

PART A	
Report of: Head of Development Management	
Date of committee:	2 November 2016
Site address:	27, Woodford Road
Reference Number:	15/00856/FULM
Description of Development:	Demolition of existing trade union hall and social club and redevelopment of site to provide 38 residential units with associated landscaping, cycle and car parking.
Applicant:	Bugler Developments Limited
Date Received:	16th June 2015
13 week date (major):	15th September 2015 (extended by agreement to 30th November 2016)
Ward:	Central

1.0 Site and surroundings

- 1.1 The site is located on the south-western side of Woodford Road at the northern end of the road opposite Watford Junction station. It is adjoined on 3 sides by the 5 storey office buildings at 64 and 58, Clarendon Road. Along the southern boundary, the site adjoins the basement servicing ramp and plant enclosure of no.58. Beyond this is the 3 storey North West Apartments in residential use. Opposite the site on Woodford Road are 2 storey, semi-detached residential properties and the short term visitors car park at Watford Junction.
- 1.2 Clarendon Road is characterised by 4 and 5 storey office buildings. Woodford Road is characterised by 2 and 3 storey, semi-detached residential properties.
- 1.3 The site itself is occupied by the former Watford Trade Union and Social Club which is a part 2, part 3, part 4 storey building in buff brick and white render. It has a single vehicular access on Woodford Road serving a 23 space car park.

2.0 Proposed development

- 2.1 To demolish the existing building and erect a part 4 storey, part 6 storey building comprising 38 no. 1 and 2 bedroom flats. A new access is proposed at the northern end of the site to serve 4 parking spaces for people with disabilities.

3.0 Relevant planning history

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

00/00339/FUL – Condition planning permission granted in April 2001 for the redevelopment of the site to provide a Class B1 office building and a new club and meeting hall.

4.0 Planning policies

Development plan

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

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

- 4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

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

4.4 Watford Local Plan 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
T1	Regional Transport Node
T2	Location of New Development
T3	Improving Accessibility
T4	Transport Assessments
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design
UD2	Built heritage Conservation

4.5 **Watford District Plan 2000**

SE7	Waste Storage, Recovery and Recycling in New Development
SE22	Noise
SE24	Unstable and Contaminated Land
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
T26	Car Free Residential Development
E1	Employment Areas
U17	Setting of Conservation Areas

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

1A	Presumption in Favour of Sustainable Development
2	Waste Prevention and Reduction
12	Sustainable Design, Construction and Demolition

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

No relevant policies.

4.8 **Supplementary Planning Documents**

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

4.9 *Residential Design Guide*

The Residential Design Guide was adopted in July 2014. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

4.10 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.11 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 12 Conserving and enhancing the historic environment

Decision taking

5.0 **Consultations**

5.1 **Neighbour consultations**

Letters were sent to 45 properties in Woodford Road and Clarendon Road.

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

Number of original notifications:	45
Number of objections:	1
Number in support:	0
Number of representations:	1

The single letter of objection was from former Councillor Haley who expressed concern regarding the lack of on-site car parking which would lead to additional on-street parking in the surrounding roads.

5.3 **Statutory publicity**

The application was publicised by site notice posted on 30 June 2015 and by advertisement in the Watford Observer published on 03 July 2015. The site notice period expired on 24 July 2015 and the newspaper advertisement period expired on 27 July 2015.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

5.4.1 Thames Water

Surface Water Drainage – 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.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

5.4.2 Hertfordshire County Council (Highway Authority)

It is noted that the development proposals have been subject to pre-application discussions with the Hertfordshire County Council (HCC) in which there were no major objections but advice and requests for further information. A Transport Statement has been provided by the applicant addressing the transport items raised in the pre-application stage.

Based on the TRICS [*Trip Rate Information Computer System*] assessment the proposal would generate a daily total of 60 'in and out' vehicle movements whilst the existing trip generation based its previous use would generate a total of 161 'in and out' vehicle trips per day. Therefore, the trip generation for the proposed development is not considered to impact on the highway or the surrounding transport network.

Road safety data obtained from CrashMap indicates that there have been no fatal incidences in the surround network in the last 5 years. However, there have been 5 serious incidences, 2 on Station Road and 3 on Clarendon Road. There have been 48 slight incidences recorded. However, no incidences occurred directly on Woodford Road where the development is being proposed.

The applicant proposes to create a new access point 10 metres north of the existing access. The new access point is proposed to be 6.0m in width. This

access is unnecessarily wide for the number of vehicles expected to use the site.

Additionally, existing access point will need to be stopped up by raising the existing bell mouth and reinstating the footway/verge and highway boundary to same line, level and details as the adjoining footway verge and highway boundary.

A swept path analysis of the proposed car parking spaces has also been carried out as shown in drawing A091279_004. The swept path assessment indicates that the manoeuvring space for large vehicles is tight and the parking spaces are close to the access junction. However, as the level of vehicles entering and exiting the site is low, the likelihood of vehicles entering the site whilst another vehicle is manoeuvring is infrequent and will not have a detrimental impact on the highway network.

The Design and Access Statement states that refuse collection will take place directly from Woodford Road. However, further justification is required by the applicant to address how delivery and services vehicles will access the site. The applicant will need to provide justification that the site can adequately be serviced by these vehicles.

5.4.3 Hertfordshire County Council (Lead Local Flood Authority)

In response to the additional information provided Turner Jomas & Associates and letter dated 15th October 2015, this satisfactorily addresses the points raised in our previous response dated 02 October 2015. We can confirm that we the Lead Local Flood Authority are now in a position to remove our objection on flood risk grounds.

The proposed drainage strategy is based on attenuation and discharge. We note the site is proposing to re-utilise the existing Thames Water surface water sewer connection on Woodford Road and providing betterment to surface water run-off rates. We acknowledge that Thames Water have been contacted and have no initial concerns with maintaining existing connection. However no confirmation has been submitted that Thames Water is satisfied with the surface water rates and volumes proposed.

Drawing no. 100 P1 dated March 2015 has been provided with the drainage layout showing location of proposed SuDS schemes. We acknowledge the use of green roofs and permeable paving to attenuate surface water before discharge into the existing surface water sewer.

We therefore recommend the following conditions to the LPA should planning permission be granted.

Condition 1:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Implementing appropriate SuDS measures as shown on drawing 100 P1 Drainage Strategy Drawing including permeable paving and green roofs.
3. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

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

Condition 2:

The development hereby permitted shall not be commenced until such time as a scheme to manage surface water run-off has been submitted to, and approved in writing by, the local planning authority.

1. Confirmation from Thames Water for connection to their surface water system at the proposed discharge rate.
2. Detailed surface water run-off and volume calculations for 1:100 year (+30% CC) are required within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+30% CC).

Reason: To ensure feasibility of the proposed surface water drainage strategy. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

5.4.4 Crime Prevention Design Advisor

Security & Secured by Design physical security:

To alleviate any concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. These standards are entry level security and meet the Secured by Design part 2 physical security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

Private rear amenity:

There is an area at the rear of the proposed development, which is communal garden for the residents, which borders with a neighbouring office area to the west. There is an area in the south west corner of the rear communal garden where it is easy for offenders to jump over the boundary into the private rear amenity. If this boundary in the corner cannot be increased in height on the neighbours side, then weldmesh fencing to a suitable height to secure this boundary should be erected against this rear boundary where there is no vegetation growing on the top.

5.4.5 Arboricultural Officer

I would agree with the contents of the Arboricultural Report ref 150504-PD-11 and consider the loss of the four existing trees on site to be acceptable.

I would wish to see conditions attached to any permission requiring the submission of an Arboricultural Method Statement, details of the type height and location of tree protection fencing and a detailed landscaping scheme.

5.4.6 Environmental Health

An acoustic specification for glazing and background ventilators has been provided for the properties. This will ensure an acceptable internal noise impact in accordance with the guidance of BS 8233. On this basis it is considered that the overall noise impact at the site will fall below the No Observed Effects Level (as defined in the NPSE and PPG).

On this basis, the specification provided should be the one used in the development as a minimum. The internal noise levels that this specification is designed to achieve, will be exceeded during periods of warm weather, when windows are opened for cooling.

Suggest a condition be attached such as:

The applicant is to provide and agree with the local planning authority the detail of the mechanical ventilation system capable of providing background and rapid cooling ventilation while the windows are closed, in accordance with the Building Regulations.

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of the use.
- (b) Scale and design.
- (c) Quality of residential accommodation.

- (d) Affordable housing provision.
- (e) Impacts on surrounding properties.
- (f) Access and servicing.
- (g) Car and cycle parking.

6.2 (a) Principle of the use

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.

- 6.2.1 The GVA Employment Study 2010 (forming part of the evidence base for the Core Strategy) identified potential demand for up to 90,000m² of B1a office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m² of new floorspace. This study also highlighted the fact that the quality of floorspace is equally important as the quantity. Clarendon Road/Station 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.
- 6.2.2 The latest Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners (2014) has identified a significantly greater predicted growth in employment at 13,290 new jobs, almost double the predicted 7,000 new jobs in the 2010 Employment Study. Some 11,630 of these are forecast to be in Class B1(a) and B1(b) office jobs. It also predicts a significant shortfall of employment floorspace, in the order of 164,000m² to 215,000m², a significant proportion of which will need to be in the form of office floorspace. Even allowing for some adjustment and refinement of these figures, these figures are a magnitude greater than that planned for in the Core Strategy.
- 6.2.3 In this case, the site originally formed part of a larger site at 64, Clarendon Road which was occupied by the Watford Trades Union and Social Club within an extended Victorian villa. This was redeveloped in 2001 to provide the existing 5 storey office building at 64, Clarendon Road and the current Trades Union and Social Club building on the application site. The office building fronts onto and addresses the corner of Clarendon Road opposite the station and has recently been completely refurbished. The application site, which comprises approximately % of the original site and fronts onto Woodford Road, was developed as the new Trades Union and Social Club. It is located to the rear of the office building at no.64 and the adjoining office building at 58, Clarendon Road. It was accepted at this time that the application site should continue in

community use and this part of the site has never been in office use. Furthermore, Woodford Road is a primarily residential road with no employment floorspace and the site sits to the rear of the existing office buildings at nos. 64 and 58. For these reasons, in this case, it was not considered appropriate to pursue an office use for the application site. As such, a residential use was considered an acceptable alternative use in principle.

6.3 (b) Scale and design

The existing building, primarily by reason of its use, appears as a very massive and monolithic building within the street bearing no relationship to the residential properties on Woodford Road or the adjoining office buildings. It has few windows and, consequently, large areas of brickwork and render with limited fenestration. The building makes no positive contribution to the streetscene or wider area.

6.3.1 The site is very much a transition site between the large office buildings on Clarendon Road (5 storeys, equivalent to 6 storeys of residential) and the residential properties on Woodford Road (2 and 3 storeys). The proposed residential building has been designed to address this transition with a 6 storey element at its northern end adjacent to the office building at 64, Clarendon Road, which sits below the height of the office building, and a 4 storey element at its southern end where it approaches the residential properties on Woodford Road. The nearest residential property is the 3 storey Woodford House. This transition is further articulated with the division of the building into 5 vertical elements which also break down the mass of the building. The 3 northern elements are 6 storey with a width of 9.8m and the 2 southern elements are 4 storey with a width of 8.6m. The mass of the upper 2 floors on the 6 storey elements is broken down further with the incorporation of open, recessed terraces.

6.3.2 In terms of design, the building adopts a simple, contemporary approach using the careful arrangement of different sized windows and balconies to add interest and further define the vertical emphasis of the different elements of the building. This approach results in a strong, robust building with clean lines that is easily legible and successfully avoids unnecessary clutter and detailing. With the use of brick as the main material, the building will be a high quality addition to the street and will enhance the wider area.

6.4 (c) Quality of residential accommodation

The proposal comprises 14 x 1 bed and 24 x 2 bed flats, with the latter including both 3 person and 4 person units. This mix of unit sizes is considered appropriate and acceptable for this high density scheme in close proximity to Watford Junction Station. All of the floorspaces meet the minimum standards within the nationally described space standard.

Unit type	Minimum floorspace	Proposed floorspace
1 bed, 2 person	50m	50-60m
2 bed, 3 person	61m	61-64m
2 bed, 4 person	70m	70-72m

- 6.4.1 The majority of the flats (25) are on the front elevation facing Woodford Road with a north-east aspect. All of these flats will have good levels of outlook, privacy and natural light, although sunlight will be more limited due to the north-east aspect. However, given the site is orientated on a NW-SE axis, this is unavoidable.
- 6.4.2 The flats on the rear elevation (13) will have a lower level of amenity overall as they will face towards the rear elevations of the office buildings at 64 and 58, Clarendon Road. In terms of outlook and privacy, the flats will face the rear elevations at distances of 21-26m at the closest point and 17-24m at an oblique angle. In mitigation, however, they are facing towards the 22m wide gap between the buildings and there is a line of trees along the boundary of 54, Clarendon Road. The outlook and privacy of these rear facing units will, therefore, be compromised to a degree but this is not uncommon within high density town centre locations. There are also many other cases in Estcourt Road where the distance between the rear of residential houses and office buildings in Clarendon Road is only 22-30m. In these circumstances, it is considered that the level of amenity is acceptable in this case.
- 6.4.3 A daylight study has been undertaken for all of the proposed units based upon the accepted guidelines of the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight'. This has concluded that all rooms in all the units will receive daylight in excess of the minimum standards. As the units on the rear elevation face south-west, they will also receive some direct sunlight as well.
- 6.4.4 The site is subject to several noise sources and these have been investigated with 2 noise assessments. Noise sources include road traffic noise on Woodford Road, train noise from the railway and noise from the plant and equipment associated with the office building at 58, Clarendon Road which is sited within an enclosure on the boundary with the application site.
- 6.4.5 These noise assessments have been reviewed by Environmental Health who are satisfied that acceptable internal noise levels can be achieved subject to an appropriate window specification and the use of mechanical ventilation to ensure the flats can be adequately ventilated without the need to open the windows. The specification of the windows and the mechanical ventilation system can be secured by condition.
- 6.5 (d) Affordable housing provision

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal, for 38 units, this would require the provision of 13 affordable units. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.

- 6.5.1 A viability assessment has been submitted in this case and has been the subject of review by external consultants on behalf of the Council with negotiations carried out over a period of 8 months. The final position reached is that 2 alternative 'offers' have been made by the applicant:

Offer 1 – The provision of 9 shared ownership (intermediate tenure) units on-site comprising 7 units at ground floor and 2 units at first floor. These would include 7 x 1 bed and 2 x 2 bed units. This provision equates to 24%.

Offer 2 – A financial payment of £1,000,000 to the Council towards the provision of affordable housing in the Borough with claw-back for up to £200k. This would be paid in 2 tranches – 50% at commencement and 50% at practical completion.

- 6.5.2 The advice consistently received from the Housing team is that shared ownership products are not affordable to clients on the Council's waiting list due to the high prices in Watford and their inability to obtain a mortgage. Furthermore, the greatest need of clients on the waiting list is for 2 bed affordable rented properties. Therefore, the offer of 9 shared ownership units comprising mainly 1 bed flats would not meet any of the most urgent housing need within the Borough.

- 6.5.3 Policy HS3 does not refer to financial payments in lieu of on-site provision, which is the preferred and most appropriate form of provision. However, in this case, it is considered that the financial payments offered would be the best option for meeting urgent housing need as it could be used by the Council in its joint venture partnership with Watford Community Housing Trust to directly deliver affordable housing of the size and tenure required. One immediate option is on land at Croxley View. For this reason, the financial contribution is considered the option that should be accepted in this case.

6.6 (e) Impacts on surrounding properties

The proposal will have no adverse impact on the adjacent office buildings at 64 and 58, Clarendon Road. The only residential properties close to the site are those on the opposite side of Woodford Road (nos. 36-42, evens). The 4 storey element of the proposed building will face these properties across Woodford Road, sited to the south-west, at a distance of 17m. This is a normal relationship between residential properties facing each other across a road. Although at 4 storeys the building is higher than the 2 storey properties that are typical of

Woodford Road, it is of a similar height to the existing social club building which is also 4 storeys. As such, it is not considered that the proposal will result in any significant or additional adverse impacts on the amenities of the occupiers.

6.7 (f) Access and servicing

The site currently has 1 access junction on Woodford Road serving a car park of 23 spaces. It is likely that limited servicing also takes place from within the car park. The proposal will close the existing access and form a new access at the northern corner of the site, approximately 10m to the north of the existing. Herts. County Council as the Highway Authority have no objection in principle to a new access in this position. They have, however, raised 2 concerns regarding this. Firstly, that the proposed junction at 6m width is excessively wide to serve only 4 disabled spaces. As this junction will be formed within the public highway, the applicant will have to complete a s.278 agreement under the Highways Act 1980 to undertake the works. At this stage, HCC will have the opportunity to ensure the access is reduced to an appropriate width.

6.7.1 Secondly, they have also raised a query as to the ability of delivery vehicles to enter the site. Normally, a residential development would be serviced by vehicles up to 10m in length (i.e. furniture deliveries). In this case, the parking area is 12m deep and would be able to accommodate a delivery vehicle, albeit the vehicle would have to reverse into the site. However, it is also worth noting that all other properties on Woodford Road are serviced from the road, which is one-way, and that a bus waiting area is also located directly outside the site. In these circumstances, it would be acceptable for a delivery vehicle to service the site from the road without blocking the road. As deliveries of this nature will be infrequent and of short duration, it is not considered that this will cause any adverse highway impacts.

6.7.2 A bin store is incorporated into the ground floor of the building at its northern end that can be directly accessed from Woodford Road for collection. This is acceptable. The store is also large enough to accommodate the 10 x 1100 litre bins and 4 x 240 litre bins required to serve the development.

6.8 (g) Car and cycle parking

The site is in a highly accessible location opposite Watford Junction station and bus interchange. The town centre and North Watford Shopping Centre are also within a 10 minute walking distance of the site. The scheme proposes 4 on-site parking spaces, all allocated for use by people with disabilities. Otherwise, the scheme will be car-free. This is acceptable in principle in this location. The site is within a controlled parking zone (CPZ) and therefore the development can be excluded from the CPZ to ensure future residents are not entitled to resident's permits. This can be secured by means of a s.106 planning obligation.

6.8.1 An integral, secure cycle store is provided within the proposed building which is sufficient to provide 38 cycle spaces.

7.0 Community Infrastructure levy and S.106 planning obligation

7.1 Community Infrastructure Levy (CIL)

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

The CIL charge applicable to the proposed development is £120m². The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced. The proposed scheme will result in a net additional floorspace of 1250m² which will result in a charge of £150,000.

In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

7.2 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants.

The proposed development is one where affordable housing should be provided, in accordance with saved Policy H16 of the Watford District Plan 2000 and Policy HS3 of the Watford Local Plan Part 1 Core Strategy 2006-31. As detailed in the report, a financial contribution of £1,200,000 towards the provision of affordable housing in the Borough with claw-back for up to £200k (with a 50/50 payment split) has been agreed in lieu of on-site provision.

The development proposed in this application is also one where, in accordance with saved Policy T26 of the Watford District Plan 2000 and Policy INF1 of the Watford Local Plan Part 1 Core Strategy 2006-31, the Council will normally require the applicant to enter into a planning obligation which provides for a financial contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the application site. It is necessary to amend the traffic order so as to exclude the occupiers of the development from any entitlement to claim permits for the local Controlled Parking Zone because otherwise the proposed development would be likely to give rise to additional vehicles parking on local streets, thus worsening traffic congestion which would be a reason to refuse planning permission. In this case, the standard payment of £2,000 is sought for a new residential development.

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.

The financial contribution sought towards affordable housing is directly related to the proposed development, and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.

The contribution sought by the Council for amending the Controlled Parking Zones Traffic Regulation Order varies according to the number of dwellings existing and to be created and according to the existing use of the property. The contribution is thus directly related to the proposed development and is fairly and reasonably related in scale and kind to that development. It is also necessary to make the development acceptable in accordance with the Council's planning policies.

Accordingly, the contribution sought towards affordable housing provision and the contribution sought towards the amendment of the Controlled Parking Zones Traffic Regulation Order meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, these planning obligations can be taken into account as material planning considerations in the determination of the application. Both the Council's approach to seeking affordable housing provision and a financial contribution by means of planning

obligations are also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

8.0 Conclusion

- 8.1 The proposed residential development is not in accordance with the employment land allocation for office use. However, this site formed part of a larger site at 64, Clarendon Road which was redeveloped in 2001 to provide a 5 storey office building (64, Clarendon Road) and a new Trade Union and Social Club (27, Woodford Road) to replace the existing out-dated facility on the site. In light of the history of the site and its location on a residential road, a residential use of the site is considered acceptable in this case.
- 8.2 The site is a transition site between the large scale office buildings in Clarendon Road and the domestic scale residential properties in Woodford Road. The proposed scale, mass and design of the building is considered to be an appropriate and successful response to the site's context that will achieve a high quality development to enhance the locality.
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9.0 Human Rights implications

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

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

Section 106 Heads of Terms

- i) To secure a financial contribution of £1,000,000 towards the provision of affordable housing in the Borough of Watford (with a 50/50 payment split) and with a claw-back arrangement for up to £200k
- ii) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to

exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.

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:-

5768 001P
5768 (20)-100C, 101C, 102C, 103C, 104C, 105C
5768 402 P3, 403 P3

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

3. No construction works shall commence until a scheme to manage surface water run-off, based upon the report by Turner Jomas and Associates (Ref. P9210J691 dated September 2015), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the following:

- i) Confirmation from Thames Water for connection to their surface water system at the proposed discharge rate.
- ii) Detailed surface water run-off and volume calculations for 1:100 year (+40% CC) are required within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+40% CC).
- iii) Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- iv) Implementing appropriate SuDS measures as shown on drawing 100 P1 Drainage Strategy Drawing including permeable paving and green roofs.

- v) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

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

- 4. No construction works shall commence until a detailed noise mitigation scheme (based upon the Noise Impact Assessment by KR Associates, Ref. KR04904, dated December 2015), to protect the future occupiers from noise from traffic on Woodford Road, the railway line and the plant and equipment enclosure associated with the office building at 58, Clarendon Road, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the internal noise levels set out in British Standard 8233: 2014.

Reason: To ensure an acceptable living environment is achieved for the future occupiers of the development.

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

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

- 6. No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include new tree and shrub planting to replace trees to be lost. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

7. No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site, including details of all site boundary treatments, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

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

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

9. No dwelling shall be occupied until the new access junction on Woodford Road, as shown in principle on approved drawing no. 5768 (20)-100C, has been laid out and constructed in full and the existing access junction on Woodford Road has been removed and the footpath reinstated.

Reason: In the interests of highway safety and convenience, in accordance with saved Policy T21 of the Watford District Plan 2000.

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

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

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

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

Informatives

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

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

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

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

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_complaints_%E2%80%93_construction_noise.

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

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

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

3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure a financial payment towards the provision of affordable housing in the

Borough and to exclude the development from the local controlled parking zone.

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

Drawing numbers

5768 011P

5768 (20)-100C, 101C, 102C, 103C, 104C, 105C

5768 402 P3, 403 P3

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