

Committee date	3 February 2021
Application reference Site address	20/00553/VARM - 56D, 56E, 58 And 58A Vicarage Road
Proposal	Variation of Condition 2 to amend the internal layout and external elevations to facilitate a revised mix of accommodation pursuant to planning permission 18/01629/FULM.
Applicant	GS8 Limited
Agent	DP9 Limited
Type of Application	Variation of Condition
Reason for committee Item	Major Application
Target decision date	4 February 2021
Statutory publicity	Public Advertisement, Site Notice and Neighbour Letters
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Vicarage

1. Recommendation

- 1.1 That planning permission be granted subject to a Deed of Variation, executed under s106 of the Town and Country Planning Act 1990 (as amended), and conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the southern side of Vicarage Road between Farraline Road/The Hornets to the east and Occupation Road to the west. It comprises the former Watford Printers building (58), a small retail unit (58A) and 2 small retail units (56D and 56E) that form part of a small parade of 5 single storey units. The site is approximately rectangular in shape with an area of 0.11 hectare. The site backs onto two storey residential properties in Clifton Road to the rear (south) and a car repair/MOT garage immediately to the west.
- 2.2 The main 2 storey building on the site, no. 58, is a locally listed building. Opposite the site is The Square Conservation Area which contains several locally listed buildings, including the Red Lion PH and stable block, and the war memorial and chapel within the Vicarage Road Cemetery. The 2 units at nos. 56D and 56E fall within the Vicarage Road local shopping frontage designation.
- 2.3 The character of the wider area is very varied. To the east is the Vicarage Road local shopping frontage, which extends through to Merton Road/Wiggenhall

Road, comprising single storey and 2 storey properties, with residential accommodation on the upper floors. Opposite the site is the Vicarage Road Cemetery which forms part of The Square Conservation Area. To the west is Vicarage Road Stadium and beyond this Watford General Hospital. The area to the south comprises residential streets of 2 storey Victorian terraced properties.

3. Summary of the proposal

3.1 Proposal

To vary the drawings approved by application 18/01629/FULM to increase the number of units from 30 to 36 within the approved envelope of the existing building with associated elevational changes. The approved mix of accommodation and affordable housing contribution would be amended.

3.2 Conclusion

The change to the mix of accommodation, with a larger provision of one bedroom units is considered acceptable in this location. The changes required to the external elevations of the approved building are minor. The proposal would enhance the streetscene in Vicarage Road and the setting of The Square Conservation Area.

3.3 The cycling and refuse stores are of a sufficient size to accommodate the increase in cycle parking and refuse requirements. The proposal would remain car-free.

3.4 Given the unchanged proportions of the building and positioning of rear facing terraces and balconies, no additional detriment to the light, outlook or privacy of 20-30 (evens) Clifton Road would be incurred relative to the consented scheme.

3.5 The revised affordable housing sum of £243,000 has been subject to independent viability review and is considered acceptable.

4. Relevant policies

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

5. Relevant site history/background information

- 5.1 This variation of condition application has been amended since it was originally submitted. This application originally sought to increase the number of dwellings from 30 to 36 by introducing an additional storey and extending the depth of the building to the rear. Following correspondence with the case officer, the proposal was amended to increase the number of dwellings by the same number within the approved envelope of the existing building. This has been achieved by amending the housing mix.
- 5.2 20/00423/NONMAT - Non-material amendment to planning permission 18/01629/FULM to change the development description to "Redevelopment of the site to provide a mixed use scheme comprising of residential accommodation (Class C3), flexible commercial floor space (Class A1/A2/B1/D2), cycle parking, landscaping and associated works". Non material amendment granted 20th May 2020.
- 5.3 18/01629/FULM - Redevelopment of the site to provide a mixed use scheme comprising of 30 residential units (Class C3), flexible commercial floor space (Class A1/A2/B1/D2), cycle parking, landscaping and associated works. Planning permission granted subject to s.106 agreement and conditions on 19th March 2019, following approval at 6th March 2019 Development Management Committee.
- 5.4 18/00614/FULM - Proposed redevelopment of the site to provide a mixed use scheme comprising of 33 residential units (Class C3), flexible commercial floorspace (Class A1/A2/B1/D2) associated cycle parking, landscaping and associated works. Planning permission refused at Development Management Committee on 25th July 2018 for the following reason:
- By reason of its height, scale and massing the proposed development would adversely affect the character of the neighbouring residential area and as such would be contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.*
- 5.5 The oldest building on the site, no.58, was originally known as Colney Butts House and formed part of an eighteenth century farm. It was sold to Watford Printers in 1924 with the large industrial extension added in the 1930s.

6. Main considerations

- 6.1 This variation of condition application only considers matters where this proposal differs from the consented scheme. The principle of the development, the scale of the building, the impact on heritage assets, the

impact on surrounding properties and environmental considerations are unchanged. The main issues to be considered in the determination of this application is:

- (a) Design
- (b) Housing Mix
- (c) Quality of residential accommodation
- (d) Affordable housing provision
- (e) Parking and servicing

6.2 (a) Design

Relative to the consented proposal there would be minor changes to the elevations. These include an additional two, suitably placed openings for two additional recessed balconies at first and second floor levels to the front elevation. To the rear elevation, the fenestration has been amended with additional and realigned windows. There would be no additional balconies to the rear. The rear facing full width gardens at lower ground, and the terraces on the upper ground and third storey would be further divided to incorporate private amenity space for all of the proposed dwellings. The quantity of private amenity space per unit remains acceptable. The separation distances from surrounding buildings is unchanged, which is compliant with Watford's Residential Design Guide.

6.3 At ground floor level the quantity of commercial floorspace is reduced by 42 square metres, by shortening the depth of the commercial unit to the west and removing its garden allowing this space to be given over to additional residential floor space.

6.4 (b) Housing Mix

The consented mix of accommodation comprises 8 x 1 bed (27%), 18 x 2 bed (60%) and 4 x 3 bed (13%) units. The proposed mix of accommodation comprises 25 x 1 bed (69%), 9 x 2 bed (25%) and 2 x 3 bed (6%) units. The position and footprint of 18 of the units remains unchanged.

6.5 This revised housing mix, which is weighted towards smaller homes, is considered acceptable given the accessible, relatively central location of this development on Vicarage Road close to the hospital and football stadium where higher density development is considered acceptable.

6.6 (c) Quality of residential accommodation

All of the one bedroom units would suit dual occupancy, 2 of the two bedroom units would suit occupancy by 3 persons, 7 of the two bedroom units would suit occupancy by 4 persons and both three bedroom units would

suit occupancy by 5 persons. As with the consented scheme, all units would benefit from private amenity space either in the form of a balcony, a terrace or private garden.

- 6.7 All of the proposed residential units will meet or exceed the Nationally Described Space Standards for new residential dwellings and will have good levels of natural light, outlook and privacy. As before, conditions for appropriate glazing and mechanical air supply/extract system will ensure suitable internal noise levels and ventilation. Overall, the quality of the proposed accommodation is considered to be acceptable
- 6.8 (d) Affordable housing provision
Policy HS3 of the Core Strategy requires a 35% provision of affordable housing for all major developments, with this provision having a tenure split of 65% affordable rent, 20% social rent and 15% shared ownership. The viability of this amended scheme was independently reviewed by Aspinall Verdi who concluded that the scheme would be unviable with a policy-compliant level of affordable housing. However, Aspinall Verdi concluded that the scheme would be able to make a contribution of £243,000 towards affordable housing and remain viable.
- 6.9 The sum of £243,000 is £47,000 less than the £290,000 negotiated previously. The reduction in the sum payable is not ideal, though it should be noted that this application was subject to an independent viability review, whereas the previous application was not and the previously agreed sum of £290,000 was the result of negotiation. As such, the proposed contribution of £243,000, being based on viability evidence, is supported.
- 6.10 (e) Parking and servicing
The applicant has once again agreed that the development be excluded from the CPZ in order to ensure future residents are not entitled to parking permits. This can be secured by a s.106 planning obligation. The applicant has also agreed to fund a survey of the local CPZ (Zone K) and a consultation with local residents regarding a potential extension of hours beyond 6.30pm.
- 6.11 The bin store and cycle stores at ground floor within the building are unchanged. They have adequate capacity to serve the increased number of units proposed.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment
Thames Water	Has no objection with regard to the waste water network or waste water process infrastructure capacity. No objection with regard to surface water drainage providing sequential approach followed. Has not requested any conditions.

7.2 Internal Consultees

Name of Internal Consultee	Comment
Environmental Health	No comments received.
Planning Policy	No comments received.
Housing	On a site of 36 units we would expect 13 affordable housing units (35%). The housing service is aware of the viability review and is satisfied to follow the recommendations of the independent review.
Waste and Recycling	No comments received.

7.3 Interested parties

Letters were sent to 45 properties in the surrounding area. Responses have been received from 5 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Upper floor windows will overlook properties in Oxford Street.	The site is 54m from the nearest property in Oxford Street, consequently, the proposal will not give rise to any unreasonable overlooking.
Inadequate parking provision. Potential for 36+ cars to park in surrounding roads outside of CPZ hours. Parking restrictions should be extended.	See paragraph 6.10 of this report.
Development is still out of proportion to the area.	The proportions are considered acceptable and have been consented. See paragraph 6.1 of this report.

Loss of Light / Privacy and Outlook	The impact to neighbouring amenity considered acceptable and have been consented. See paragraphs 6.1 and 6.2 of this report.
No affordable accommodation that is clearly needed.	See paragraphs 6.8-6.9 of this report.
Pressure on local services	The development is CIL (Community Infrastructure Levy) liable. This levy is used to help the local authority to deliver the infrastructure needed to support development in their area.

8. Recommendation

That, pursuant to a Deed of Variation 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:

Deed of Variation Heads of Terms

- i) To secure a financial payment to the Council of £243,000 (reduced from £290,000) towards the provision of affordable housing in the Borough of Watford;

Conditions

1. The development to which this permission relates shall be begun before 19 March 2022.

Reason: To comply with the time period for commencement of the original planning permission 18/01629/FULM.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-
 - 1715-LS-X-XX-DR-A-0100_P1
 - 1715-LS-X-XX-DR-A-1000_P1
 - 1715-LS-X-00-DR-A-1100 / P4
 - 1715-LS-X-05-DR-A-1100 / P4
 - 1715-LS-X-10-DR-A-1100 / P2
 - 1715-LS-X-20-DR-A-1100 / P2
 - 1715-LS-X-30-DR-A-1100 / P3
 - 1715-LS-X-50-DR-A-1100 / P3
 - 1715-LS-X-XX-DR-A-1201 / P2

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

3. No demolition of the existing buildings shall commence until a Historic Building Record of 58, Vicarage Road has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition as the building is locally listed and will be lost as a result of the proposal and a record of the building is required before it is demolished, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31 and the NPPF.

4. No demolition of the existing buildings shall commence until details of the tree protection measures to protect the retained tree at the rear of 56E, Vicarage Road have been submitted to and approved in writing and these measures have been installed as approved. These measures shall be retained at all times during the demolition and construction of the development.

Reason: This is a pre-commencement condition in order to ensure the long term health and retention of the tree.

5. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) a preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
 - ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - iii) the results of the site investigation and risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

- iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure any contamination of the ground is identified and remediated in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of groundwater within the secondary and Principal aquifers present beneath the site. The submitted geo-environmental assessment has identified known and suspected contamination from current and historical land uses. The proposed development includes extensive groundworks and foundation works which will alter the current site conditions, resulting in the creation of new pollutant pathways. This will need to be addressed to better constrain the conceptual site model and provide greater detail to the risk assessment.

- 6. No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 4 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: In order to verify that all contamination has been successfully removed from site following all remediation works and that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. In the interests of the health of the future occupiers of the site, in accordance with saved Policy SE24 of the Watford District Plan 2000.

7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site, in accordance with saved Policy SE24 of the Watford District Plan 2000.

8. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Elliott Wood Partnership Ltd (job number 2170842, revision P3, dated December 2018):

- i) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.5 l/s during the 1 in 100 year event plus 40% of climate change event.
- ii) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 46m³ (or such storage volume agreed with the LLFA) of total storage volume in underground tank.
- iii) Discharge of surface water from the private drain into the Thames Water sewer network.

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

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

9. No development (excluding demolition works) shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in

accordance with the approved details before the development is completed. The scheme shall include:

- i) Final detailed post development modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period including a +40% allowance for climate change. This should include the final version of the proposed drainage strategy.
- ii) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- iii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: This is a pre-commencement condition in order to ensure adequate measures are incorporated into the design to prevent any increased risk of flooding, both on and off site.

10. No development (excluding demolition works) shall commence until a noise mitigation scheme for each of the residential dwellings requiring acoustic double glazing, based upon the recommendations of the Noise Exposure Assessment (Report 13537-NEA-01 RevB dated 29 November 2018) by Clement Acoustics, has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure appropriate noise mitigation measures are built into the development to ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

11. No development (excluding demolition works) shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings requiring acoustic double glazing, based upon the recommendations of the Noise Exposure Assessment (Report 13537-NEA-01 RevB dated 29 November 2018) by Clement Acoustics, has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective

dwellings remaining closed. The system must not compromise the sound insulation of the façades. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure appropriate ventilation measures are built into the development to ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

12. No development (excluding demolition works) shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors, balconies, privacy screens) have been submitted to and approved in writing by the Local Planning Authority. These should be based upon the details given in the Design and Access Statement (version P1 dated 20 December 2018) by Lynas Smith. The development shall only be constructed in the approved materials.

Reason: This is a pre-commencement condition to ensure high quality materials are used for the buildings 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.

13. No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site, based upon the details given in the Design and Access Statement (version P1 dated 20 December 2018) by Lynas Smith, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the biodiverse roof system. 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.

14. No dwelling shall be occupied until the bin and cycle stores 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 and shall be used for no other purpose.

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.

15. No dwelling shall be occupied until the following works have been completed in full:
- i) the widening of the public footpath outside the site;
 - i) the formation of a vehicular crossover on Vicarage Road in front of the bin store to facilitate collection;
 - ii) the provision of 2 cycle stands (4 cycles) for short stay visitors.

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

16. No dwelling shall be occupied in the respective blocks until details of a communal terrestrial television aerial(s) and satellite dish(es) for the block 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.

17. No dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, based upon the Residential Travel Plan dated December 2018 by Caneparo Associates. The approved plan shall be implemented in full.

Reason: To encourage and promote sustainable modes of travel to the residents of the development.

18. No dwelling shall be occupied until a detailed external lighting scheme for the development, based upon the details given in the Design and Access Statement (version P1 dated 20 December 2018) by Lynas Smith, has been submitted to and approved in writing by the Local Planning Authority and the lighting scheme has been installed 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.

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

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

Informatives

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability
7. IN914 – Section 106 Agreement/Undertaking
8. IN915 – Highway Works – HCC agreement required