

PART A	
Report of: <b>Head of Development Management</b>	
Date of committee:	<b>31<sup>st</sup> January 2018</b>
Site address:	<b>50 Clarendon Road</b>
Reference Number:	<b>17/01433/FULM</b>
Description of Development:	<b>Redevelopment of the site to provide a mixed use scheme including 100 residential units (Class C3), circa 5,945sq.m (GIA) Grade A office floorspace (Class B1a) and ancillary flexible use unit (Class A1/A3/B1(a)) at ground floor level, with associated cycle parking, car parking and landscaping.</b>
Applicant:	<b>Vedose Limited</b>
Date Received:	<b>12<sup>th</sup> October 2017</b>
13 week date (major):	<b>18<sup>th</sup> January 2018 (extended by agreement to 7<sup>th</sup> February 2018)</b>
Ward:	<b>Central</b>

## **1.0 Site and surroundings**

- 1.1 The site is located on the western side of Clarendon Road at the junction with St John's Road. It is approximately square in shape and has an area of 0.56 hectare. The site ground level slopes down from Clarendon Road to the boundary with the rear of Estcourt Road properties with a change of approximately 3m between the boundaries.
- 1.2 The site currently contains a 4/5 storey office block which is currently occupied by TJX. The building has an area of 6600sqm and provides lettable office space of 4659sqm. TJX are expected to be moving to their new headquarters at the approved development of 14,000sqm B1(a) at Meriden House and No64 Clarendon Road.
- 1.3 The site is located in the Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. There are parking restrictions, including Residential Controlled Parking Zone along the roads within the vicinity of the site. The site is not within a conservation area and there are no listed or locally listed buildings within or adjoining the site. The Estcourt Conservation Area is located immediately to the East of the site.

## **2.0 Proposed development**

2.1 To demolish the existing office buildings on the site and erect a mixed-use, multi-storey development comprising:

- i) Multi storey buildings of 5, 6, 14 and 17 storeys.
- ii) Providing 5945m<sup>2</sup> (GIA) of Class B1(a) office floorspace over 6 storeys.
- iii) Upper floors to contain 67 open market residential flats (38 x1 bed, 28 x 2 bed and 1 x 3 bed).
- iv) A 5 storey building at rear of site, accessed via St John's Road, comprising 33 flats as affordable housing provision (2x1bed, 16x2 bed and 15x3bed)
- v) Ground level unit along St Johns Road frontage with flexible use A1/A3/B1(a).
- vi) Basement accessed from Clarendon Road to provide 71 car parking spaces (61 for the office use and 10 disabled spaces for residential use), cycle storage for the office use, private storage units for residential units and refuse storage for the development.
- vii) Landscaped communal amenity areas at ground floor areas development and at roof top of the 6 storey building element.

2.2 The scheme was amended during the course of the application to alter the access from St Johns Road.

## **3.0 Relevant planning history**

3.1 The site originally contained 3 Victorian buildings being Nos. 48, 50 and 52 and the site is also recorded under address 48-52 Clarendon Road.

17/00194/PREAPP Pre-application enquiry for the redevelopment of the site to provide 142 residential units and 5,508 sq m GIA of commercial floorspace.

97/0540/9 CPP Redevelopment of site by the erection of a new five storey office building (4842sqm) (Class B1) with 111 car parking spaces, landscaping and vehicular access via Clarendon Road.

81/00427/FUL CPP Detailed application for the erection of an office building with car parking.

## **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 Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

#### 4.3 **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.

*Watford Character of Area Study 2011*  
*Skyline – Watford’s Approach to Tall Buildings 2016*  
*Residential Design Guide 2016*

#### 4.4 **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 10 Meeting the challenge of climate change, flooding and coastal change

Decision taking

## 5.0 **Consultations**

## 5.1 Neighbour consultations

Letters were sent to 215 properties in the surrounding area.

38 objections were received. A petition against the development, organised by the ward Councillors was submitted signed by 102 individuals representing 87 households.

The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Development is too tall and taller than the 10 storey limit of TB1 of the Watford Local Plan Part 2	There is no 10 storey limit for development. Draft policy TB1 of the Draft Watford Local Plan Part 2 stated 10 storey buildings as a guide for Clarendon Road but this was not defined as a maximum. Nonetheless, this policy document was draft and not adopted and following recent new evidence relating to housing supply, this document has been found to be outdated and will not be adopted. As set out in section 6.2 of the report, the scale is consistent with the Skyline Supplementary Planning Document. The tall building element is considered to be suitable for the site, creating a high quality land mark corner building and will be consistent with the height strategy for Clarendon Road.
Set a precedent for tall buildings	High quality tall buildings are supported in Clarendon Road and other sites in the road have achieved planning permission for tall buildings.
Insufficient parking for the development	The development provides parking only for the office uses and for disabled residential occupiers. The location provides excellent access to town centre amenities and public transport and is highly suited for occupants without cars. Indeed car light development is welcomed in this location to reduce car

	<p>journeys in the town centre. The occupiers of the development will be exempt from entitlement to park in the surrounding roads subject to the Controlled Parking Zone.</p>
<p>Insufficient infrastructure and public services to support the development</p>	<p>Infrastructure is dealt with under the Community Infrastructure Levy and the residential aspect of the development will make contributions under the levy.</p>
<p>Harmful to the Conservation Area</p>	<p>The Estcourt Conservation Area is characterised by Victorian, terraced properties. There is a clear visual distinction between the large scale office buildings of Clarendon Road and the Conservation Area. The main, contemporary block of the development will be clearly within the Clarendon Road group and would not undermine or harm the setting of the Conservation Area. The rear residential block does sit immediately adjacent to the Conservation Area however this has a design approach of contemporary brick townhouses, which respects the setting of the Conservation Area. Indeed this rear block will present a significant visual improvement from the current view of the rear of No50 and will be present an enhancement to the setting of the Conservation.</p>
<p>Harmful to the light and outlook of residential properties</p>	<p>It is noted that the outlook from the surrounding properties will change however the technical assessment of the Sunlight and Daylight report demonstrates that the development is in accordance with the BRE guidance and would not create unreasonable harm to neighbours which would warrant refusal of the scheme. The development complies with all minimum distance policies of the Residential Design Guide and would not create overlooking or overbearing impacts to neighbours. This is discussed in full in section 6.6 of the report.</p>
<p>The creation of residential use will reduce privacy of</p>	<p>The creation of residential adjacent to residential properties is entirely suitable. The</p>

neighbouring properties.	proposed residential units will respect all minimum back to back distances with the neighbouring properties and will not create harmful loss of privacy.
The raised amenity area from St Johns Road will encourage anti social behavior.	This area would have been fully overlooked by the development meaning that this was not a concern however to create level access from St Johns Road, this area has been amended.
Noise and Disruption during construction	This is not a material planning consideration.

## 5.2 Statutory publicity

The application was publicised by 2 site notices posted on 6<sup>th</sup> November 2017 expiring 27<sup>th</sup> November 2017 and by advertisement in the Watford Observer published on 3<sup>rd</sup> November 2017 expiring 24<sup>th</sup> November 2017.

## 5.3 Technical consultations

The responses from consultees have been summarised and considered in the following table.

Consultee	Summary of response	Officer consideration
<b>Hertfordshire County Council (Waste and Minerals)</b>	The bin stores are located in the basement, but need to be presented at ground level for collection. We will not manoeuvre bins up and down slopes as suggested in the plans.	Officer can clarify that due to the ground level changes the bin storage would be on ground level as access from St Johns Road.
<b>Planning Policy</b>	No harm to heritage assets. Design improvements suggested. Needs clarification on floor areas proposed and existing.	Some design improvements have been made in amended plans. GIA floor areas clarified and confirm 28% uplift. Agreed that there is no harm to heritage assets.
<b>Environmental Health</b>	Initial response to advise to foreseeable objections.	Noted.
<b>Housing</b>	The 33% unit provision is below 35% however as this provides family sized units, this is supported. Allocation to be	To be secured by s106.

	confirmed.	
<b>Hertfordshire County Council (Highway Authority)</b>	Has no objection to the proposal subject to suggested conditions. Has requested a financial contribution of £6,000 towards the monitoring of a Travel Plan.	The comments have been reviewed and conditions which meet the relevant tests recommended.
<b>Thames Water</b>	Insufficient information re waste water. Pre-commencement condition required.	Condition recommended
<b>EA</b>	No response	Already confirmed that the development did not require an EIA.
<b>Crime Prevention</b>	Pre-application meetings have been held and the scheme has incorporated Secured by Design requirements	Noted
<b>Jaqueline Nixon - Herts S106</b>	Development is CIL Liable	Noted
<b>HCC waste and minerals</b>	Waste is a consideration	Noted
<b>Hertfordshire County Council (Lead Local Flood Authority)</b>	SUDs report not satisfactory but agree with applicant for details to be secured by condition.	Noted
<b>Arboricultural officer</b>	No objection but some inconsistency between plans.	Full details to be secured by condition.

## 6.0 Appraisal

### 6.1 Main issues

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

- (a) Principle of the proposed uses.
- (b) Scale and design.
- (c) Quality of residential accommodation.
- (d) Affordable housing provision.
- (e) Impacts on surrounding properties.
- (f) Transport, access and servicing.

- (g) Car and cycle parking.
- (h) Impact on heritage assets.
- (i) Environmental considerations.

## 6.2 (a) Principle of the proposed uses

6.2.1 The site is within the wider Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. The development proposes a loss of 4,659sqm of outdated floor space, to be replaced with 5,945sqm of modern, high quality Class B1a office floorspace. This represents an increase in quality but also an uplift of 28% from the existing which is welcomed to meet the identified need for office space, add to the vitality and viability of the office area and increase economic status of town. It is noted further that when combined with the TJX headquarters development opposite the station, the project overall is significantly increasing the quantity and quality of office space.

*(NB Uplift Calculation  $(5945-4659)/4659 \times 100 = 28\%$ )*

6.2.2 The proposed residential element of the scheme is not in accordance with the adopted employment area policies however the mixed used approach for the site allows for the most efficient use of the brownfield site to provide much needed homes as well as meet economic development objectives. Providing good quality housing is emphasised within the NPPF and meeting housing needs is also Priority 1 of the Corporate Plan for Watford Borough Council and a priority of the Core Strategy.

6.2.3 Policy HS1 of the Core Strategy lists the criteria that will be taken into account in assessing the suitability of windfall sites for residential use. In this case, the site is brownfield land, is within the town centre, is not at risk of flooding and has excellent access to public transport and a wide range of services. Furthermore, the site has no heritage significance or biodiversity or landscape value. The residential provision would not undermine the use, viability or quality of the office accommodation. It is further noted that the corner site faces residential context to the north on St John's Road and to Estcourt Road to the rear. The development provides a suitable mix of 1, 2 and 3 bed units, compliant with policy HS2 of the Core Strategy. The residential provision is therefore supported within this mixed use development.

6.2.4 The development includes a smaller commercial unit at ground floor level to have flexible permission. This smaller unit would complement the uses on site, it will create active frontage on the St John's Road frontage and it has the potential to increase activity and vitality within the area for residential occupiers. This single unit would be supplementary to the building and it would not undermine the

viability of the town centre.

6.2.5 The mix used development is therefore commended as creating the most efficient use of the site in successfully meeting a range of local needs and objectives within one development. This mixed use approach is seen also in developments approved at Gresham House and Hannay House/37-39 Clarendon Road and is welcomed at the application site.

### 6.3 (b) Scale and design

6.3.1 Clarendon Road is considered as a central and sustainable location suitable for higher density development and tall buildings. The main development will include a tall building of 14 to 17 storeys which will be a notable addition to the skyline. This height will create a landmark corner building that will successfully mark the key junction of Clarendon Road with St John's Road. The height of the corner element allows for the building to have a slender and elegant appearance. The 17 storey height has been the height determined in pre-application discussions which strikes the right balance of the height considerations for the site and context.

6.3.2 Although there is no adopted policy for tall buildings the envisaged strategy for tall buildings on Clarendon Road (formerly TB1 of the draft Local Plan Part 2) proposed to highlight the areas around the station (Clarendon Road and Watford Junction SPA) with the tallest buildings. The recent approval for Hannay House/37-39 Clarendon Road was supported to allow this notably tall building of 23 stories to mark the southern end of Clarendon Road. The proposed height of 17 storeys at the application site will sit well within the context of consented tall buildings and will be consistent with the envisaged strategy for tall buildings in Clarendon Road.

6.3.3 As well as the tall building element, there are varying elements of the development which successfully address their context. The main building fronting Clarendon Road will be a 6 storey office of a height, design and position of that will integrate comfortably within the Clarendon Road frontage.

6.3.4 There is a notable change in scale and character of buildings to the east of the site on St John's Road and to the Conservation Area to the rear. The eastern element of the development responds to this by stepping down to 5 storey residential at the rear. With a height of 8.1m this eastern building would represent a modest increase of 0.6m to the existing building and would overall be an improved design.

6.3.5 The development provides significant improvements to the active frontage on St John's Road and Clarendon Road. The Clarendon Road frontage, which is currently dominated by surface parking, will be opened up to create landscaped public realm at the frontage. The dead frontage and servicing areas on St John's Road will

be replaced with active uses of the residential units and flexible commercial unit. The open corner entrance of the building will create a very positive relationship between the tall building and the street level further enhancing the positive landmark nature of the building and providing clear legibility.

- 6.3.6 The design detailing of the main building is architecturally bold and will create a high quality landmark building. The office and residential building of 6/14/17 storeys consists of glazing with bold façade detailing of anodised aluminium in colours of dark grey and light, mid and dark bronze. The bold articulation of the building creates a very strong vertical emphasis that will add to the slender appearance of the building and create a successful statement building on the corner. The unification of the façade between the lower office and upper residential floors will ensure the office character of Clarendon Road is preserved.
- 6.3.7 The development style changes notably on the St John's Road frontage and to the rear. This 5 storey element to contain the affordable house uses a more traditional brick materiality with design of a contemporary interpretation of townhouses. This contrasting element of the development will successfully respond to the changing scale and design of built form on St John's Road and to the Victorian Conservation Area.
- 6.3.8 The access, layout and facilities for the various users and occupiers of the building have been successfully designed to create a high quality environment for all. The entrances to the residential units are legible and for the rear block, would be particularly attractive with access via a landscaped podium area. Functionality of the building eg bins, bikes, access is well designed and will create high quality homes and offices.

#### 6.4 (c) Quality of residential accommodation

- 6.4.1 The proposal will provide 100 residential flats comprising 39x 1 bed, 44 x 2 bed and 17 x 3 bed flats. All will comply with the minimum floorspace of the nationally described space standard. All will have good levels of outlook, natural light and privacy.
- 6.4.2 The noise assessment dated 27<sup>th</sup> September 2017 by Hawkins Associates recommends residential development can achieve the recommended maximum internal noise levels under BS 8233 through the provision of good quality window units with a Rw of at least 33 dB. This can be secured by condition to ensure future occupiers have a suitable internal amenity. Furthermore, in order to maintain an acceptable internal noise environment, the flats will also need to be mechanically ventilated to allow them to be adequately ventilated without the need to open windows.

- 6.4.3 The air quality assessment, dated 27<sup>th</sup> September 2017 by Hawkins Associates, concludes that the site is suitable for residential development and no mitigation measures are required.
- 6.4.4 Within the main tower the 67 market flats located on the 6<sup>th</sup> to 17<sup>th</sup> floors, are arranged around a main lift/stair core. The majority of the flats will be dual aspect with at least 1 elevation facing west, south or east. One flat on each of the floors 7 to 13 would be single aspect to the north. This is not preferred however with the restriction of layout around a core this is difficult to avoid. As this affects only 7 one bed flats, this is, on balance considered to be reasonable for the development overall for which the vast majority of the flats will have good levels of outlook, daylight, sunlight and privacy.
- 6.4.5 The 5 storey affordable housing block has its west elevation facing into the development meaning that these windows would experience some reduced light and outlook from the main block and tower. The flats within affordable housing block have however all been designed as dual aspect with bedrooms positioned on the affected elevation. All these flats would therefore have dual aspect to ensure good levels of outlook, daylight and sunlight.
- 6.4.6 The residential units of development respect all minimum distance requirements of the RDG. There are 27.5m minimum back to back distances with the rear of the Estcourt Road properties and a minimum 22m distance between the flats within the development. All flats would therefore have good levels of privacy.
- 6.4.7 Communal amenity areas of 1,798sqm have been incorporated into the development. To the front (east) of the affordable housing block the podium area serving as access will offer landscaped communal amenity area with good natural surveillance from the flats. The courtyard within the development will provide a further communal landscaped area. With direct access from the offices, this courtyard area will serve all the users of the development. The ground floor units of the affordable housing block will also have private terrace areas on both the east and west elevations providing defensible space to the communal area. The development also includes landscaped roof gardens at 6<sup>th</sup> floor level roof top of 402m<sup>2</sup>. The area provided exceeds the minimum standards.
- 6.4.8 Small areas of children's play space were including within the central courtyard and on the 7<sup>th</sup> floor roof top amenity areas however these were removed at the case officer request. It was noted that there is large and recently refurbished play area along St John's Road approximately 100m from the development. By virtue of this it is unlikely that the modest play equipment within the development would be well

used and it would be a more functional space with general landscaping/seating. Furthermore, the children's play space, located in the courtyard immediately to the rear of the offices, may cause some conflict of uses.

6.4.9 The proposal also incorporates a number of facilities to serve the future residents. These include a secure storage cages sited in the basement for bicycles/large item storage with one per residential unit and 80 cycles spaces in the basement for the commercial uses.

6.5 (d) Affordable housing provision

6.5.1 The development includes an excellent and welcomed provision of affordable housing. The rear 5 storey block of the development is proposed as being all affordable housing. Following detailed pre-application discussions with officers all but 2 of these 33 units will be 2 and 3 bed units which are the size of affordable housing most acutely needed in the Borough.

6.5.2 The 33 units of the rear block represent 33% of the development in unit number however this shortfall is welcomed as all units are of a larger nature. Indeed the affordable housing provision represents 45% of the development based on the bedrooms provided and 41% of the development based on the habitable rooms provided. This is considered an acceptable and welcomed provision of affordable housing to meet the borough's urgent housing needs.

6.5.3 It is further noted that the affordable housing is to be contained within one specific block of the development. This will allow for housing providers to appropriately manage the affordable housing provision as independent from the private flats. The affordable housing provision, with family sized units, will also have a high quality, usable and accessible communal amenity area around the eastern block of the development.

6.5.4 The tenure mix of this provision is required by policy HS3 as 65% affordable rent (21 units), 20% social rent (7 units) and 15% intermediate tenures (5 units).

6.6 (e) Impacts on surrounding properties

6.6.1 The nearest residential properties to the site are located at Estcourt Road to the east of the site and St John's Road to the north and north east. The potential impacts to the daylight, sunlight, outlook and privacy of the units has been subject to detailed assessment and concludes no unacceptable harm would be created.

6.6.2 The rear block of the development will have its main elevation facing the rear of the Estcourt Road properties which are typical Victorian terraced houses with rear outriggers. These terraces are on ground level lower to the application site. As

residential properties require a lower internal height to offices, the proposed building with 5 residential floors has a height of only 0.6m more than the existing 4 storey office building. The building is closer to the Estcourt Road properties than the existing office however a minimum 27.5m back to back distance is retained to all properties. This will ensure that the existing properties will maintain suitable privacy levels but will also ensure that the building proximity and modest increase in height would not result in the building appearing as dominant or overbearing to the Estcourt Road properties. It is further noted that the building would be set 12.8m from the shared boundary and the development would include improved landscaping along the eastern boundary. The relationship is compliant with RDG guidance and is considered to be acceptable.

- 6.6.3 The properties the north side of St John's Road front onto the north boundary of the site and would front directly onto the 5 and 6 storey elements of the development. The front to front relationship of these buildings is acceptable and will not create undue overlooking or overbearing impact. The St John's Road properties have an oblique relationship to the 14/17 storey element and, being to the south west, this would cast a shadow to the St John's Road properties. However, this would be at only certain times of day/year and overall the sunlight and daylight to these properties is considered to be suitably maintained.
- 6.6.4 The full potential impact is assessed in the Sunlight and daylight report dated 26<sup>th</sup> September 2017 prepared by EB7 in accordance with the BRE guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 pt2. This report considers the impact caused, by the proposed new development at 50 Clarendon Road upon the daylight and sunlight currently received by the closest neighbouring properties. The assessment has been undertaken using the Vertical Sky Component (VSC), No-Sky Line Contour (NSC), Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH) tests set out within the aforementioned guidance.
- 6.6.5 The results of these tests have shown that, whilst there will be some reductions in daylight to individual windows, the vast majority of the neighbouring residential properties would remain fully compliant with the BRE guidelines for both the daylight and sunlight criteria. In particular, 16d and 16e St John's Road experience reductions in VSC marginally beyond the suggested criteria however the rooms within both properties experience high levels of NSC and so the overall impact to daylight is not considered material and the overall amenity of the homes would be maintained.
- 6.6.6 Overall, it is noted that the outlook from the surrounding properties will change however the technical assessment demonstrates that the development is

inaccordance with the BRE guidance and would not create unreasonable harm to neighbours which would warrant refusal of the scheme.

6.7 (f) Transport, access and servicing

6.7.1 The site is located in a highly accessible and sustainable location within a short walk of Watford Junction Station and the bus interchange. The location is highly suited for new development in accordance with policy T2 of the Location of New Development. The site is therefore ideally situated for commuters travelling to the site to work and for car-free housing.

6.7.2 As set out in the Transport Assessment, the proposed development will result in a reduced number of daily vehicle movements to the site and would have no negative impact on the highway.

6.7.3 Access to the basement carpark is via the access with Clarendon Road and is acceptable in highway terms.

6.7.4 All flats and offices would have convenient, legible and safe access. Following amendments, the eastern block has a suitable level access arrangement.

6.7.5 Proposed waste collection is from St John's Road which is supported and suited to the waste facilities in the building. The use of St John's Road for servicing to the eastern residential block is also acceptable. The front hardstanding on the Clarendon Road frontage is proposed as a 'shared surface' for pedestrians and service vehicles to the office and private flats as shown in the Transport Assessment. There was concern that this would create conflict between users however there is no objection in highway terms. It will be required that bollards are placed to the northern end of this shared surface space to ensure delivery vehicles cannot reverse up to the open corner of the site which would be undermine the building access.

6.8 (g) Car and cycle parking

6.8.1 The existing site includes a surface level car park of 181 spaces serving the existing office building. The proposal incorporates a basement car park of 71 car spaces with 61 spaces allocated to the office use and 10 disabled spaces for the residential use. The high proportion allocated to the office use is supported to ensure the top-end viability of this office space.

6.8.2 Given the highly accessible and sustainable location of the site the car-free residential units are supported. A s106 agreement will restrict future occupiers from entitlement to park in surrounding Controlled Parking Zone.

6.8.3 The proposal also includes provision of 100 large storage lockers for the residential units which would provide secure cycle storage provision. The cycle provision for 80 cycles for the office building will be in excess of the minimum standards and with two suitable access routes and the provision of staff locker and shower facilities, this provision will facilitate cycling options.

6.8.4 The application is accompanied by a draft Travel Plan for the proposed office use, to actively promote sustainable modes of travel to the site for employees and visitors. This is acceptable in principle subject to a detailed Travel Plan based upon the Hertfordshire County Council's document 'Hertfordshire Green Travel Plan Guidance' being submitted for approval. A monitoring fee of £6,000 is also sought to monitor the implementation of the approved Travel Plan.

#### 6.9 (h) Impact on heritage assets

6.9.1 The east (rear) boundary of the site forms the boundary of the Estcourt Conservation Area located to the East of the site. This is characterised by Victorian properties and although there is an adjoining boundary, there is a clear and established distinction between the scale and character of the Victorian streets and the larger scale office buildings of Clarendon Road. The development will remain visually distinct from the Conservation Area and will not create visual harm to its setting. As seen in the line drawings, the tall building element will not appear unduly prominent or harmful in any view from the Conservation Area and will sit well within the Clarendon Road cluster distinct from the Conservation Area. .

6.9.2 Indeed, the development along the St John's Road frontage and the block facing the eastern boundary will serve as improvement to the existing setting of the Conservation area; the poor quality buildings and service areas at the existing site will be replaced with a high quality building and landscaping. Of particular merit is the rear residential block which replicates the scale of the existing office building but with much improved design and materiality to reflect the Conservation Area.

6.9.3 The Council's Urban Design and Conservation Manager has asserted that the development will have some impact to some of the views from the CA but this will not impact on the significance of the area.

#### 6.10 (i) Environmental considerations

##### 6.10.1 i) Environmental Impact Assessment

A request for a Screening Opinion was submitted to WBC in accordance with Regulation 6 of the Regulations and a formal screening opinion was issued on 20 July 2017. This concluded that the development did not constitute a Schedule 2 or Schedule 3 development under the Regulations and an EIA was not required for the proposed development.

#### 6.10.2 ii) Trees and landscaping

The tree protection plan of the Tree Survey Report and Arboricultural Impact Assessment dated 28<sup>th</sup> September 2017 indicates that some trees are to be retained. These are however shown as to be removed on the landscaping plan and site plan. None of the trees on site are considered to be worthy of long term retention and the loss of the trees on site is acceptable subject to replacement planting. Indeed the re-landscaping of the area will provide visual benefits with the improved public realm at the Clarendon Road frontage and also improved planting to the east boundary with Estcourt Road. Full details of hard and soft landscaping are secured by condition. Particular care will be required in the choice of species and maturity of the trees for the site to ensure short and long term amenity.

#### 6.10.3 iii) Surface water drainage

The Lead Flood Authority (HCC) has raised concerns regarding the provision proposed in the SUDs Strategy. It is envisaged that a suitable scheme is achievable in the development and HCC have however agreed to addressing of this issue by condition.

#### 6.10.4 iv) Clarendon Road improvement project

The Council is promoting an environmental improvement scheme for Clarendon Road, in partnership with Herts. County Council. This will involve a complete re-surfacing and re-landscaping of the entire length of the road with the intended provision of making a more friendly environment for pedestrians and cyclists. The applicant has agreed to make a financial contribution of £300,000 towards this project, to be secured by means of a s.106 planning obligation.

### **7.0 Community Infrastructure Levy and 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:

#### **Watford Charging Schedule**

<b>Type of Development</b>	<b>CIL Rate</b>
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Residential	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm
Office	£0 per sqm

The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-built housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

## 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.

In this case, the development requires planning obligations to secure the provision of affordable housing, to ensure the exclusion of the development from the local controlled parking zone, to secure a monitoring fee for the proposed Travel Plan, to secure any necessary fire hydrants to serve the development and to secure a financial contribution towards the environmental improvement of Clarendon Road. These requirements 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.

## 8.0 **Conclusion**

8.1 The mixed used approach for the site allows for the most efficient use of the brownfield site, in a highly sustainable location, to provide much needed homes as well as meet economic development objectives. The development provides the following benefits:

- Creation of a high quality landmark building that is consistent with the envisaged tall building strategy for Clarendon Road and will sit comfortably in Watford's emerging tall building skyline;
- Increased quality and 28% uplift of B1a office floor space at this key site in the employment area;
- 100 new dwellings in a highly accessible and sustainable brownfield site;
- 33% provision of affordable housing of mainly much needed 2 and 3 bed units.
- Significant enhancements to the public realm with the opening up of the corner creating a landmark corner site on Clarendon Road

- Enhancements to the setting of the Estcourt Conservation Area with improved amenity of the site from the existing office block and servicing at the rear.

It will therefore deliver significant economic, social and environmental benefits in accordance with the development plan and NPPF.

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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, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To secure all 33 units in the eastern block of the development to be Affordable Housing units comprising social rented units, affordable rented units and intermediate with a tenure mix of social rent 20%; affordable rent 65% and intermediate 15%.
- ii) To secure a financial contribution to the Council of £300,000 towards the environmental improvement of Clarendon Road;
- iii) 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 issued to this site;
- iv) To secure the provision of fire hydrants to serve the site as required by Hertfordshire County Council;

- v) To secure a financial payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan for the site.

### Conditions

1. Time Limit

The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.

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

2. Approved Drawings

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

<b>Drawing No</b>	<b>Rev</b>	<b>Title</b>
050-000	P02	Site Location Plan
050-002	P02	Block Plan
050-001	P01	Existing block plan
050-011	P02	Proposed car park level
050-012	P02	Proposed ground floor
050-013	P01	Proposed Level 01
050-014	P01	Proposed Level 02
050-015	P01	Proposed Level 03
050-016	P01	Proposed Level 04
050-017	P01	Proposed Level 05
050-018	P01	Proposed Level 06
050-019	P01	Proposed Level 07-13
050-020	P01	Proposed Level 14-16
050-021	P01	Proposed Level 17
050-022	P02	Roof plan
050-301	P02	Proposed north elevation
050-302	P02	Proposed east elevation
050-303	P01	Proposed south elevation
050-304	P01	Proposed west elevation
050-305	P01	Proposed section elevation east
050-306	P02	Proposed section elevation west
050-307	P01	Proposed section A
050-308	P01	Proposed section B
050-309	P02	Proposed section C

050-701	P01	Detail Bay 01
050-702	P01	Detail Bay 02
050-703	P01	Detail Bay 03
050-704	P01	Detail Bay 04
050-E100	P01	Existing basement
050-E101	P01	Existing ground floor
050-E102	P01	Existing first floor plan
050-E103	P01	Existing second floor plan
050-E104	P01	Existing third floor plan
050-E105	P01	Existing fourth floor plan
050-E106	P01	Existing roof plan
050-E107	P01	Existing elevations north and west
050-E108	P01	Existing elevations south and east
050-E109	P01	Existing sections 1 and 2
050-E110	P01	Existing sections 3 and 4
050-V01 E	-	Existing View St Johns Road
050-V01 P	P01	Proposed artist's impression
091178-L-102	A	Landscape General Arrangement Plan Ground floor
091178-L-103	A	Landscape General Arrangement Plan Podium Level
091178-L-104	A	Landscape General Arrangement Plan Roof Level
091178-L-105	A	Hard Landscape General Arrangement Plan Ground floor
091178-L-106	A	Hard Landscape General Arrangement Plan Podium Level
091178-L-107	A	Hard Landscape General Arrangement Plan Roof Level
091178-L-108	A	Illustrative Masterplan
091178-L-200	A	Soft Landscape General Arrangement Plan Ground floor
091178-L-201	A	Soft Landscape General Arrangement Plan Podium Level
091178-L-202	A	Soft Landscape General Arrangement Plan Roof Level
091178-L-300	A	Landscape Typical Sections

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

3. Drainage Strategy

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

4. Facing Materials

No external facing materials shall be installed on the building until full details and samples of all the materials to be used for the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority.

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

5. Hard Landscaping

No part of the development shall be occupied until a detailed hard landscaping scheme for the site, including details of the roof gardens, site boundary treatments and external lighting has 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. The detailed scheme shall be based upon the Landscape Proposals of the approved drawings.

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

6. Soft Landscaping

No part of the development shall be occupied until a detailed soft landscaping scheme for the site, including details of the roof gardens and appropriate irrigation systems, and a landscape management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon the Landscape Proposals of the approved drawings. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

7. Service area bollards

No part of the development shall be occupied until details and siting of bollards at the northern end of the proposed shared servicing area 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 maintaining safe and suitable access to the building by preventing vehicle movements adjacent to the corner access.

8. Access

No part of the development shall be occupied until the modified access and egress arrangements from Clarendon Road, as shown in principle on the approved drawings has been completed in full.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with saved Policies T21 and SE7 of the Watford District Plan 2000.

9. Swept Path Assessments

The applicant is required to provide swept path assessments for private cars for the internal layout of the basement car park. The swept path assessments should demonstrate that private vehicles can enter the site in a forward gear, manoeuvre within it and depart in a forward gear. Swept path assessments should also illustrate the movements associated with larger vehicles such as refuse collection vehicles which will serve the site from St John's Road.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

10. Residential facilities

No dwelling within the development shall be occupied until the following facilities have been provided for the use of residents, in accordance with the approved drawings:

- i) the bin store for waste and recycling;
- ii) the 100 lockable storage cages within basement
- iii) the roof gardens at 7<sup>th</sup> floor level

These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.

Reason: To ensure that adequate facilities exist for the future occupiers of the dwellings, in accordance with saved Policies T10 and SE7 of the Watford District Plan 2000, Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

11. Office facilities

No part of the office floorspace shall be occupied until the following facilities have been provided for the use of occupiers, in accordance with the approved drawings:

- i) the secure cycle storage for at least 80 cycles and shower/locker facilities for employees;
- ii) the bin store for waste and recycling;

These facilities shall be retained at all times.

Reason: To provide sustainable travel alternatives for employees and visitors, in accordance with saved Policy T10 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31, and to ensure adequate waste storage in accordance with saved Policy SE7 of the Watford District Plan 2000.

12. Plant equipment at 7<sup>th</sup> floor

No plant or equipment shall be installed within the 7<sup>th</sup> floor plant room until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the sound pressure level from the plant room will be at least 10dB below the lowest LA90 (15 minute) noise level measured at 1m from the adjoining residential flats when all plant and equipment is operational. The assessment shall include appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until the approved mitigation measures have been installed.

Reason: To ensure the operation of the plant and equipment does not give rise to noise nuisance to the residential occupiers.

13. Aerials/Satellite Dishes

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.

14. Travel Plan

No part of the development shall be occupied until the measures of the Travel Plan dated October 2017, prepared by Markides Associates (ref R02A) has been implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

15. Internal noise mitigation

All residential units shall achieve the recommended maximum internal noise levels under BS 8233 through the provision of a good quality window units with a Rw of at least 33 dB in accordance with the noise assessment dated 27<sup>th</sup> September 2017 by Hawkins Associates.

Reason: To ensure residential occupiers do not experience noise and disturbance.

16. Communications Development

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 the building.

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.

17. Flexible use unit

The ground floor commercial unit adjoining the office entrance (northern unit) shall only be used as a café/restaurant within Class A3 or as offices within Class A2 or Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose. The use shall not be open to the public before 0800 hours or after 2300 hours on any day.

Reason: The site is located within a designated employment area and in the interests of the functioning and appearance of the site and the amenities of residents within and adjacent to the development.

18. Outdoor seating areas

No outdoor seating areas associated with the flexible use unit shall be installed until a detailed plan for the layout of the area has been submitted to and approved in writing by the Local Planning Authority. The areas shall be used only in accordance with the approved details. The areas shall be cleared of customers and furniture between the hours of 2300 hours and 0800 hours on any day.

Reason: To ensure the outdoor seating areas do not impede access and egress to the residential units and in the interests of the amenities of residents within and adjacent to the development.

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. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing in the Borough, a financial payment to exclude the development from the local controlled parking zone, a financial payment towards the monitoring of a Travel Plan, the provision of necessary fire hydrants to serve the development and a financial contribution towards the environmental improvement of Clarendon Road.
4. 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.
5. 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 completed a Planning Performance Agreement for the application.
6. All works required to be undertaken on the highway network will require an

Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

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Case Officer: Alice Reade

Email: [alice.reade@watford.gov.uk](mailto:alice.reade@watford.gov.uk)

Tel: 01923 278279