



# DEVELOPMENT CONTROL COMMITTEE

**Thursday, 5th June, 2014**

**7.30 pm**

**Town Hall, Watford**

**Publication date: 28 May 2014**

**CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Rosy Wassell in Democracy and Governance on 01923 278375 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk) .

Welcome to this meeting. We hope you find these notes useful.

## **ACCESS**

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Visitors may park in the staff car park after 4.00 p.m. and before 7.00 a.m. This is a Pay and Display car park; the current charge is £1.50 per visit.

The Committee Rooms are on the first floor of the Town Hall and a lift is available. Induction loops are available in the Committee Rooms and the Council Chamber.

## **FIRE/EMERGENCY INSTRUCTIONS**

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- Do not re-enter the building until authorised to do so.

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## **RECORDING OF MEETINGS**

An audio recording may be taken at this meeting for administrative purposes only.

### **SPEAKING AT DEVELOPMENT CONTROL COMMITTEE**

Only one person will be permitted to speak on behalf of objectors and one in support of a proposal. Precedence to speak in support of the proposal will be given to the applicant or their representative.

In order to speak, a person must register before 12 noon on the day of the meeting by contacting the Democratic Services Team. The contact details are available on the front of this agenda.

If a speaker wishes the Development Control Committee to consider any documentation at the meeting, then it must be submitted to the Democratic Services Team by 12 noon on the day of the meeting.

# COMMITTEE MEMBERSHIP

Councillor R Martins (Chair)

Councillor G Derbyshire (Vice-Chair)

Councillors N Bell, I Brandon, S Johnson, Joynes, I Sharpe, M Watkin and T Williams

## AGENDA

### PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the meeting held on 15 May 2014 to be submitted and signed. *(All minutes are available on the Council's website.)*

### CONDUCT OF THE MEETING

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
2. Any remaining items that the Committee agree can be determined without further debate.
3. Those applications where Members wish to discuss matters in detail.

#### 4. **OUTSTANDING PLANNING APPLICATIONS**

A total of 2 application reports are included on this agenda for decision, of which 2 will be within the Government's target dates for determination of applications.

On 28<sup>th</sup> May 2014 there were no applications over 8 weeks not yet determined but under consideration by the Development Management Section Head.

#### 5. **70 EUSTON AVENUE** (Pages 1 - 22)

An application for change of use from vacant shop unit (A1) to massage treatment studio (D1) with 2 x treatment rooms

**6. 36 CLARENDON ROAD** (Pages 23 - 74)

An application to demolish existing buildings and to redevelop the site to provide 2,220 sqm of office (Class B1a) floorspace and 34 residential flats with associated surface car parking, cycle and bin storage and landscaping

## PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee	<b>6<sup>th</sup> June 2014</b>
Site address:	<b>70 Euston Avenue</b>
Reference Number :	<b>14/00408/FUL</b>
Description of Development:	<b>Change of use from vacant shop unit (A1) to massage treatment studio (D1) with 2 x treatment rooms</b>
Applicant	<b>Mr Dock No</b>
date received:	<b>13th March 2014</b>
8wk date(minor):	<b>9th July 2014</b>
Ward:	<b>Holywell</b>

## **SUMMARY**

Full planning permission is sought for the change of use of the ground floor of the premises from a shop (A1) to a massage treatment studio (D1) with two treatment rooms. The business proposes to offer customers massage and Chinese treatments and therapies.

The internal works to the premises have been undertaken and the use had commenced without planning permission. Following a planning enforcement investigation, this application was submitted and the use has ceased awaiting its outcome.

The loss of the A1 unit will not unduly affect the shopping facilities in the locality which is well served by other convenience shops within the immediate surrounding area. The premises have been vacant for over 5 years and are unlikely to be viable as an A1 unit.

The loss of the A1 use is therefore acceptable.

The proposed D1 use, offering massage and Chinese treatments and therapies, is likely to attract people living and working in the area, akin to a beauty salon or hairdressers. The business would therefore complement the local function of the group of shops. The internal layout of the premises maintains an area of shop front looking into the reception and entrance area of the premises so that an active frontage is maintained.

Providing massage treatments is an activity which will create very little noise so is unlikely to affect adjoining residents. With only 2 small treatment rooms there would be a minimal number of staff and visitors such that noise and disturbance to residents on Euston Avenue is unlikely to be noticeable above the level of activity relating to the adjacent betting office and newsagents.

No on-site parking is provided but the premises are within a Controlled Parking Zone (CPZ). Outside of the CPZ hours of 08:00 to 18:30, proposed use of the premises may result in additional cars attempting to park in Euston Avenue. However, owing to the nature and small scale of the proposed use, any impact is likely to be small and is indeed likely to be lower than that resulting from the use of the premises as shop. The Highway Authority has confirmed that the proposal will not impact greatly on the highway safety or capacity.

The Development Management Section Head recommends that the application be approved as set out in the report, subject to conditions.

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## **BACKGROUND**

### **Site and surroundings**

The property has a gross internal floor space of just 20.3m<sup>2</sup> and occupies the front portion of the ground floor at 70 Euston Avenue, with a shop front and access to Euston Avenue.

The property is an established A1 use; however, it has been vacant for some time, understood as being for over 5 years.

The remainder of 70 Euston Avenue contains 2 residential flats on the ground floor to the rear of the premises and on the first and second floors above the application premises (Planning permission 08/00379/FUL). The flats are accessed from the rear of the property with vehicular access from Hagden Lane and there is on-site parking for 2 cars at the rear of the property. There is no internal access between the application premises and the residential units to the rear.

The property is the middle unit of a group of three purpose-built shop units, dating from 1923, with ground floor shops and rear ground and first floor residential accommodation. No. 68, to the north east, is a newsagents (A1 use). No. 72, to the south west, is a betting shop (currently an A2 use). The use at No. 68 appears to pre-date planning control, and there are no planning restrictions on opening hours. The premises are licensed by Watford Borough Council to sell alcohol between 10:00 and 20:00 daily. Under the licence, the premises can remain open after 20:00 but cannot sell alcohol after this time. The betting office at No. 72 was granted planning in 1972 (72/08110/COU) with no planning condition relating to hours of opening. The occupiers' head office has advised that this branch is usual open until 21:30.

The site is within a predominantly residential area in West Watford. The application site is located at the southern end of Euston Avenue which contains predominantly two storey terraces from the early 20<sup>th</sup> Century. To the north of Euston Avenue there are commercial shop premises at 1-5 Euston Road, including a recently opened supermarket at 1-3 Euston Road.

The site is not within a Conservation Area.

## **Proposed development**

Full planning permission is sought for the change of use of the ground floor shop premises, occupying 20.3sqm, from A1 to D1 for a massage treatment studio to offer massage and Chinese therapies and treatments.



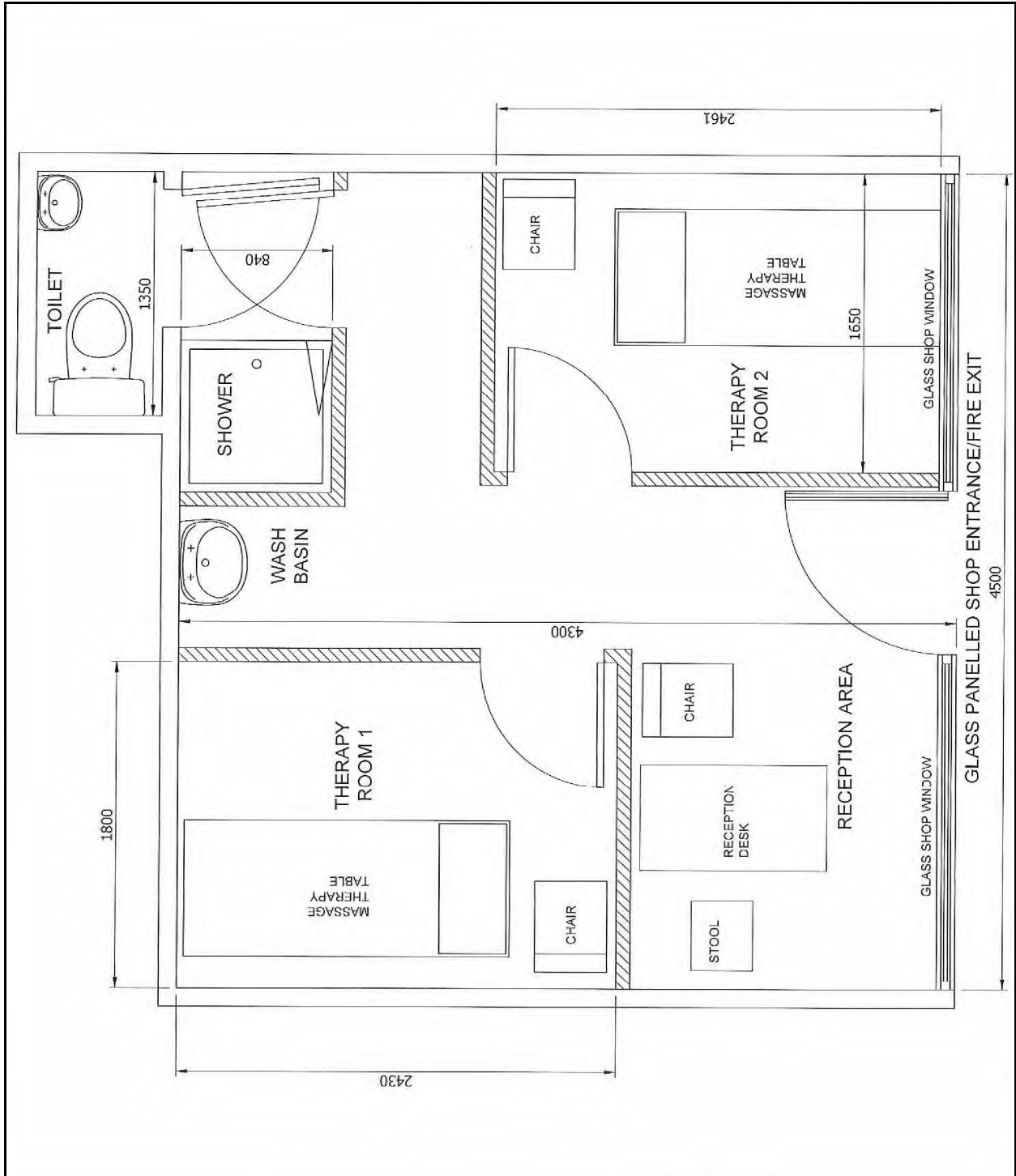
Site plan

The original submitted site plan incorrectly showed the whole of the premises at 70 Euston Avenue as being subject to the application. However, the amended site plan correctly indicates the premises to which the application relates. A floor plan was submitted as an additional plan during the course of the application to show the internal layout of the premises (see below).

The change of use involves internal works to arrange the reception area, two treatment rooms and shower room/WC as shown in the proposed floor plan. One section of the shop front window has been obscured as it forms part of one of the treatment rooms. The



remaining section of the shop front window and the door remain clear glazed to serve the entrance and reception areas.



Floor plan

The application states that there will be one full time employee. The hours of opening are proposed as 10:30 to 21:00 on Monday to Fridays, Saturdays, Sundays and Bank Holidays.

The proposed development was originally described in the application form as for the 'change of use from vacant shop (A1) to Massage Parlour (D1)'. The application was registered with this description and this was the description provided to neighbours. The description was later amended, with the agreement of the applicant to the current description: change of use from vacant shop unit (A1) to massage treatment studio (D1) with 2 x treatment rooms.

### **Planning history**

1923 Group of three buildings built to provide three ground floor shops with associated residential accommodation to the rear ground floor and first floors.

Ref. 77/00352/FUL *Erection of a private garage.* Conditional Planning Permission 07.09.1977

Ref. 08/00379/FUL *Single storey rear extension, rear roof dormer, new shop frontage and conversion of property to 2 flats.* Conditional Planning Permission 04.09.2008

Ref. 08/01080/FUL *Installation of external security shutters.* Conditional Planning Permission 30.03.2009

Ref. 11/00341/FUL *Installation of galvanised steel roller shutter door.* Conditional Planning Permission 17.05.2011

March 2014 – Planning enforcement investigation confirmed planning permission was required for the use that had commenced. An application was requested and the use has ceased awaiting a decision on the application.

### **Relevant policies**

#### **The National Planning Policy Framework (NPPF)**

- Section 1 Building a strong, competitive economy
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change

#### **Hertfordshire Waste Core Strategy and Development Management Policies**

##### **Document 2011-2026**

No relevant policies.

#### **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

#### **Watford Local Plan, Part 1: Core Strategy 2006-31**

- WBC1 Presumption in favour of Sustainable Development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- UD1 Delivering High Quality Design
- Chapter 7 Town and Local Centres

#### **Watford District Plan 2000**

- Policy T22 Car Parking Standards

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## **CONSULTATIONS**

### **Neighbour consultations**

Letters were sent to 13 addresses including properties in Euston Road and Hagden Lane. In addition, a site notice was placed expiring 22<sup>nd</sup> April 2014.

Seven representations have been received citing the following objections:

- This is unlikely to be a genuine massage business. Gentlemen from bookies have been seen going into the treatment rooms.
- The massage parlour, along with the existing off licence and betting office, is an unsuitable combination for a residential area and on the walking route of secondary school children.
- The business would not serve local needs with residents being mostly families and the elderly.
- The road as existing is hazardous. When both sides of the dead end road are fully occupied with parked cars, vehicles cannot pass one another causing backed up traffic to the roundabout and Hagden Lane.
- Additional highway pressures could restrict emergency services access to Euston Avenue and would endanger lives.
- Parking for residents in the evenings is already very difficult. The nature of the establishment will encourage custom from outside of the area. There are no off street parking spaces for the business and no on road visitor spaces so on road parking after 18:00 will add to the parking issues.
- People ignore the CPZ and double yellow lines and park hazardously or on private-off road spaces; this will worsen.
- The nature of the business will attract customers in taxis. Waiting taxis and people exiting/boarding taxis will create noise and disturbance, particularly at night, and a highway hazard.
- The expected groups of men to the premises will create noise, disturbance and make residents feel less safe.
- There is no precedent for this type of business or the late hours of the business in this area.
- It was unprofessional and underhand for the business to commence without planning permission.

## **Statutory consultations**

### **Hertfordshire County Council (Highway Authority)**

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. The proposed development is for the change of use from a local shop (vacant) to a massage parlour on 70 Euston Avenue, Watford. The proposed site has an existing pedestrian access only from the Euston Road that is a classified C secondary distributor road, with a speed limit of 30mph. There is no off-street parking space provision for the application site. The Highway Authority is aware that the lack of adequate parking for proposed site is likely to result in parking on the street which will lead to over-spill on to surrounding roads. The Local Planning Authority should decide whether there is sufficient off-street parking for it. Furthermore, Euston Road is in a controlled parking zone with both sides subject to permit holder parking only, which is also a cul-de-sac. However, the proposals are not considered to greatly impact upon highway safety or capacity. As a consequence, HCC as the Highway Authority does not recommend refusing this application.

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## **APPRAISAL**

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

- (a) the *Watford Local Plan Part 1 - 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*.

### **Principle of the change of use**

Euston Avenue is identified in Table 2 of chapter 7 of the Watford Local Plan, Part 1: Core Strategy 2006-31, as having a group of 'local shops', defined as being '*small parades or groups of individual shops meeting day-to-day short term needs*'. The adjacent newsagent at No. 68 falls within the definition of a 'Key Local Shop' (paragraph 7.45 of the Watford District Plan 2000). In addition, there is the nearby 'local shopping frontage' of 1-5 Euston Avenue identified in the Watford District Plan 2000 and referred to in the Core Strategy as a neighbourhood centre. 1-3 Euston Avenue has been recently occupied as a supermarket (A1) following a grant of planning permission (14/00358/COU). Whippendell Road also offers a variety of commercial shops in various uses. The area is therefore well served by the existing and occupied local shops providing convenience goods and more for the local area. Consequently, the loss of the A1 use at No. 70 would not result in under provision of shopping facilities for the local area and would not conflict with the policies of the Core Strategy.

The proposed D1 use for the massage treatment studio is also considered complementary to the local shops as it would offer services akin to a beauty salon or hairdressers. To this extent it is likely that this will be frequented by local residents or employees in the area such as, for example, from the nearby hospital. As such it is considered that the use would support the contribution, and improve the offer, of the local shops in this vicinity, in accordance with paragraph 7.3.2 of the Core Strategy.

It is also recognised that the premises are unlikely to be viable as an A1 unit due to the very small size of only 20.3sqm and the lack of rear access. It is unsurprising, therefore, that the premises have been vacant for a considerable time (information available to the Council indicates that this has been for a period in excess of 5 years). The premises have remained vacant despite investment from the landlord in upgrading the premises and shop front. This long term vacancy supports concerns as to the viability of an A1 use of the property. As stated in paragraph 19 of the NPPF "significant weight should be placed on the need to support economic growth through the planning system". Bringing this vacant

unit back into use, when it is unlikely to be viable in its current use, would benefit the local economy.

Other uses within the D1 use class (for example, places of worship and day nurseries) would be subject to different considerations and may not be suitable. As such a condition should be included in any planning permission that may be granted that the use of the premises cannot be changed to another use falling within the D1 use class without planning permission.

### **Transportation, access and parking**

The local Highway Authority has been consulted in order to assess the potential impact of the change of use on the safety and operation of the adjacent highways. The County Council does not consider that this proposal would greatly impact on either highway safety or capacity and has advised that they do not recommend the refusal of the application.

There is no off-road parking provision for the proposed use. However, there is no off-road parking provision for the existing use. So far as parking is concerned, therefore, the issue is whether there is evidence to demonstrate that the proposed use would have a significant adverse impact as compared to the existing situation.

For staff or customers choosing to drive to the property, Euston Avenue is a Controlled Parking Zone with full control and match day restrictions. Staff and visitors would not be able to park within the CPZ within the restricted hours. Outside of the CPZ hours it is clear that on-street parking is problematic for local residents. The particular issue for Euston Avenue is that it is a dead end road with parking along both sides. When parking areas are occupied the road is single file and this creates difficulties for vehicles to pass. As a dead end road, vehicles on Euston Avenue have no option other than to travel to the turning area at the north end to turn around and then double back to the south to exit from the junction with Hagden Lane. Vehicles entering Euston Avenue at this junction have to wait on or back onto Hagden lane to allow vehicles to exit. This is referred to by residents in their representations and has been evident on the case officer's site visits.

Additional cars parking on the road outside of the CPZ hours, namely after 6.30pm, would inevitably make it harder for residents to find spaces at this time as parking demand already exceeds supply. The reoccupation of the premises may also see additional road movements along Euston Avenue. However, there is no evidence to suggest that the situation would be noticeably different if the premises were to be re-occupied by a retail use.

The premises are in an accessible area of West Watford and within walking distance of a large number of dwellings and places of work, including the hospital. Massage treatments and Chinese therapies are likely to attract local customers in much the same way as would a beauty salon or hairdressers and so it is reasonably foreseeable that the majority of customers would be local. Indeed, as an investment in a property with no on or off road parking provision, the success of the business is dependant on appealing to customers living and working in the area.

Moreover, the proposed use is likely to have a lower demand for parking than the established A1 use. For example, a hairdresser could occupy the premises with 3-4 stations at similar times to the use proposed. Hairdressers on the premises could reasonably see up to 4 customers at a time with 6 members of staff plus 2 customers waiting, totalling 12 or more people at one time. The proposed massage treatment rooms are stated as having one employee but with two treatment rooms the maximum foreseeable visitors would be 2 customers, 3 staff (2 treatments and 1 receptionist) plus 2 customers waiting, totalling 7 maximum at any time. The proposed massage treatment studio is therefore likely to have a lower impact on the road and parking than a possible A1 use which could be commenced at any time.

It is therefore the re-occupation of the vacant unit, rather than the specific use proposed, that could result in increased traffic and add to parking demand on the road outside of CPZ hours. However, the proposed use is likely to result in a lesser highway impact than the permitted re-occupation of the premises for an A1 use. Consequently, there is no



evidence to show that parking and highway impacts of the proposed use would justify a refusal of planning permission.

### **Impact on neighbouring properties**

The re-occupation of the premises following its long term vacancy will create additional activity at the premises on Euston Avenue. However, the proposed use is not one that would necessarily be out of place in a predominantly residential area. The massage treatments rooms would be similar in activity to a beauty salon, with individuals attending appointments for treatments. Any noise generated by the use is expected to low level ambient music and talking. The activity of the massage treatments would therefore not create noise or disturbance to adjoining residential properties.

With only two small treatment rooms the numbers of staff and customers at the premises at any time would be small. Activity will increase due to the re-occupation of the premises; however, individuals attending appointments in the two treatment rooms are unlikely to create significant noise or disturbance. Any increased activity from the proposed use is unlikely to be noticeable beyond that already created by the higher number and frequency of customers to the adjacent betting office and newsagent.

No planning restrictions exist on the opening hours of the existing newsagents at No. 68, the betting office at No. 72 or the established A1 use at No. 70. Under its licence, the newsagents cannot sell alcohol after 8 pm although the shop can remain open after this time. The betting office at No. 72 is usually open until 9.30 pm.

The application seeks opening hours of 10.30 am to 9 pm on Mondays to Fridays, Saturdays, Sundays and Bank Holidays. This would not exceed the existing or potential opening hours of the adjacent betting office and newsagents. Owing to the small numbers of visitors to the premises and the low level of noise and disturbance likely to be created by the use, particularly in relation to the adjacent uses, there is no justification in planning terms to apply a restriction on the opening hours of the use.

There are no external building works or alterations proposed. Internal works to create the treatment rooms and internal fitting of the premises has already taken place.

In summary, it is not considered that the proposed use or activity associated with the use would cause any significant noise, disturbance or harm to the amenities of adjoining or surrounding residents. In this regard, the proposal is in accordance with the provisions of Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31.

**Impact on street scene**

No physical external alterations are proposed. The internal arrangements screen part of the shop front window to create the front treatment room; however, the majority of the shop front remains as clear glazed. The shop front is open to the entrance and reception area for the premises such that an active street frontage is maintained. The premises therefore retain their contribution to the vitality and viability of the local shop frontage and the street scene.

**Consideration of representations received**

Seven representations were received and these are summarised in the “Consultations” section of the report above. Many of the issues raised have been discussed in the “Appraisal” section of the report. However, those issues that have not already been referred to, or which require further discussion, are outlined in the following table.

Objections	Officer’s response
<p>This is unlikely to be a genuine massage business. Gentlemen from bookies have been seen going into the treatment rooms. Police have been seen at premises.</p>	<p>It is understood that prior to the planning application there had been a police visit to the premises which found no illegal activity. The planning application legitimately seeks permission for a massage treatment studio. Suspicions of illegal activity are not material to the assessment of this application.</p>

<p>The massage parlour, along with the existing off licence and betting office is an unsuitable combination for a residential area and on the walking route of secondary school children</p>	<p>A business offering massage and Chinese therapies and treatments is not unsuitable for a residential area.</p>
<p>The business would not serve local needs with residents being mostly families and the elderly</p>	<p>In choosing to invest in a premises with no on or off road parking provision, the success of the business is dependant on appealing to customers living and working in the area.</p>
<p>The road as existing is hazardous: When both sides of the dead end road are fully occupied with parked cars, vehicles cannot pass one another causing backed up traffic to the roundabout and Hagden Lane. Additional highway pressures could restrict emergency services access to Euston Avenue and would endanger lives</p>	<p>The existing problems arise from the design of Euston Avenue. The re-occupation of the premises may re-introduce traffic; however, this would be the case whatever use was made of the premises. Due to the scale of the proposed use, its impact is likely to be less than re-occupation of the premises by an A1 use. The Highway Authority does not object to the application.</p>
<p>Parking for residents in the evenings is already very difficult. The nature of the establishment will encourage custom from outside of the area. There are no off street parking spaces for the business and no on road visitor spaces so on road parking after 18:00 will add to the parking issues.</p>	<p>The property as existing does not have any off road parking provision. The re-occupation of the premises may add to parking demand outside of CPZ hours; however, this would be the case even if the premises were re-occupied by an A1 use. Indeed, it is likely the proposed use would have a lower parking demand than an A1 use (which could be commenced at any time).</p>

<p>People ignore the CPZ and double yellow lines and park hazardously or on private-off road spaces, this will worsen.</p>	<p>Illegal or unauthorised parking would be matters for the police or Parking Enforcement at Watford Borough Council.</p>
<p>The nature of the business will attract customers in taxis. Waiting taxis and people exiting/boarding taxis will create noise and disturbance, particularly at night, and highway hazard.</p>	<p>Assumptions have been made as to the legality of the activities at the premises. The individuals attending for treatments may attend by taxi as people may attend hairdressers appointments by taxi. However owing to the scale of the business and frequency of visitors by taxi, this is unlikely to create an impact, particularly in comparison to visitors to the adjacent betting office and newsagent.</p>
<p>The expected groups of men to the premises will create noise, disturbance and make residents feel less safe</p>	<p>Assumptions have been made as to the legality of the activities at the premises. The use for which permission is sought is unlikely to result in noise or disturbance as discussed in the report.</p>
<p>There is no precedent for this type of business or the late hours of the business in this area.</p>	<p>There are no other massage treatment studios in this area; however, the market is unlikely to support two such competing businesses. There are no planning restrictions on the opening hours of the uses at Nos. 68, 70 or 72. The betting office and newsagents do, however, remain open into the evening as discussed in the report. The proposed opening hours to 9 pm would therefore not be out of keeping with the adjacent uses or cause to residential amenity.</p>

<p>It was unprofessional and underhand for the business to commence without planning permission.</p>	<p>The applicant has submitted the application as required and has ceased trading whilst awaiting the outcome. Nevertheless, the commencement of the use without permission is not a material consideration in assessing whether or not permission should be granted.</p>
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**Conclusion**

The loss of the A1 use will not adversely affect the shopping facilities in the locality which is served by other convenience shops within the immediate surrounding area. The premises have been vacant for over 5 years and are unlikely to be viable as an A1 use. The loss of the A1 use is therefore acceptable.

The proposed D1 use, offering massage and Chinese treatments and therapies, is likely to attract people living and working in the area, akin to a beauty salon or hairdressers, and so the business is likely to complement the function and offer of local shops. The internal layout of the premises maintains an area of shop front looking into the reception and entrance area of the premises so that an active street frontage is maintained.

The activity of the use will create very little noise. With only 2 small treatment rooms there would be a minimal number of staff and visitors such that noise and disturbance to residents on Euston Avenue is unlikely. Any increased activity from the proposed use is unlikely to be noticeable beyond that already created by the higher number and frequency of customers to the adjacent betting office and newsagent.

The premises do not offer off road parking. The site is within a Controlled Parking Zone (CPZ). Outside of the CPZ hours, the re-occupation of the premises may result in additional cars on and attempting to park in Euston Avenue. However, owing to the nature and small scale of the proposed use, any impact is likely to be small and is indeed likely to be lower than could be expected for the re-occupation of the premises as an A1 use. The Highway Authority has confirmed that the proposal is not considered to impact greatly on highway safety or capacity.

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### **Human rights implications**

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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### **RECOMMENDATION**

That planning permission be granted, subject to the following conditions:

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

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

2. The premises shall be used only as a massage treatment studio and shall not be used for any other purpose, including any other purpose falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.

Reason: Other uses including other D1 uses may not be suitable for the premises and would require consideration on their own merits in accordance with Policies SS1, SD1 and UD1 of the Watford Local Plan, Part 1: Core Strategy 2006-31.

## Informative

1. 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.

## Drawing Numbers

Site Plan 1:1250

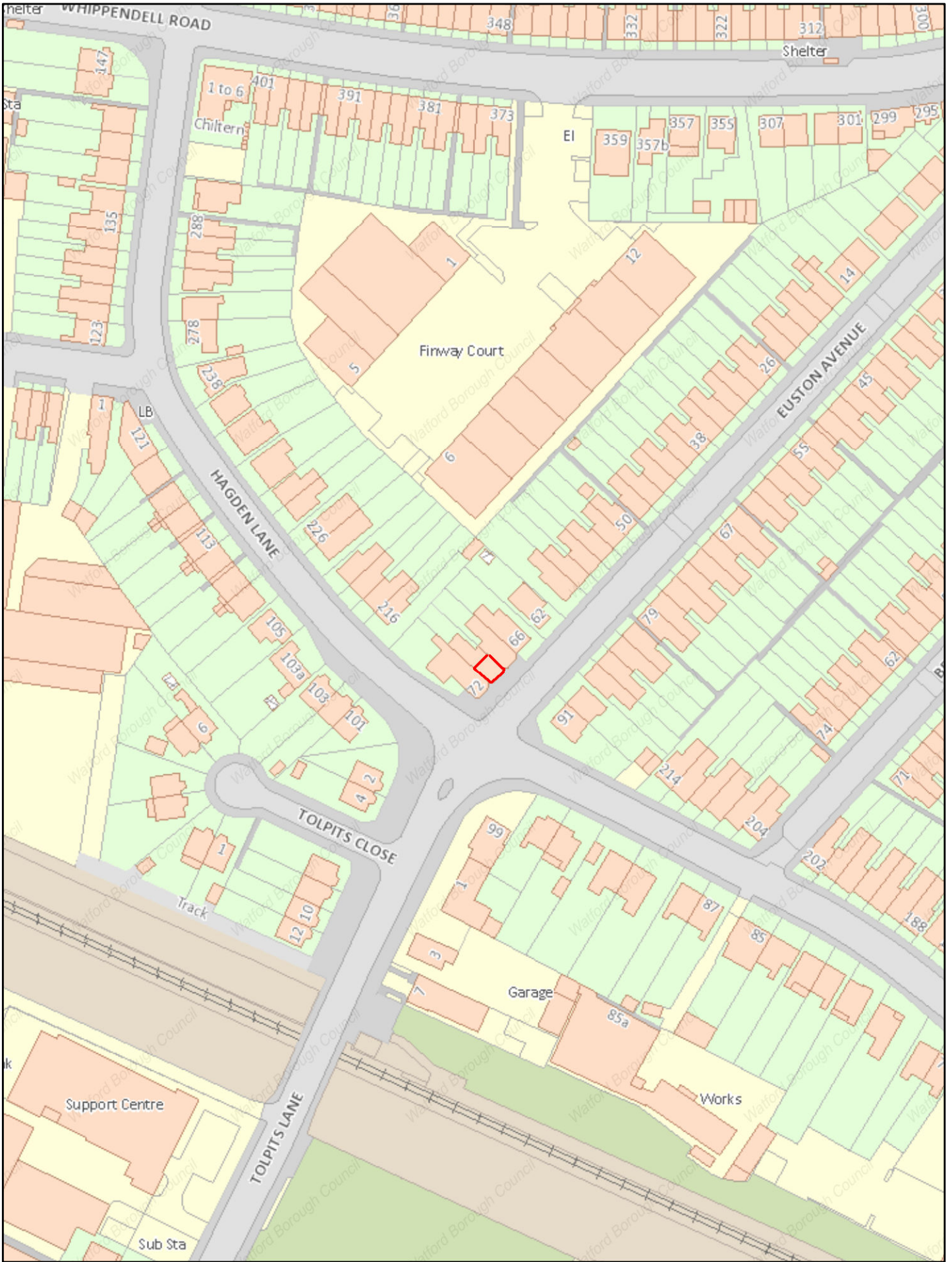
140513-21-DK002 (Floor Plan)

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Case Officer: **Alice Reade**  
Email: **alice.reade@watford.gov.uk**  
Tel: **01923 278279**

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70 Euston Avenue

Date: 27/05/2014



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## PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee **5<sup>th</sup> June 2014**

Site address: **36 Clarendon Road**

Reference Number : **14/00531/FULM**

Description of Development: **Demolition of existing buildings and redevelopment of the site to provide 2,220 sqm of office (Class B1a) floorspace and 34 residential flats with associated surface car parking, cycle and bin storage and landscaping.**

Applicant: **Hertfordshire County Council and V Fund (Watford) Limited**

Date received: **7<sup>th</sup> April 2014**

13 week date(major): **7<sup>th</sup> July 2014**

Ward: **CENTRAL**

## **SUMMARY**

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. These policies identify Clarendon Road as a prime office area and development proposals should be for Class B1 office use. The proposed mixed-use scheme comprises a 5 storey office element (2,220m<sup>2</sup> floorspace) on the Clarendon Road frontage with 34 residential flats behind in a part 6, 4 and 2 storey element. The office element will result in an increase in the quantity and quality of office floorspace on the site and will contribute towards providing new employment within the Borough, in accordance with the Core Strategy. Although the

residential element is not strictly in accordance with the land allocation, the scheme remains employment led and is considered to accord with the overall objectives of the Core Strategy.

The proposal will result in the total loss of the locally listed Victorian villa on the site and thereby substantial harm to this asset. However, the building itself is not considered to be of significant merit due to its limited architectural and historic interest. It is also not able to provide the quality or quantity of modern office floorspace required by the designation of Clarendon Road as the town's prime office area. Its potential use is very limited and the likelihood of it being brought back into use is consequently very low. Although there will be harm to the town's historic environment through the loss of this building, it is considered that this harm is of moderate significance and would be outweighed by achieving a high quality, modern office building to meet the employment needs of the town, in accordance with the Core Strategy.

A previous application for a very similar development comprising the same amount of office floorspace but with 36 flats (ref. 13/01324/FULM) was refused planning permission by the Committee in March 2014 for a single reason relating to the height, massing and bulk of the residential element, which was considered to have a harmful impact on the character and appearance of the Estcourt Conservation Area to the east. This application proposes an amended design for the residential element which deletes the two roof level flats and introduces new materials to break up the visual dominance of the brickwork on the east facing elevation. It is considered that this revised design overcomes the reason for refusal and is acceptable.

The design and scale of the scheme will ensure that it makes a positive contribution to the character and appearance of Clarendon Road and to the setting of the Estcourt Conservation Area to the east. The revised residential element will have an acceptable relationship with the houses to the rear on Gartlet Road and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the large scale, commercial character of Clarendon Road and the domestic

scale, residential properties in Gartlet Road. A new street frontage along Gartlet Road will be created along the rear boundary of the site.

The applicants have agreed to enter into a Section 106 planning obligation to secure 35% affordable housing and financial contributions towards the provision or improvement of infrastructure and community facilities.

The Development Management Section Head therefore recommends that the application be approved, subject to the completion of a Section 106 planning obligation and to appropriate conditions, as set out in the report.

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## **BACKGROUND**

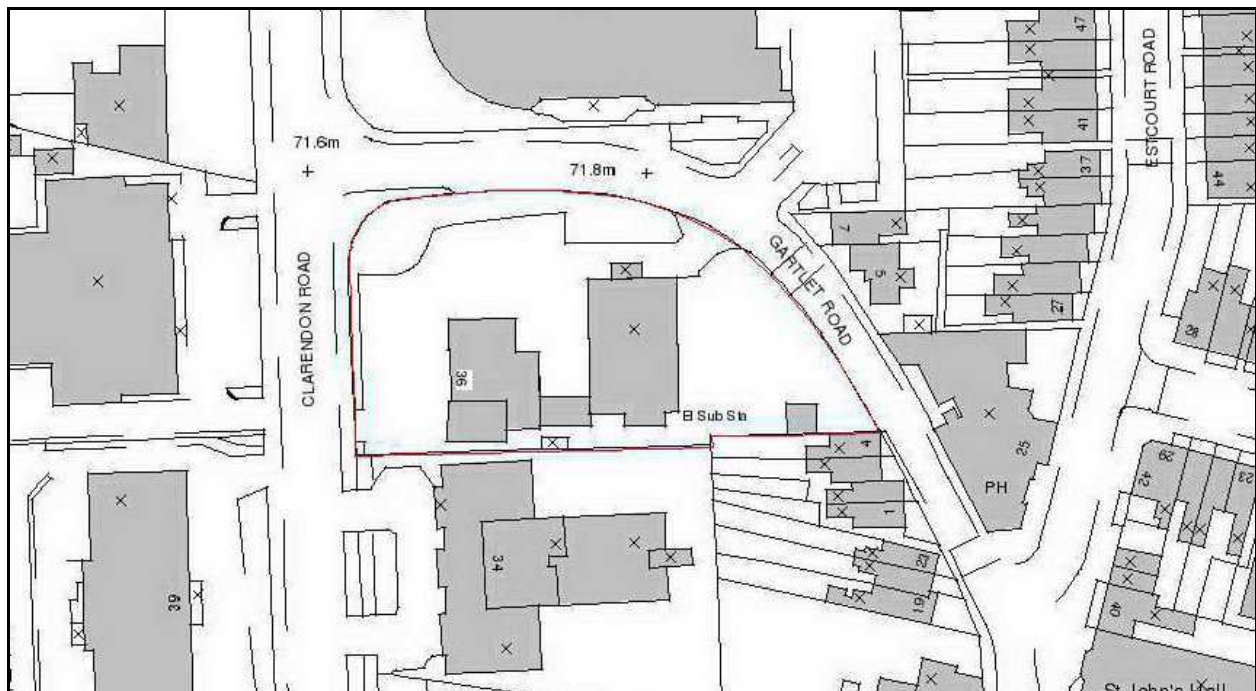
### **Site and surroundings**

The site is located on the eastern side of Clarendon Road at its junction with Gartlet Road. Clarendon Road forms its western boundary and the curving Gartlet Road its northern and eastern boundaries. Its southern boundary abuts 34, Clarendon Road, a 4 storey office building, along two-thirds of its length and two storey terraced houses in Gartlet Road along the remaining one-third of its length. The eastern part of the site (approx. one-quarter of its area) falls within the Estcourt Conservation Area.

The site currently comprises two vacant buildings. On the Clarendon Road frontage is an extended Victorian villa built in 1865 that was until recently used as the Watford Registry Office (Class D1), providing 311m<sup>2</sup> of floorspace. This is a locally listed building. To the rear is a 3 storey office building (Class B1) built in the 1960s which was used for administrative services, and provides 537m<sup>2</sup> of floorspace. The area of land to the east of this building, within the conservation area, is a small garden ('ceremony garden') surrounded by a tall conifer hedge. Vehicular and pedestrian access is from Clarendon Road with a vehicular exit onto Gartlet Road. Surface level car parking is provided to the front and side of the buildings.

To the north, on the opposite side of Gartlet Road, 38 Clarendon Road is a 5 storey office building of red brick. To the west, on the opposite side of Clarendon Road are other 4 and 5 storey office blocks. To the east, on the opposite side of Gartlet Road are 2 storey houses (nos. 5 and 7) within the Estcourt Conservation Area.

Clarendon Road forms a direct link between the town centre and Watford Junction station. It is the main office employment area within the Borough and is characterised by multi-storey commercial buildings up to 8 storeys high but typically 4-6 storeys high. The buildings vary in age from the 1960s through to the 2000s and exhibit a very varied range of designs and materials.



Site location plan

### **Proposed development**

The application proposes the demolition of the existing buildings on the site and the erection of a new multi-storey building comprising 5 storeys of Class B1 office accommodation on the frontage with Clarendon Road and up to 6 storeys of residential accommodation to the rear fronting Gartlet Road. The previously proposed 2 flats at roof



Proposed site plan

level have been deleted from this scheme. The office element will comprise 2,220m<sup>2</sup> gross internal floorspace with a net internal area of 1,659m<sup>2</sup>. The revised residential element will provide 34 flats comprising 4 x studio, 16 x 1 bed and 14 x 2 bed units. Two surface level car parks will provide 19 parking spaces for the offices, accessed from a new access on Clarendon Road, and 24 parking spaces for the residential, accessed from a new access on Gartlet Road. The pedestrian access to the offices will be from the corner of Clarendon Road and Gartlet Road. All the residential units will be accessed from Gartlet Road via a new footpath proposed along the southern side of the road, where no footpath currently exists.

### **Planning history**

The Victorian villa on the Clarendon Road frontage was constructed in circa. 1865. The 3 storey office block to the rear was constructed in the 1960s together with a link extension to the villa.

The Estcourt Conservation Area, which includes the 'ceremony garden' in the eastern part of the site, was designated in 2001.

13/01324/FULM – Planning permission refused in March 2014 for the demolition of existing buildings and redevelopment of the site to provide 2,220 sqm of office (Class B1a) floorspace and 36 residential flats with associated surface car parking, cycle and bin storage and landscaping for the following reason:

*The proposed development, by reason of its height, massing and bulk, will have a harmful impact on the character and appearance of the Estcourt Conservation Area to the east of the site, contrary to Policies UD1 and UD2 of the Watford Local Plan Part 1: Core Strategy 2006-31.*



## **Relevant policies**

### **National Planning Policy Framework**

- 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
- Section 12 Conserving and enhancing the historic environment

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

- 1 Strategy for the Provision for Waste Management Facilities
- 1a Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

### **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

### **Watford Local Plan Part 1 - Core Strategy 2006-31**

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SPA1 Town Centre
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- HS1 Housing Supply and Residential Site Selection
- HS2 Housing Mix
- HS3 Affordable Housing

- EMP1 Economic Development
- EMP2 Employment Land
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

### **Watford District Plan 2000**

- SE7 Waste Storage and Recycling in New Development
- SE27 Flood Prevention
- SE39 Tree and Hedgerow Provision in New Development
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- T24 Residential Development
- T26 Car Free Residential Development
- E1 Employment Areas
- L8 Open Space Provision in Housing Development
- L9 Children's Playspace
- U17 Setting of Conservation Areas

### **Supplementary Planning Guidance and Supplementary Planning Documents**

- SPG6 Internal Space Standards
  - SPG10 Open Space Provision
  - Residential Design Guide Volume 1: Building New Homes (2008)
  - Watford Character of Area Study (2011)
-

## CONSULTATIONS

### Neighbour consultations

Letters were sent to 17 properties in Clarendon Road, Estcourt Road and Gartlet Road. Six replies have been received, raising the following objections to the proposal:

- Existing property has a lot of character which will be lost to the local area.
- Very unhappy that they wish to destroy the listed Victorian building. No attempt to build the frontage of the Victorian villa into the design.
- The property was once the home of Watford's MP and is therefore of some historic interest and, because it is on the local list, an historic building record should be made.
- A 3.5m high wall will be erected along the boundary with 4, Gartlet Road that will block out natural light.
- Residential properties being built in a commercial area is against local policy.
- Scale of the proposal much bigger than the current buildings, hence it will block sunlight and overlook neighbouring residential properties.
- Proposed building is taller than adjacent buildings and, together with its siting, creates an oppressive, monolithic building.
- Lack of affordable housing is unacceptable.
- Residents should be barred from obtaining parking permits for the controlled parking zone.
- Parking is already an issue, the proposal does not include enough on-site parking.
- Proposal will increase traffic on Gartlet Road.
- Houses and gardens in Gartlet Road will be overlooked by adjoining flats.
- Noise will increase to neighbouring garden areas.
- The north and west elevations of the building are forward of the building lines.
- New application is virtually the same as the previous refused one. Still an intrusive development that will have a harmful impact on the conservation area and adjacent houses.
- Loss of locally listed building with historical relevance to be replaced by office building that may stand empty.

- Proposed development, being partly within the Estcourt Conservation Area, is not in keeping with the conservation area.
- The additional pavement is not necessary.
- The vehicular access has not been designed to encourage users to abide by the one-way system.
- Houses and gardens in Gartlet Road will be overlooked by offices.
- Removal of trees and hedges will not help the environment.

### **Advertisements in local paper/ site notices**

Three site notices were placed outside the site on 25<sup>th</sup> April 2014, with one on the Clarendon Road frontage and two on the Gartlet Road frontage. A public notice was published in the Watford Observer on 25<sup>th</sup> April 2014.

### **Consultations**

#### **Thames Water**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground

sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

*Access*

A Transport Statement was submitted in support of this planning application. The existing site has two access points with ingress from Clarendon Road and egress onto Gartlet Road, vehicles used to operate a one-way system around the site.

To access the site two accesses will be required a crossover from Clarendon Road and a bellmouth access from Gartlet Road. Drawing number 63040-TS-003 Rev B shows the proposed access arrangement in principle. They are acceptable to the Highway Authority. The existing accesses on Clarendon Road and Gartlet Road should be stopped up and reinstated as verge and footway.

*Parking*

The parking and access arrangements as shown on drawing number 63040-TS-003 Rev B are acceptable. There is sufficient turning space and vehicles will be able to enter and leave the site in a forward gear. The LPA as parking authority will determine the appropriate level of parking for this proposal.

*Proposed Lay-by and Visibility Splay*

Drawing number 63040-TS-003 Rev B shows there would be a lay-by provision on the south side of Gartlet Road with the proposed development. Gartlet Road is subject to a 20mph speed limit and approaching vehicle speeds are reduced by the need to turn from Clarendon Road over a raised entry hump at the junction. A 15mph speed limit approach speed is appropriate in this circumstance. The drawing 63040-TS-003 Rev B shows a

residential access layout which achieves a 2.4m by 18m visibility splay to the carriageway edge with a refuse lorry present in the proposed service lay-by. When no vehicle is present in this lay-by, which will be the majority of the time, the sightline achieved is 34m.

#### *Proposed build-out*

By introducing a kerb build-out on the corner of Gartlet Road with Clarendon Road and narrowing the carriageway slightly to the east of the junction a minimum width of 5.5m would be provided alongside the existing parking bay. In this way the applicant can provide new footway on the south side of Gartlet Road partly within existing highway and partly using land within the site. The reduced width at Clarendon Road will help pedestrians using the eastern footway by reducing the crossing width.

#### *Relocation of the Signal Controlled Crossing in Clarendon Road*

The drawing 63040-TS-003 Rev B shows the proposed layout with the pedestrian crossing relocated so that it is a similar distance north of the proposed office car park access. This has the effect of reducing the distance from the crossing to the junction from 20m to 16m which we believe to be a safe compromise. When the crossing is moved the redundant dropped kerbs and tactile paving should be removed. The signal control cabinet and feeder pillar should be moved to maintain pedestrian capacity at the crossing.

#### *Planning Obligations*

The applicant should be made aware that if planning permission is granted for this development of 36 flats it will attract a financial contribution of £14,500 (Twenty 1-bed flats @ £375=£7,500; fourteen 2-bed flats @ £500=£7,000) and, for the non-residential element (office) a contribution of £500 per car parking space, 19 parking spaces for office(19 @£500=£9,500) total £24,000 towards but not limited to sustainable transport measures identified in the Southwest Hertfordshire Transport Plan and/or implementation of the Clarendon Road Urban Realm project and/or Real Time Passenger Information screens at nearby bus stops. These charges have been derived from the document "Planning Obligations guidance - toolkit for Hertfordshire".

### *Conclusion*

The proposals are not considered to result in any severe adverse impact on the public highway and are considered acceptable to the Highway Authority.

### Hertfordshire County Council (Waste and Minerals Planning Authority)

Should the Borough Council be minded to permit this application, a number of detailed matters should be given careful consideration. The County Council seeks to promote the sustainable management of waste in the county and encourages Districts and Boroughs to have regard to the potential for minimising waste generated by development. The Department for Communities and Local Government highlights the need for Local Planning Authorities 'to help to contribute to delivering the waste hierarchy' in the *Guidance for Local Planning Authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC)*.

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities;

Policy 1a: Presumption in Favour of Sustainable Development;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the Borough Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan. This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

Hertfordshire County Council (Development Services)

The following contributions are sought, based upon the County Council's Planning Obligations Toolkit:

Primary education	£13,284
Secondary education	£7,156
Nursery education	£3,370
Childcare	£958
Youth facilities	£242
Libraries	£3,346

Fire hydrant provision to serve the development is also sought.

Hertfordshire Constabulary (Crime Prevention Design Advisor)

*No comments have been received, however, the comments made on the previous application have been incorporated into the revised scheme, as given in italics below;*

The only mention of security is within the Sustainability document where 2 points have been claimed on the basis there will be a consultation with a CPDA. There is a similar comment under BREEAM and a further 2 points have been claimed. No consideration appears to have been given to crime prevention measures within the DAS which is again a requirement under the NPPF. *(The whole development has been designed to meet Secured By Design standards).*

I can only repeat the comments/recommendations sent to PRC in December 2013, with appropriate amendments due to our current experience with laminated glazing.



## Residential

- I am pleased to see external meters as this will help to prevent distraction burglaries. *(Noted)*.
- I am happy to see a sliding gate protecting the residential parking area as I know that parking spaces are at a premium in Watford, plus it will hopefully deter vehicle crime within the residential portion of the car park. *(Noted)*.
- There is a gap along the southern edge of the office development which appears to allow access to the residential car parking and this must be fenced or the gap planted with something like Pyracantha to prevent entry in to the car park through this area. *(This area has been closed off with a wall)*.
- There needs to be a little more planting around the bedroom window of ground floor Unit 1 so as to prevent anyone walking past or in the offices opposite being able to see in to the room. *(Additional planting has been added in front of the ground floor bedroom windows of Unit 1)*.
- On the Gartlet Road elevation of Units 1 & 2 where the bedroom windows of Units 2 & 3 look out on to the private gardens and shown in “white” on 9283 PL004 Ground Floor Plan there is what looks like a path which goes nowhere, and I’m not sure what purpose this area serves, could you let me know as it could make the bedroom windows vulnerable. *(This provides a physical separation between the bedroom window and the private garden area of the adjoining flat)*.
- There is also the possible overlooking from the offices in to the kitchen, dining and balcony areas of the flats and I suggest the windows from the offices are of obscure glass to prevent any possible overlooking. *(Noted)*.

## Offices

- There could be a possible conflict in the parking area if left open on to Clarendon Road as some may see it as an easy [and free] place to park whilst going in to the centre of Watford shopping. I recommend a small fence or wall along the Clarendon Road elevation with appropriate signage. *(A low wall has been provided along this boundary).*
- I am not clear whether the office car parking is in a walled undercroft car park or open with pillars, if in a walled area then I would recommend a gate as otherwise it could become a shelter or sleeping place for some of Watford's rough sleepers. *(A sliding gate has been incorporated to the undercroft parking area).*

## Planning Policy

Principle of what is being proposed is acceptable subject to the scheme being of sufficient quality; the issue is the balance of the harm caused by the loss of the locally listed building and potential impact on the conservation area and the public benefit. The principle was accepted for the refused application and it is a matter of whether the changes made are sufficient to overcome the reason for refusal.

Changes made were discussed at a meeting with officers following the refusal of the previous scheme in March this year. The principles of the changes needed to deal with the issues raised in the reason for refusal were discussed and agreed in principle with officers. The changes are:

- Removal of the top floor of the residential block to reduce the overall height of this element.
- Revision of the rear elevation to a stepped form which would break up the massing and bulk of this element which was objected to;
- And amend the fenestration arrangements to create a more intimate feel on the Gartlet Road frontage.

The changes made represent a significant improvement in my view and have resulted in a significantly better scheme. The redesign of the rear elevation serve to create a more

interesting elevation; reduces the impact of the previously dominant elevation on Gartlet Road through the introduction of smaller stepped elements and a variety of materials. The changes to the fenestration on the residential units fronting Gartlet Road responds better to the residential properties across the road and to the conservation area generally.

Care will need to be taken with the choice of materials and the construction of the scheme to ensure a high quality finish. I am happy with most of the materials indicated in principle and subject to samples being agreed. I do not support the use of Trespa style panels for the residential and would prefer a render finish such as that produced by Sto – the Stortherm or Stoventec product would work giving a smoother and slightly textures finish which would sit better alongside the other materials and against the materials found in the conservation area (it also has good thermal properties). If this material is used care must be taken to ensure that it does not become stained over time. We will need details of all materials and window reveals etc as conditions.

*The applicants have amended the scheme to use render on the residential element and Trespa or similar cladding on the office element.*

#### Arboricultural Officer

No further comments received.

#### Environmental health

I have assessed the documentation provided and examined our records relevant to this case. I feel that permission for the development should be granted subject to the following condition:

1. The development shall be constructed to ensure that residential properties are not affected by existing noise sources. Specifically, the developer shall ensure that sound levels in units 3 and 10 do not exceed any of the values on curve NR 30 to protect the occupants from noise from the existing electrical substation. Further, the developer shall ensure that sound levels in units 2, 3, 9 and 11 do not exceed any

of the values on curve NR 30 to protect the occupants from noise from the domestic plant room. Reference to NR curve relates to ISO 1996 – Acoustics – Description and Measurement of Environmental Noise.

Further, the conditions advised by environmental health for the previous application (ref 13/01324/FULM) are still pertinent and should be noted.

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## **APPRAISAL**

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

- (a) the *Watford Local Plan Part 1 - 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*.

## **Land allocation**

On the Proposals Map of the Watford District Plan the site is located within Employment Area E7a (Clarendon Road/Station Road). In the Core Strategy it is located within the Town Centre Special Policy Area (SPA1). The objectives of the Town Centre SPA are to strengthen and consolidate Watford’s position as a regional centre in the retail hierarchy; seek a more balanced provision of town centre facilities and infrastructure, including retail, leisure, entertainment and other town centre uses; seek access improvements for people of all ages, interest and backgrounds; redevelop the existing shopping centre at Charter Place; and deliver around 3,300-4,200 additional jobs in the wider town centre area in the retail, leisure, office and service sectors. Within the wider town centre, Clarendon Road is identified as the focus for office use.

### **Principle of development**

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 Core Strategy sets out the requirement for the provision of at least 7000 new jobs by 2031 to meet strategic objectives and maintain Watford's role as a regional employment centre.

The GVA Employment Study 2010 (forming part of the evidence base for the Core Strategy) identifies potential demand for up to 90,000sqm of B1a office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600 sqm of new floorspace. This study also highlights the fact that the quality of floorspace is equally important as the quantity. Clarendon Road is identified as needing improvement in the quality of stock to compete effectively and attract occupiers. It is important to have not only the right quality and quantity of floorspace but also the right type of space to meet the future employment needs of the Borough and generate new jobs. As a regional centre, it is important that Watford remains an employment destination and does not become merely a commuter town.

Clarendon Road is identified as a prime office location and a focus for new office development within the spatial strategy (Policies SS1 and EMP1) . A major strength is its location and proximity to Watford Junction (sustainable access) and the town centre core (other services). It is important that this area remains the focus for new job creation and that opportunities for this are recognised and taken. Replacing redundant and outdated building stock (such as the buildings currently on the application site) that no longer meets the requirements of modern employers represents a prime opportunity to achieve this. The Council expects approximately 3,300-4,200 new jobs to be created within the wider town centre area. Any development proposals in Clarendon Road will therefore need to demonstrate clearly that they will contribute to growth in employment in the medium and longer term to 2031.

The office element of the proposed mixed-use scheme is in accordance with the employment land allocation of the Watford District Plan and the wider employment

objectives of the Core Strategy. It will increase not only the quantity of office floorspace on the site but also the quality, delivering modern, high quality floorspace to replace the current out-dated floorspace. However, the residential element of the proposed scheme is not strictly in accordance with either the land allocation or the Core Strategy, where the focus is on employment generating uses in Clarendon Road and office uses in particular. The inclusion of the residential element in the scheme therefore needs careful consideration.

The site is within the wider town centre area where an element of new residential development is considered appropriate and is expected (Policy SS1). However, any residential development that is provided must not undermine the key objectives of the Core Strategy and the Town Centre SPA to deliver the range of town centre uses and facilities necessary to consolidate and strengthen Watford's position as a regional centre and a significant number of additional jobs. In this respect, the Council's Employment Market Assessment (which also forms part of the evidence base for the Core Strategy) acknowledges that demand for office space in Watford has been reduced in recent years, in part due to the change in demand for large scale office buildings and also the difficult economic conditions. As a result, funding for large, speculative office buildings is very difficult to secure. This is evidenced by the proposed redevelopment of 53, Clarendon Road, where planning permission has been granted for 5,000m<sup>2</sup> office floorspace, but which has failed to secure a pre-let tenant and consequently has not proceeded.

The proposed mixed-use scheme for the application site will ensure that new employment opportunities are still provided and that the overall scheme remains employment led, whilst the residential element will help to secure funding and make efficient use of the land. The residential element is compatible with the office use within the scheme as well as the office uses adjoining the site and the residential properties to the rear. In conclusion, it is considered that the proposal does accord with the overall objectives of the Core Strategy.

### **Heritage assets**

The former Victorian villa on the Clarendon Road frontage is locally listed, dating from 1865. It is 2 storey with a pitched roof with accommodation in the rear part of the roof space. It is typical of a large house of this period, built of yellow stock brick with slate roof tiles, and incorporates a variety of features and detailing. Overall, it is an aesthetically pleasing building but has no features of special interest or significance. Once typical of the Victorian villas built on Clarendon Road when first developed, it is one of only three remaining on the road, the other two being Nos. 73 and 75 Clarendon Road. Historically it is also of limited interest, being owned for a time by Sir Dennis Herbert, the MP for Watford between 1918 and 1943. Within the Clarendon Road streetscape it adds interest but nevertheless sits incongruously with the large scale office buildings that now form the predominant character of the road. Although close to the boundary of the Estcourt Conservation Area to the east, it is not within the conservation area and is not visible from it. Consequently, it does not contribute to the character and appearance of the conservation area or to its wider setting.

The 3 storey office building to the rear built in the 1960s is of no architectural merit and is harmful to the setting of the conservation area. Although the eastern part of the site is within the conservation area, the 'ceremony garden' is enclosed by a high conifer hedge and consequently adds little to the character and appearance of the conservation area.

The proposal needs to be considered having regard to the impact it will have on the conservation area and the locally listed building.

#### *i) Estcourt Conservation Area*

The Estcourt Conservation Area is characterised by Victorian 2 storey terraced housing interspersed with small workshops and yards giving it a mixed-use character. The domestic scale streetscapes with strong enclosure from the terraced houses are an important feature of the area as are the open spaces created at the significant road junctions. The eastern part of Gartlet Road expresses these characteristics with 2 storey housing on both sides and the Estcourt Tavern public house (a locally listed building) sited

at the prominent junction with Estcourt Road, which forms one of the characteristic open junctions seen within the area. The western part of Gartlet Road is in stark contrast to this, falling within the designated Clarendon Road employment area. On the southern side is the application site and on the northern side the 5 storey Edward Hyde office building. The 'ceremony garden', which is the only part of the site that falls within the conservation area, forms the boundary of the conservation area and is surrounded by a high conifer hedge. Consequently, it contributes little to the character and appearance of the conservation area. The 3 storey 1960s office building that adjoins the 'ceremony garden' and the boundary has a negative impact on the setting of the conservation area.

It is important that the application proposal is able to address the stark and abrupt transition that occurs halfway along Gartlet Road between the commercial character of Clarendon Road and the domestic scale of the conservation area whilst also enhancing the character and appearance of the conservation area. It seeks to achieve this by stepping down the building height from 6 storeys to 4 storeys and finally to 2 storeys where it abuts the existing houses on the southern side of Gartlet Road. These houses are sited at the edge of the highway and exhibit a stepped frontage as they address the curve of the road. The application proposal adopts a similar approach in creating a new built frontage to Gartlet Road which is stepped to address the curve of the road in the same way as the existing houses. The 2 storey scale of this element also reflects the scale of the existing houses. The design is modern and does not attempt to create a pastiche copy of the existing houses, which is considered to be an appropriate response as this element must also relate to the scale and design of the larger residential and office elements of the building on the western part of the site. The proposed main facing material is yellow stock brick to complement the predominant material found in the conservation area.

Overall, it is considered that the proposal will enhance the character and appearance of the conservation area.



*ii) Locally listed building*

The building itself is not of any significant merit due to its limited architectural and historic interest. The proposal will result in the total loss of this building and thereby substantial harm to this asset. The building was once part of the predominant character of Clarendon Road when this road was first developed in the 1860s but now no longer represents the prevailing character of the road. It is a building of interest within the road but it does not have a strong visual presence within the street scene and does not perform the role of a corner building as would be expected on this prominent corner site (in the way that No.38 does on the opposite corner). It is also not able to provide the quality or quantity of modern office floorspace required by the designation of Clarendon Road as the town's prime office area. Its potential use is very limited and the likelihood of it being brought back into use is very low. Although there will be harm to the town's historic environment through the loss of this building, it is considered that this harm is of moderate significance and would be outweighed by achieving a high quality, modern office building to meet the employment needs of the town, in accordance with the Core Strategy.

Following the submission of the previous application (ref. 13/01324/FULM), a request to list the Victorian villa was made by a local resident (and subsequently also by a County Councillor) to English Heritage. In a decision issued on 7<sup>th</sup> March 2014, English Heritage rejected this application. The reasons given for this decision are as follows:

On the basis of the evidence to hand, 36 Clarendon Road is not recommended for listing for the following principal reasons:

\* Architectural interest: it is a typical villa of the mid-Victorian period, and does not display innovation in design, unusually fine craftsmanship or significant architectural quality;

\* Historic interest: although it was the home of Sir Dennis Herbert, MP for Watford, he is a figure of local rather than national interest;

\* Interior: the quality and intactness of the interior is unknown but, based on the typical design of the elevations, any surviving decorative features or fixtures are likely to be of a similar standard.

Conclusion: Whilst 36 Clarendon Road is of local architectural and historic interest, it does not meet the criteria for listing in a national context and should not be added to the statutory list.

English Heritage have confirmed that this decision is final and the listing of this building will only be considered again if significant new information is put forward.

### **Layout and design**

The layout of the site is informed by the dual frontage onto Clarendon Road and Gartlet Road and the relationship of the site to adjoining properties, including the residential properties on Gartlet Road. Although comprising a single building, the proposal includes three distinct elements. The office element is located on the Clarendon Road frontage alongside the existing office building to the south. At 5 storeys, this reflects the general scale of office buildings on Clarendon Road and will be very similar in height to the 5 storey office building at 38, Clarendon Road to the north. The office element addresses the road junction with a chamfered face and is adjoined by a 6 storey residential element of the same height. This again reflects the scale of the office building at 38, Clarendon Road on the opposite side of Gartlet Road. This is then adjoined by a further residential element which steps down to 4 storeys and then 2 storeys to the east to reflect the scale of the existing 2 storey residential houses on Gartlet Road. This element is also stepped in its footprint to follow the curve of Gartlet Road. These residential elements form a new built frontage to Gartlet Road replacing the existing open car parking areas and 'ceremony garden'.



East elevation – refused scheme ref. 13/01324/FULM



East elevation – revised scheme

The layout of the proposal also exploits the two frontages by providing separate vehicular and pedestrian access points for the office and residential uses. The office use has a new vehicular access on Clarendon Road, a short distance to the north of the existing access, with pedestrian access on the chamfered corner element. The residential element has a new vehicular access on Gartlet Road to the west of the existing exit point. All the residential units have access from the new footpath to be formed on the southern side of Gartlet Road.

The office and residential elements of the building both have a different design and treatment not only to distinguish their different uses but also to reflect the context in which each element will be viewed. The office element, which will form part of the Clarendon Road streetscape, is of a simple contemporary design with a high proportion of glazing and a strong horizontal emphasis in the arrangement of the windows to help mitigate its scale and mass. The main facing materials proposed are curtain wall glazing with infill metal panels and grey and white rainscreen cladding. The revised residential element will still have buff London stock brick as the main material, reflecting the dominance of this material within the conservation area, but now also includes additional curtain wall glazing (with infill panels) at the top of the 6 storey and 4 storey elements and rendered elements at each level to break up the mass of brickwork. In addition to the deletion of the roof level flats, which reduces the overall height of the residential element, these changes also break up the visual massing and bulk of this part of the scheme. It is considered that these changes overcome the previous reason for refusal.

Overall, the scale and design of the building and use of materials will ensure a high quality development that achieves the aspirations of the Core Strategy and will make a positive contribution to the area.

### **Townscape and visual impacts**

Clarendon Road is characterised by large, multi-storey commercial buildings of varied age, design and materials. The proposed office element of the scheme is 5 storeys high fronting onto Clarendon Road and is adjoined by a 4 storey building to the south with a 5

storey building sited to the north. Other 5 storey buildings line the western side of Clarendon Road. The siting of the building reinforces the existing building line on this side of the road and positively addresses the corner. In this context, the scale and massing of the building is in keeping with the road and will significantly improve the streetscape. The existing former villa building on the site, whilst visually attractive in its design, retaining many of its original Victorian features, now sits incongruously within the commercial character of Clarendon Road, being dwarfed by the surrounding office buildings. Consequently, this prominent corner within Clarendon Road is marked by a domestic scale building, set back from the frontage and surrounded by open car parking. The proposal will significantly enhance the street scene by introducing a prominent corner building of a scale that would be expected in the context of this site.

The residential element to the rear varies from 6 storeys where it abuts the rear of the office element down to 2 storeys at the eastern part of the site where it encroaches into the Estcourt Conservation Area and abuts the 2 storey houses in Gartlet Road. This reduction in scale enables the scheme successfully to manage the transition between the 5 storey office element and the 2 storey residential properties within a relatively short distance. The 2 storey element reflects the scale of development within the wider conservation area which is predominantly 2 storey houses with pitched roofs.

The boundary between the Clarendon Road office zone and the Estcourt Conservation Area to the east is often marked by an abrupt transition between the large scale office buildings and the 2 storey houses. Although the office buildings in some cases step down towards the boundary, the juxtaposition of buildings of significantly different scale, design and materials is often unsuccessful. In this case, it is considered that the proposal achieves a successful transition that enhances the character, appearance and setting of the conservation area.

### **Housing policies**

The proposal will provide 34 flats comprising a mix of studio, one and two bedroom units. This provides a good mix of flat sizes within the scheme and is acceptable. All of the flats

will exceed significantly the minimum flat sizes set out in SPG6: Internal Space Standards with the studio flats ranging from 33m<sup>2</sup> to 37m<sup>2</sup>, the one bed flats from 41m<sup>2</sup> to 49m<sup>2</sup> and the two bed flats from 53m<sup>2</sup> to 68m<sup>2</sup>. All of the room sizes will meet or exceed the minimum room sizes. The majority of the flats will have their main living/dining areas facing south (15), east (3) or west (1) and this will ensure that these flats will receive adequate levels of daylight and sunlight and have good levels of outlook and privacy. However, 15 of the flats will have their main elevation north facing and these are principally the flats within the 6 storey residential element adjoining the office element. These flats will have a lower level of amenity than the other flats as they will receive little direct sunlight and they will directly face the 5 storey office building at 38, Clarendon Road on the opposite side of Gartlet Road at a distance of 16m. Consequently, the flats at the lower levels of the building (i.e. the first and second floors in particular) will also suffer a lower level of outlook and daylight. This is partly a consequence of introducing residential development into the Clarendon Road area where larger scale buildings exist and also partly the orientation of the site. However, within high density urban areas, it is not uncommon for multi-storey flatted blocks to face each other across roads and in this context, the relationship is not unusual and is considered acceptable.

Policy HS3 of the Core Strategy requires all developments of 10 or more residential units to provide 35% of the units as affordable housing. For this application, 12 affordable units are required to satisfy this policy. The applicants have agreed to provide this level of affordable housing. Based upon the tenure mix set out in Policy HS3, 8 of the units would need to be affordable rent, 2 social rent and 2 intermediate/shared ownership. This is not likely to be an acceptable mix for a registered provider given the small number of units involved and the fact that all but 3 of the residential units (private and affordable) will need to share the same entrance and lift/stair core. Following discussions with the Housing team, who have had informal discussions with a number of registered providers, it has been agreed that the most appropriate tenure mix for this site is for all the units to be for intermediate/ shared ownership.

### **Impacts on adjoining properties**

The proposed building will sit comfortably alongside the existing office buildings at 34 and 38, Clarendon Road and will have no adverse impact on these buildings. The potential for the greatest impacts is in respect of the residential properties in Gartlet Road. In respect of the office element, this is sited 27.5m from the rear boundary of the nearest houses in Gartlet Road, Nos. 3 and 4. This is slightly further away than the adjoining office building at No. 34 which has office windows facing these properties only 26m away from the boundary. The distance to the nearest windows in Nos. 3 and 4 is 44m. The proposal incorporates metal infill panels in the lower 1m of the windows to minimise further any opportunity for additional overlooking to occur. At 44m distant and sited to the north west, the office element will have no adverse impact on natural light or outlook to these houses.

The house at 4, Gartlet Road adjoins the southern boundary of the site. The element abutting this boundary is single storey and encloses the existing electricity sub-station, which will be retained. The residential element adjoining this is 2 storey. Windows have been sited to avoid any overlooking of the house or its garden area. The single storey and 2 storey scale will ensure no adverse impact on outlook from No. 4 or on natural light to the property.

The houses at 5 and 7, Gartlet Road are sited opposite the site on the eastern side of Gartlet Road. These houses currently face the existing 'ceremony garden' and surrounding hedge, with the 3 storey office building beyond. The outlook from the front windows of these properties will change significantly as a result of the proposal. The view from the front windows will be of the 2 storey residential element stepping up to 4 storeys and then 6 storeys at minimum distances of 13.5m, 21m and 28.5m respectively. The distance of 13.5m between the 2 storey facing elements across Gartlet Road is very similar to the relationship of facing houses within the conservation area, where distances of 14-15m across roads are typical. The Residential Design Guide contains no minimum privacy distances for front facing elevations. The windows and balconies have, however, been positioned and designed to minimise the opportunity for overlooking, with the majority of windows being to bedrooms and balconies having side privacy screens. The

new elements of curtain wall glazing at third and fifth floor levels will need to utilise obscured glazing or infill panels to prevent overlooking of these properties.

Having regard to the BRE Sunlight and Daylight Guidelines, the scheme does generally achieve a 25° vertical angle of view from the ground floor front windows of Nos. 5 and 7, with the exception of the highest part of the building. This will ensure that the daylight to these windows will not be adversely affected. Sunlight and daylight to the upper floor windows and windows on the rear elevations will be unaffected. General achievement of this guideline also indicates that the proposal will not give rise to a significant adverse impact on the outlook from the windows of these properties.

### **Flood risk and drainage**

The site is located within Flood Zone 1 and is at low risk of flooding. A sustainable surface water drainage scheme to reduce and/or attenuate surface water flows can be secured by condition. This will also form an integral requirement of the Code for Sustainable Homes and BREEAM assessments.

### **Transport, access and parking**

The site is in a highly accessible location with Watford Junction station and its associated bus interchange located 500m to the north. This gives access to a wide range of rail and bus services. Further bus services are accessible within the town centre located 250m to the south together with a full range of town centre shops, services and facilities. The site is also easily accessible by foot and cycle.

A traffic impact assessment has been undertaken as part of the submitted transport statement. This demonstrates that the proposed office and residential scheme will generate less traffic, both at peak times and overall throughout a working day, than the existing uses. This is explained by the reduction in car parking on the site for the commercial uses, which significantly reduces the potential for traffic generation, and the fact that parking for the flats is also limited to less than one space per unit.



The existing site has two vehicular access points, one on Clarendon Road at the southern end of the frontage and one on Gartlet Road towards the eastern end of the site. These access points operate as part of a one-way system through the site (access via Clarendon Road and egress via Gartlet Road). As part of the proposal, a new access will be formed on Clarendon Road 4.5m to the north of the existing to serve the office use. A new access will also be formed on Gartlet Road, 18m to the west of the existing access, to serve the residential units. To the west of this access, a servicing bay is to be formed to serve both the office and residential flats. The bin stores for both the office use and the flats are located at ground level adjacent to the servicing bay.

The level of car parking provision for both the offices and flats is within the Council's maximum standards for this accessible location and is acceptable. The flats will be excluded from the local controlled parking zone to ensure that future residents will not be entitled to parking permits, thereby preventing any additional on-street parking on the surrounding roads. This will require a payment of £2,000 to cover the costs of varying the local Traffic Regulation Order and will be secured by a Section 106 planning obligation.

The application proposal requires a payment towards the provision or improvement of sustainable transport measures, in accordance with Policies T5 and INF1 of the Core Strategy and the County Council's Planning Obligations Toolkit. Based upon the Toolkit, the required contribution for this scheme (commercial and residential elements) is £24,000.

### **Sustainability, energy and waste**

A Code for Sustainable Homes pre-assessment has been submitted to demonstrate how the residential element of the scheme can achieve Code Level 4. A similar pre-assessment has also been submitted for the office element to demonstrate how a BREEAM rating of Very Good can be achieved. Post-construction certificates to confirm that these levels have been achieved can be secured by condition.

Both the Code for Sustainable Homes and BREEAM assessments have waste management as an integral component and bin stores are provided as part of the development for waste and recycling bin provision. These measures will ensure that the development is of a sustainable construction and will encourage waste to be managed and reduced on site, in accordance with the policies of the County Council's Waste Core Strategy and Development Management Policies.

### **Planning obligations**

The development proposed in this application is one where, in accordance with Policy INF1 of the Core Strategy, the Council will normally require the applicant to enter into a planning obligation to provide contributions towards the provision or improvement of community facilities and infrastructure. Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy and saved Policies L8, L9 and H10 of the Watford District Plan 2000, together with *SPG 10: Open Space Provision*, recognise that cumulative small developments within the urban area of Watford can produce significant additional demands for services and facilities in the same way that a smaller number of larger developments would. However, unlike larger developments which can often accommodate some provision of these services and facilities within the site, smaller developments are clearly unable to do so and it would be unreasonable to expect them to. It is therefore reasonable to expect the applicant in such cases to make a financial contribution towards improved services and facilities within the Borough.

Most new residential developments within Watford comprise fewer than 50 dwellings. The Council seeks financial contributions on a per unit basis from all new residential developments. This is considered to be a reasonable approach as it ensures that all such developments make contributions on an equal basis, with actual payments determined by the number and, in some cases, the size of the units proposed. This approach therefore does not disadvantage applicants proposing larger developments within the Borough, but rather ensures that all applicants make payments in proportion to the additional demand on services and facilities that their development will generate.

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. In each case, the contributions received are pooled together in order to accumulate sufficient funds for the Council and the County Council to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the national Planning Policy Framework.

The contributions in the case of the development proposed in this application are set out below. As these contributions have been calculated in accordance with the County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant saved policies of the Watford District Plan 2000, they are directly related to the proposed development, are fairly and reasonably related in scale and kind to that development and are necessary to make the development acceptable in relation to those policies. Accordingly, the requirement for such contributions meets the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application.

i) Community facilities

• Primary education	£13,284
• Secondary education	£7,156
• Nursery education	£3,370
• Childcare	£958
• Youth	£242
• Libraries	£3,346

ii) Open space and children's playspace

As the site is located in an area where there is a deficit in open space and is not within 200m of an existing children's playspace, full contributions are sought in accordance with SPG10.

• Open space	£84,048
• Children's playspace	£13,790

iii) Sustainable transport

• Sustainable transport	£24,000
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A planning obligation is being prepared to secure these financial contributions towards the provision or improvement of facilities within the Borough of Watford. The agreement will also secure the provision of any necessary fire hydrants to serve the development.

## Consideration of objections received

Objections	Officer's response
<p>Existing property has a lot of character which will be lost to the local area.</p> <p>Very unhappy that they wish to destroy the listed Victorian building.</p> <p>No attempt to build the frontage of the Victorian villa into the design.</p>	<p>The locally listed building is considered to have limited significance. The proposal will provide flexible, modern office floorspace to meet employment needs that is considered to outweigh the loss of the building.</p>
<p>The property was once the home of Watford's MP and is therefore of some historic interest and, because it is on the local list, an historic building record should be made.</p>	<p>This can be secured by condition.</p>
<p>A 3.5m high wall will be erected along the boundary with 4, Gartlet Road that will block out natural light.</p>	<p>This relationship with 4, Gartlet Road is unchanged from the previous application and is considered acceptable.</p>
<p>Residential properties being built in a commercial zone.</p>	<p>Although contrary to policy, it is considered justified and appropriate to allow residential development as part of a mixed-use scheme on this site.</p>
<p>Scale of the proposal much bigger than the current buildings, hence it will block sunlight and overlook neighbouring residential properties.</p>	<p>Although the immediate context of the adjacent residential properties will change, it is not considered the proposal will have any significant adverse impacts on these properties.</p>
<p>Proposed building is taller than adjacent buildings and, together with its siting, creates an oppressive, monolithic building.</p>	<p>The proposed building is one storey higher than No.34 to the south but very similar in height to No.38 to the north.</p>

Lack of affordable housing is unacceptable.	The applicants have agreed to provide 35% affordable housing in accordance with Policy HS3,
Residents should be barred from obtaining parking permits for the controlled parking zone.	It is recommended that future residents be excluded from the local controlled parking zone. This can be secured through a s.106 planning obligation.
Parking is already an issue, the proposal does not include enough on-site parking.	The site is in a sustainable and highly accessible location where a reduction in parking provision is acceptable.
Proposal will increase traffic on Gartlet Road.	The Highway Authority have no objections to the proposal on highway grounds.
Houses and gardens in Gartlet Road will be overlooked by adjoining flats.	The windows to the flats have been sited to minimise any opportunity for overlooking to occur. Any additional overlooking is not considered to be significant in this urban context.
Noise will increase to neighbouring garden areas.	There is no reason why the proposed offices and flats will cause any significant noise or disturbance to adjoining garden areas.
The north and west elevations of the building are forward of the building lines.	The building will follow the existing building line on Clarendon Road and will create a new building line on Gartlet Road which replicates the existing stepped building line on the southern side of the road.
Loss of locally listed building with historical relevance to be replaced by office building that may stand empty.	The locally listed building is considered to have limited significance. The proposal will provide flexible, modern office floorspace to meet employment needs that is considered to outweigh the loss of the building.

Proposed development, being partly within the Estcourt Conservation Area, is not in keeping with the conservation area.	It is considered the proposal successfully makes the transition between the office buildings of Clarendon Road and the residential houses in the conservation area and is in keeping with the character of both areas.
The additional pavement is not necessary.	The Highway Authority has no objection to the provision of a new pavement. This will improve pedestrian accessibility around the site.
The vehicular access has not been designed to encourage users to abide by the one-way system.	The Highway Authority has no objection to the proposed changes to the highway on Gartlet Road.
Houses and gardens in Gartlet Road will be overlooked by offices.	The office element will be sited 44m from the nearest window of the houses in Gartlet Road and further away than the existing office building at No.34. As such, it will not give rise to any additional overlooking.
Removal of trees and hedges will not help the environment.	The trees and hedges on the site are not significant or high quality specimens and their loss is considered acceptable, subject to appropriate new planting.

### **Conclusion**

The office element will result in an increase in the quantity and quality of office floorspace on the site and will contribute towards providing new employment within the Borough, in accordance with the Core Strategy. Although the residential element is not strictly in accordance with the land allocation, the scheme remains employment led and is considered to accord with the overall objectives of the Core Strategy.

The proposal will result in the total loss of the locally listed Victorian villa on the site and thereby substantial harm to this asset. However, the building itself is not of any significant merit due to its limited architectural and historic interest. It is also not able to provide the quality or quantity of modern office floorspace required by the designation of Clarendon Road as the town's prime office area. Its potential use is very limited and the likelihood of it being brought back into use is very low. Although there will be harm to the town's historic environment through the loss of this building, it is considered that this harm is of moderate significance and would be outweighed by achieving a high quality, modern office building to meet the employment needs of the town, in accordance with the Core Strategy.

The scheme will make a positive contribution to the character and appearance of Clarendon Road through the provision of a prominent new building on this important corner site. The design and scale of the residential element of the scheme has been revised to address the reason for refusal of the previous application. This has resulted in the reduction in the overall height of the residential element and mitigated the visual massing and bulk of this element of the scheme. Overall, the residential element will enhance the character, appearance and setting of the Estcourt Conservation Area to the east of the site, creating a new, active built frontage to Gartlet Road. The residential element will have an acceptable relationship with the houses on Gartlet Road and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the large scale, commercial character of Clarendon Road and the domestic scale, residential properties in Gartlet Road.

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## **HUMAN RIGHTS IMPLICATIONS**

The grant of permission, subject to a planning obligation and conditions, will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to protect the human rights of third parties and to accord with the policies of the development plan. With appropriate conditions, it is not considered that any impacts on third parties will be sufficient to override the human rights of the applicant in this instance.



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## RECOMMENDATIONS

- (A) That planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
  - a) £84,048 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
  - b) £13,790 (index linked) towards the provision and improvement of children's play space in the Borough in accordance with Policy L9 of the Watford District Plan 2000;
  - c) £2,000 towards the variation of the relevant Traffic Regulation Order to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.
  
- ii) To secure financial payments to the County Council of:
  - a) £24,000 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3 and T5 of the Core Strategy 2013;

- b) £13,284 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
  - c) £7,156 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
  - d) £3,370 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
  - e) £958 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - f) £242 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - g) £3,346 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- iii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.
  - iv) To secure 12 flats as affordable housing to be shared ownership by tenure in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2013.

### 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:-

9283/PL 001, 002, 103C, 104C, 105C, 106C, 107C, 108C, 109C, 110C, 111C, 112D, 113D, 114DH, 115A, 116A, 117C.

Topographical Survey GY\2641-1\0001 (Parts 1 and 2).

63040-TS-003B.

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

3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

4. No development shall commence until the scheme has been registered with the Considerate Constructors Scheme and a certificate of registration has been submitted to the Local Planning Authority. The construction shall be carried out in accordance with the requirements of this scheme.

Reason: To safeguard the amenities of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed.

5. The existing Victorian villa on the site shall not be demolished until a historic building record has been made of the building. This shall include a written and photographic record of the building internally and externally.

Reason: To ensure a record is made of this building of local interest, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

6. The development shall be constructed to Code Level 4 of the Code for Sustainable Homes (residential element) and BREEAM Very Good (office element) in accordance with the pre-assessments contained in the Sustainability Statement by XCO2 Energy (dated December 2013). No part of the development shall be occupied until post-completion certificates, to certify that the respective Code Level 4 and BREEAM Very Good standards have been achieved, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2013.

7. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be undertaken in accordance with the approved piling method statement.

Reason: The proposed works will be in close proximity, and could cause damage, to underground sewerage utility infrastructure.

8. No development shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: To ensure an acceptable relationship between the proposed building and the adjoining highway and surrounding buildings.

9. No development shall commence until details of the materials to be used for all the external finishes of the building, including all external walls, roofs, doors, windows and balconies, have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall also include details of privacy screens to Units 8, 9, 10 and 17 and obscure glazing and infill panels to Units 24 and 34. The development shall be carried out only in accordance with the approved materials.

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.

10. No development shall commence until a hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all means of enclosure on the boundaries of the site and within the site. No part of the development shall be occupied until the approved hard landscaping works have been carried out.

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

11. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants 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, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

12. No development shall commence until details of a sustainable surface water drainage scheme for the development have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.

Reason: To ensure the surface water drainage scheme is designed to minimise the likelihood of flooding downstream, to reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding on the proposed development in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

13. No plant or equipment shall be installed within the roof level 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 LA<sub>90</sub> (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.

14. No construction shall commence until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that:
- i) Sound levels from the existing electrical substation in units 3 and 10 do not exceed any of the values on curve NR 30.
  - ii) Sound levels from the domestic plant room in units 2, 3, 9 and 11 do not exceed any of the values on curve NR 30.

Reference to curve NR 30 relates to ISO 1996: Acoustics – Description, measurement and assessment of environmental noise.

Reason: To ensure that the proposed residential properties are not affected by noise from the existing electricity sub-station or from the proposed residential plant room, in accordance with Policy SE22 of the Watford District Plan 2000.

15. No solar panels shall be installed on the development until details of the number, siting, size and appearance of the panels has been submitted to and approved in writing by the Local Planning Authority. The panels shall only be installed in accordance with the approved details.

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

16. No part of the development shall be occupied until the following works within the site and the public highway have been completed in full, as shown in principle on drawing no. 63040-TS-003B (Development Transport Planning):

- i) new footpath on southern side of Gartlet Road from Clarendon Road to the boundary with 4, Gartlet Road;
- ii) new vehicular access on Gartlet Road to serve residential car parking;
- iii) new servicing lay-by on southern side of Gartlet Road;
- iv) new vehicular access on Clarendon Road to serve office car parking;
- v) re-siting of pedestrian crossing on Clarendon Road to the north of the existing crossing.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

17. No part of the development shall be occupied until the existing vehicular junctions on Clarendon Road and Gartlet Road have been closed off and the adjacent footways and kerbs reinstated.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

18. No part of the development shall be occupied until a management plan to ensure that the approved lay-by is only used for refuse collection, deliveries and loading/unloading has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been provided in full. These measures shall be retained as approved at all times.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and pedestrians and to ensure adequate servicing access for the development, in accordance with Policy T21 of the Watford District Plan 2000.



19. No gate or barrier shall be installed at the entrance to the residential car parking area except in accordance with full details and specifications of the gate or barrier, including the operating mechanism and noise levels during operation, which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the operation of the gate or barrier does not give rise to noise nuisance to the residential occupiers.

20. No part of the development shall be occupied until the 43 car parking spaces shown on the approved drawings (unless otherwise approved in writing by the Local Planning Authority) have been laid out and constructed in full. These spaces shall be retained at all times for the parking cars.

Reason: To ensure adequate parking facilities are provided on the site and to minimise any additional on-street car parking, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000.

21. No part of the development shall be occupied until the bin and cycle stores have been provided in accordance with the approved drawings (unless otherwise approved in writing by the Local Planning Authority). The respective stores shall be retained at all times for bin storage and cycle storage only and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policies T10 and T21 of the Watford District Plan 2000.

## Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, children's play space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits. The agreement also requires the provision of necessary fire hydrants to serve the development and the provision of 13 affordable housing units.
  
2. 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.
  
3. Prior to demolition of the existing buildings, the applicant is advised to commission a survey, by a suitably qualified and competent person, to identify asbestos within the building and to ensure that it is removed and disposed off in accordance with current regulations. The survey report should be submitted to the Environmental Health Team at Watford Borough Council for approval. No demolition should commence until this report has been approved.

### Drawing numbers

9283/PL 001, 002, 103C, 104C, 105C, 106C, 107C, 108C, 109C, 110C, 111C, 112D, 113D, 114DH, 115A, 116A, 117C.

Topographical Survey GY\2641-1\0001 (Parts 1 and 2).

63040-TS-003B.

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**(B)** In the event that no Section 106 planning obligation is completed by 3<sup>rd</sup> July 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development fails to make provision for public open space or children's play space, either in the form of on-site works or commuted payments, and as such is contrary to saved policies L8 and L9 of the Watford District Plan 2000.
2. The proposed development fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed development fails to contribute to the provision or improvement of education and community facilities (youth facilities, childcare and libraries) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

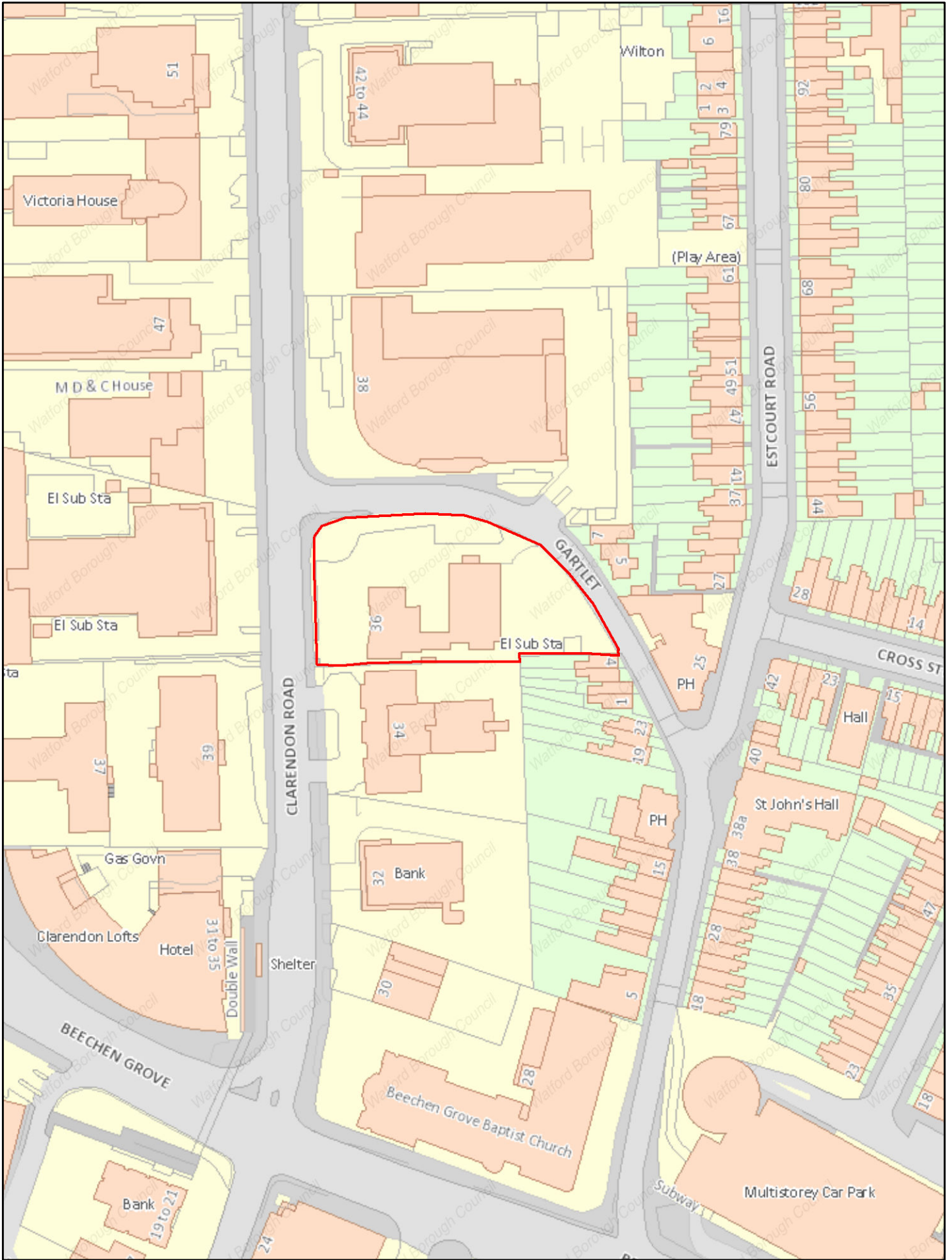
4. The proposed development fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
5. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.
6. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

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Case Officer: **Paul Baxter**

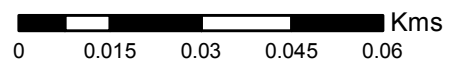
Email: **paul.baxter@watford.gov.uk**

Tel: **01923 278284**



36 Clarendon Road

Date: 05/03/2014



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