

<b>Committee date</b>	Tuesday 5 March 2024
<b>Application reference</b> <b>Site address</b>	23/01101/VARM - 50 Clarendon Road, Watford, WD17 1TX
<b>Proposal</b>	Variation of Condition 2 (approved plans) and Condition 9 (offsite highway improvements in accordance with Condition 2) to amend the fire strategy and introduce a second stair core to the residential tower, with associated layout and elevational changes pursuant to planning permission 22/00484/FULM.
<b>Applicant</b>	Vedose Ltd
<b>Agent</b>	Cerda Planning Limited
<b>Type of Application</b>	S73 Variation of Condition to Major Application
<b>Reason for committee Item</b>	Variation to a Major Application
<b>Target decision date</b>	Thursday 8 February 2024
<b>Statutory publicity</b>	Watford Observer, Neighbour Letters and Site Notice
<b>Case officer</b>	Andrew Clarke, andrew.clarke@watford.gov.uk
<b>Ward</b>	Central

## 1. Recommendation

- 1.1 That planning permission be granted subject to a deed of variation under s.106 of the Town and Country Planning Act and conditions as set out in section 8 of this report.

## 2. Site and surroundings

- 2.1 The site is located on the western side of Clarendon Road at the junction with St Johns Road. It is approximately square in shape and has an area of 0.56 hectares. 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 ground level between the west and east site boundaries.
- 2.2 The site currently contains a vacant 4 storey red brick office block with sub level parking with vehicle access from St Johns Road. It was formerly occupied by TJX.
- 2.3 The Watford Local Plan 2021-2038 designates the site as being within the Watford Gateway Strategic Development Area, the Clarendon Road Primary Office Location and within a Transport Improvement Area. The Estcourt Conservation Area is located immediately to the east of the site. The site is not within a conservation area and there are no nationally listed or locally listed

buildings within or adjoining the site. Parking restrictions operate within the vicinity.

### **3. Summary of the proposal**

#### **3.1 Proposal**

3.2 This application seeks permission to vary the approved drawings under Condition 2 (and those referenced in Condition 9) in order to amend the fire strategy and introduce a second stair core to the residential tower, with associated layout and elevational changes.

#### **3.3 Conclusions**

3.4 The variation of approved plans is acceptable representing a minor amendment to the consented proposal. All other conditions remain unchanged except for the time limit which is adjusted to align with the consented application. This application is subject to a deed of variation to vary the section 106 agreement accordingly.

### **4. Relevant policies**

4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

### **5. Relevant site history/background information**

5.1 Conditional planning permission was granted at appeal for the subject redevelopment of the site on 26<sup>th</sup> September 2023 following refusal at Development Management Committee on 6<sup>th</sup> September 2022 (application ref: 22/00484/FULM). This permission allowed the redevelopment of the site to provide a mixed use scheme including the provision of 247 build to rent residential units (Class C3) and 4,798sqm Class E floorspace in buildings ranging from 5 to 24 storeys with associated cycle parking, car parking, landscaping and amenity.

### **6. Main considerations**

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

(a) Principle of the development

- (b) The effect of the proposal on the character and appearance of the area
- (c) Quality of residential accommodation
- (d) Other Matters

6.2 (a) Principle of the development

Planning permission has been granted for the proposed development. The principle of amending the internal layout and elevational changes is accepted.

6.3 (b) The effect of the proposal on the character and appearance of the area

Due to the second stair core being extended upwards to the top of the tower, the footprint of dwellings would be adjusted between floors 8 to 22.

Realigning the internal walls has required minor changes to the fenestration of 3 elevations. The reworked elevations at floors 8 to 22 is continued down to ground level for consistency in appearance and a seamless transition between the office and residential storeys above. Relative to the consented plans, the amendments to the façade are minor and would have no impact on heritage assets or the character and appearance of the area.

6.4 (c) Quality of residential accommodation

The reworked internal arrangements means that the housing mix would be amended insofar as there would be 15 fewer 2 bedroom dwellings and 15 additional 1 bedroom dwellings. This equates 1 fewer bedroom per floor at floors 8 to 22. On this basis, the housing mix is not materially different to the approved scheme. The reworked façade ensures that all habitable rooms would still receive outlook and natural light consistent with that of the approved scheme.

6.5 (d) Other Matters

The affordable housing provision of 13 dwellings to be affordable housing, in the form of discounted private rented units, which is subject to a late stage viability review, remains unchanged.

6.6 The proposed amendments will not change the impact to surroundings in terms of loss of light, outlook or privacy.

6.7 The office floor space provision, transport, access, parking, servicing and environmental considerations remain unchanged.

## **7 Consultation responses received**

### **7.1 Statutory consultees and other organisations**

None required.

## 7.2 Internal Consultees

None required.

## 7.3 Interested Parties

Letters were sent to 93 properties in the surrounding area, the application was publicised in the Watford Observer and a site notice was erected outside the site. No responses were received.

## 8 Recommendation

That planning permission be granted subject to the entering into of a Deed of Variation to the s106 agreement dated 20 September 2023 in relation to this site and the following conditions:

### Conditions

#### 1. Time Limit

The development hereby permitted shall be begun before 26<sup>th</sup> September 2026.

Reason: To comply with the time period for the commencement of planning permission 22/00484/FULM.

#### 2. Approved Drawings and Documents

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

21473-CW-XX-A-DW-0201-P00; 0202-P00; 0203-P00; 0204-P00; 0210-P00; 0211-P00; 0220-P00; 0221-P00; 0301-P00; 0302-P00; 0303-P03; 0304-P00; 21473-CW-XX-B1-A0310-P13; 00-A-0311-P12; 01-A-0312-P10; 02-A-0313-P09; 03-A-0314-P09; 04-A-0315-P10; 05-A-0316-P11; 07-A-0318-P07; 08-A-0319-P10; 17-A-0328-P11; 20-A-0331-P08; ZZ-A-0350-P09; 0351-P05; 0352-P06; 0353-P07; 0360-P04; 0361-P03; 0362-P03; 0363-P01; XX-A-0370-P03; 0341-P02; 0342-P01; 0343-P01; 0344-P01; 0345-P01.

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

Pre-commencement

3. No development, including demolition, shall commence until a Demolition Environmental Management Plan (DEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The DEMP must include details of:
  - a) demolition vehicle numbers, type, routing;
  - b) access arrangements to the site;
  - c) traffic management requirements;
  - d) demolition and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) siting and details of wheel washing facilities;
  - f) cleaning of site entrances, site tracks and the adjacent public highway;
  - g) timing of demolition activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) provision of sufficient on-site parking duplication;
  - i) where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - j) all air quality mitigation measures consistent with the Air Quality Assessment, dated 23 June 2022.

Thereafter the demolition of the development shall only be carried out in accordance with the approved DEMP.

Reason: To ensure impacts are managed, pursuant to Policies CC8.4 and CC8.5 of the Watford Local Plan 2021-2038.

4. No development shall commence until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority. This Risk Assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with BS10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The Assessment shall include:
  - a) a survey of the extent, scale and nature of contamination;
  - b) the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops,
    - livestock, pets, woodland and service lines and pipes;
    - adjoining land;
    - ground waters and surface waters;

- ecological systems; and,
- archaeological sites and ancient monuments

Reason: To ensure appropriate remediation of any contamination, pursuant to Policy CC8.5 of the Watford Local Plan 2021-2038.

5. (A) No development shall take place where (following the Risk Assessment) land affected by contamination is found which poses risks identified as unacceptable in the Risk Assessment, until a detailed Remediation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The Scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- (B) The approved Scheme shall be carried out and upon completion a Verification Report by a suitably qualified contaminated land practitioner shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied.

Reason: To ensure appropriate remediation of any contamination, pursuant to Policy CC8.5 of the Watford Local Plan 2021-2038.

6. No development shall take place, excluding any demolition, until a detailed Surface Water Drainage Scheme (SWDS) for the site, including the details below based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority. The SWDS must include:
- a) a fully detailed drainage strategy showing all SUDS/drainage features, manholes and pipes, demonstrating how the entire site will be drained including the access roads, basement ramp, roof surfaces and shared/communal areas;
  - b) detailed network calculations (informed by FEH2022 rainfall data) for all rainfall events up to and including the 1 in 100 year + 40% climate change storm, including half drain down times;
  - c) further consideration of the proposed discharge rate to determine if a restriction to greenfield runoff rates (or as close as is practicable) is feasible;
  - d) further consideration of the feasibility of SUDS features such as permeable paving, tree pits, rain gardens and swales to promote open, multifunctional SUDS in preference to below-ground storage;

- e) a detailed assessment of how runoff quality treatment will be provided on site for drainage from roads and parking, through the use of SUDS features;
  - f) detailed ground investigations to confirm the height of groundwater on site, in consideration of the proposed basement parking and belowground drainage features such as attenuation tanks;
  - g) detailed engineered drawings of the proposed SUDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs; and,
  - h) identification of the exceedance flow paths for surface water for events greater than the 1 in 100 year +40% climate change storm.
- The SWDS shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

7. Development shall not commence until details and a Method Statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to, and approved in writing by, the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved Method Statement.

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

8. No development, excluding demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP must include details of:
- a) construction vehicle numbers, type, routing;
  - b) access arrangements to the site;
  - c) traffic management requirements;
  - d) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) siting and details of wheel washing facilities;

- f) cleaning of site entrances, site tracks and the adjacent public highway;
- g) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) provision of sufficient on-site parking prior to commencement of construction activities;
- i) post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) all air quality mitigation measures consistent with the Air Quality Assessment, dated 23 June 2022.

Thereafter the construction of the development shall only be carried out in accordance with the approved CEMP.

Reason: To ensure transportation impacts are managed, pursuant to Policies ST11.1, CC8.4 and CC8.5 of the Watford Local Plan 2021-2038.

Pre-specific part of development

9. No works above slab level shall commence until a detailed scheme for the off-site highway improvement works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall reflect drawing Ref 21473-CW-XX-A-0311 Rev P12 but be updated to provide continuous footway crossover at the proposed access on St John's Road. Prior to first occupation of the development, the highways works shall be completed in accordance with the approved details.

Reason: To ensure appropriate walking infrastructure, pursuant to Policies ST11.1, ST11.3 and ST11.4 of the Watford Local Plan 2021-2038.

10. Prior to first occupation of the development, a Car Parking Management Plan (CPMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CPMP must include details of:
  - a) car parking allocation and distribution;
  - b) the operation, management, and implementation scheme for the car club, including a minimum of five car club spaces and cars to be provided prior to first occupation of any residential unit, and to be retained for a minimum period of five years;
  - c) methods to prevent on-site car parking outside of the designated spaces, including inappropriate parking within the layby;

- d) a timetable for agreement of a monitoring plan regarding the implementation of the CPMP; and,
- e) the provision of active EV charging spaces and chargers (at minimum 20%) and confirmation that all other spaces provide passive infrastructure.

Reason: To ensure appropriate transportation impacts, pursuant to Policies ST11.1, ST11.3 and ST11.5 of the Watford Local Plan 2021-2038.

11. No external facing materials shall be installed on the development until samples of all external facing materials have been submitted to, and approved in writing by, the Local Planning Authority. This shall include obscure glazing to the two windows for the gym nearest the north east corner of the courtyard. The relevant works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site, pursuant to Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

#### Pre-occupation

12. Prior to first occupation of the development, details of both hard and soft landscape works shall have been submitted to, and approved in writing by, the Local Planning Authority. These details must include:
- a) the roof gardens including irrigation systems;
  - b) hardstanding areas;
  - c) soft landscaping including tree planting;
  - d) boundary treatments;
  - e) the children's play area;
  - f) external lighting;
  - g) an extended terrace to Flat Nu G.1; and,
  - h) a Landscape Management and Maintenance Plan.

The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development. The soft landscaping works shall be carried out in accordance with the approved details 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.

Reason: In the interests of the visual appearance of the site, pursuant to Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

13. No dwelling shall be first occupied until the bin storage has been provided for the use of residents, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

14. No part of the office floorspace shall be first occupied until the bin storage has been provided for the use of staff and visitors, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the office occupiers.

Reason: To ensure appropriate amenity for all occupants of the development, pursuant to Policies EM4.3 and QD6.4 of the Watford Local Plan 2021-2038.

15. No dwelling shall be first occupied until full details of the cycle storage for the residential occupiers has been submitted to, and approved in writing by, the Local Planning Authority. Details must include a security scheme for the parking of cycles and the type of cycle stands must also be clarified. The storage approved under this condition shall be installed and made available for use prior to the first occupation of any dwelling and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

16. No part of the office floorspace shall be first occupied until full details of the cycle storage for the office occupiers has been submitted to, and approved in writing by, the Local Planning Authority. Details must include a security scheme for the parking of cycles and the type of cycle stands must also be clarified. The storage approved under this condition shall be installed and made available for use prior to the first occupation of any part of office floorspace and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure appropriate amenity for all occupants of the office development, pursuant to Policy EM4.3 of the Watford Local Plan 2021-2038.

17. No part of the development shall be first occupied until details of the proposed energy saving and renewable energy measures have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be based on those set out in the Energy and Sustainability Statement, dated March 2022. Thereafter the construction of the development shall only be carried out in accordance with the approved details.

Reason: To ensure energy and sustainability measures are delivered, pursuant to Policy CC8.1 of the Watford Local Plan 2021-2038.

18. No dwelling shall be first occupied until the recommendations of the Noise Assessment, dated 8 February 2023, have been implemented and/or undertaken in full.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

19. The residential development hereby approved shall not be first occupied until details have been submitted to, and approved in writing by, the Local Planning Authority to confirm that the dwellings have been completed to meet the water efficiency requirement of 110 litres of water per person per day.

Reason: To ensure energy and Water efficiency measures are delivered, pursuant to Policy CC8.3 of the Watford Local Plan 2021-2038.

20. The office premises shall not be first occupied until a scheme to obscure the glazing of some of the windows in the eastern elevation of offices has been submitted to, and approved in writing by, the Local Planning Authority. The offices shall not be first occupied until the scheme, as approved, has been carried out in full, and it shall be retained thereafter.

Reason: To ensure appropriate amenity for residents, pursuant to Policy QD6.4 of the Watford Local Plan 2021-2038.

21. Prior to first occupation of the development, a detailed Verification Report, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the Surface Water Drainage Scheme, has been submitted to, and approved in writing by, the Local Planning Authority.

The Verification Report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism, as well as the following:

- a) provision of a complete set of as built drawings for site drainage;
- b) a management and maintenance plan for the SUDS features and drainage network; and,
- c) arrangements for adoption and any other measurements to secure the operation of the scheme throughout its lifetime including name and contact details of any appointed management company.

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

For observation

22. The offices premises shall be used only as for offices within Classes E (g)(i) and shall be used for no other purpose.

To protect the office use in the Clarendon Road Primary Office Location pursuant to Policy EM4.3 of the Watford Local Plan 2021-2038.

23. Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a Risk Assessment carried out and submitted to, and approved in writing by, the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to, and approved in writing by, the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure appropriate remediation of any contamination, pursuant to Policy CC8.5 of the Watford Local Plan 2021-2038.

24. The development shall be undertaken in accordance with the Drainage Strategy and SuDS Assessment, dated 18 March 2022, and must include the following measures:
- a) a safe vehicular and pedestrian access through creation of an evacuation plan to ensure vehicular access is maintained for emergency services; and,
  - b) finished floor levels should be 300mm above the flood level of the 100 year plus climate change event.#

Reason: To ensure appropriate drainage, pursuant to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.