 conditions listed below:

### 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:-

15002/202A, 203A, 204E, 206E, 208A

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

3. No development (excluding demolition works) shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings with windows facing St Albans Road has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwelling remaining closed. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake; extraction units; generators and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 and an acceptable level of air quality is achieved in accordance with EU and national air quality limit values for the future occupiers of the dwellings.

4. No development (excluding demolition works) shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors, dormer windows) have been submitted to and approved in writing by the Local Planning Authority.

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

5. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried

out by Conisbee, reference 170565 /M Jarzembowska, dated 17 November 2017, version 1.1 and the Sustainable Drainage Maintenance Plan, reference 170565/M Jarzembowska, dated 9 October 2017, version 1, and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 60.1 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in underground attenuation tank.
3. Discharge of surface water from the private drain into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

6. No dwelling shall be occupied until the refuse and recycling store and the cycle store to serve the proposed dwellings, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

7. The hotel use shall not commence until the refuse and recycling stores to serve the use, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times.

Reason: To ensure that adequate facilities exist for the proposed use, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

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

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

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

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

### Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:  
[https://www.watford.gov.uk/info/20010/your\\_environment/188/neighbour\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise).

2. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email ([semeta.bloomfield@watford.gov.uk](mailto:semeta.bloomfield@watford.gov.uk)).

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. All new developments granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on [streetnamenumbers@watford.gov.uk](mailto:streetnamenumbers@watford.gov.uk) or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
4. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council entered into extensive pre-application discussions with the applicant and requested amendments during the consideration of the application.

Drawing numbers

15002/99, 200, 210, 215

15002/202A, 203A, 204E, 206E, 208A

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