

Committee date	Wednesday, 02 September 2020
Application reference Site address	20/00541/VAR - 112-114, The Parade
Proposal	Variation of Condition 2 (approved drawings - internal layouts and roof) and modification of the Section 106 Unilateral Undertaking (to change the affordable housing provision) of planning permission 14/00954/FULM for the retention of ground floor Class A4 uses (drinking establishments) and the extension and conversion of the upper floors to provide 15 residential flats.
Applicant	Aimrok Developments Ltd
Agent	HGH Consulting
Type of Application	Full planning application
Reason for committee Item	Major development
Target decision date	31 st August 2020
Statutory publicity	Public advertisement and site notice
Case officer	Paul Baxter, paul.baxter@watford.gov.uk
Ward	Central

1. Recommendation

Approve subject to conditions as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the south-western side of The Parade adjoining Faircross House and facing the pond. The redevelopment of the site under planning permission 14/00954/FULM for the retention of two ground floor commercial units and the provision of 15 new residential flats above has recently been completed.
- 2.2 The site falls within the Civic Core Conservation Area and the Secondary Retail Frontage of the town centre.

3. Summary of the proposal

3.1 Proposal

The redevelopment of the site has recently been completed. Although undertaken pursuant to planning permission 14/00954/FULM, the configuration, floor areas and internal layout of the 15 flats do not accord with the approved drawings. The approved drawings show 15 x 1 bedroom, 2

person flats. As constructed, the 15 flats comprise a mix of 6 x 1 bedroom and 9 x 2 bedroom flats with the majority being below the minimum internal floorspace standards for the size and number of bedrooms proposed. The purpose of this application is to seek the approval of further amendments to the internal floor layouts for the 15 flats within the overall configuration and floor area of each flat as constructed.

3.2 The application also seeks to vary the Section 106 unilateral undertaking of planning permission 14/00954/FULM. This included the following planning obligation in respect of the provision of affordable housing:

- (e) No Open Market Housing Units shall be occupied on the Land until the Owner has entered into a legally binding agreement in respect of the Affordable Housing Units to grant a lease or leases to a Registered Provider for a term of not less than 125 years or has entered into a legally binding agreement to transfer to a Registered Provider such part of the Land as shall be required in respect of the Affordable Housing Units.

The affordable housing units were to be five 1 bedroom, 2 person units on the first floor for affordable rent tenure.

3.3 The application seeks to vary the mix and size of the affordable housing units to reflect the proposed new flat configurations on the first floor. In the event the affordable housing units are not acquired by a Registered Provider within a period of 6 months, a commuted sum of £1,078,816 would be paid to the Council in lieu of this on-site provision.

3.4 Changes are also proposed to the size of the roof garden area and the location of bin and cycle stores at ground level.

3.5 **Conclusion**

The revised floor plan layouts for the flats on the first, second and third floors are acceptable and will meet or exceed the minimum internal floorspace standards. The payment of a commuted sum of £1,078,816 in the event that the 5 Affordable Housing units are not acquired by a Registered Provider is also supported.

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 14/00954/FULM - Retention of ground floor Class A4 uses (drinking establishments) and the extension and conversion of the upper floors to provide 15 residential flats. Planning permission granted 7th June 2016.

17/01743/NONMAT - Non-material amendment to planning permission ref. 14/00954/FULM for alterations to the wording of Condition 6 (noise mitigation measures). Application granted 29th January 2018.

18/01587/NONMAT - Non-Material amendment to planning permission 14/00954/FULM for minor amendments made to the external facade, increase in roof height and increase to rear stair core. Application granted 26th February 2019.

19/00249/NONMAT - Non-material amendment to delete Condition 6 (noise mitigation measures to ground floor units) from planning permission ref. 14/00954/FULM. Application granted 24th April 2019.

19/00250/COU - Change of use of 2 ground floor units from Class A4 (Drinking Establishments) use to a flexible use for either Class A1 (Shops) or Class A2 (Financial and Professional Services). Planning permission granted 23rd April 2019.

19/01243/FUL - Installation of new glazed double door with sidelights (rear elevation). Planning permission granted 23rd December 2019.

6. Main considerations

6.1 The application proposes a number of changes The main issues to be considered in the determination of these applications are:

- (a) Quality of accommodation
- (b) Affordable housing provision
- (c) Amenity space provision
- (d) Bin and cycle storage

6.2 (a) Quality of accommodation

The approved flats were all 1 bedroom, 2 person units and all met or exceeded the minimum floorarea of 50sqm (varying from 51.4-58.9sqm) with the exception of one flat at 49.1sqm.

6.3 The amended flats as now proposed are as follows:

Flat Number	Size	Floorarea (sqm)	Compliant
First floor Flat 01	1 bed, 2 person	52.6	Yes
First floor Flat 02	1 bed, 2 person	56.8	Yes
First floor Flat 03	1 bed, 2 person	57.2	Yes
First floor Flat 04	1 bed, 1 person	46.8	Yes
First floor Flat 05	2 bed, 3 person	60.4	No (-0.6sqm)
Second floor Flat 01	1 bed, 2 person	52.3	Yes
Second floor Flat 02	1 bed, 2 person	57.3	Yes
Second floor Flat 03	1 bed, 2 person	56.7	Yes
Second floor Flat 04	1 bed, 1 person	46.8	Yes
Second floor Flat 05	2 bed, 3 person	60.4	No (-0.6sqm)
Third floor Flat 01	1 bed, 1 person	42.8	Yes
Third floor Flat 02	1 bed, 1 person	44.5	Yes
Third floor Flat 03	1 bed, 2 person	50.1	Yes
Third floor Flat 04	1 bed, 1 person	41.8	Yes
Third floor Flat 05	1 bed, 2 person	51.7	Yes

Flats 05 on the first and second floors are only very slightly below the minimum floor area by 0.6sqm which, whilst not ideal, is unlikely to cause any detrimental harm to the living conditions of future residents.

6.4 All of the flats would have good levels of outlook, natural light and privacy. The position of windows has not changed.

6.5 (b) Affordable housing provision

The Section 106 unilateral undertaking requires the five 1 bedroom flats on the first floor to be affordable rented units, sold or leased to a Registered Provider before the occupation of any of the Open Market Housing Units. Evidence has been submitted to show that 13 Registered Providers were contacted in 2018 regarding acquiring the affordable units but no offers were received. A number of providers did not respond while others stated that they had no interest in acquiring these units. It is not entirely clear what the reasons were. These providers have recently been contacted again in 2020 and again no positive responses have been received.

6.6 In the event that the applicant is still unable to secure a Registered Provider to acquire these units, the only other option is for a commuted sum to be paid to the Council in lieu of the provision of these units. Based on the Council's adopted supplementary planning document on commuted sums for affordable housing, the commuted sum in this case would be £1,078,816.

6.7 The applicant has proposed the following trigger mechanisms for the payment of the commuted sum to the Council:

- No more than 9 units of Open Market Housing units can be occupied before the Owner has entered into a legally binding agreement with a Registered Provider in respect of the Affordable Housing units or paid the commuted sum referred to below;
- In the event of no legally binding agreement with a Registered Provider within a period of 6 months from the grant of planning permission, a commuted sum of £1,078,816 shall be paid to the Council in lieu of the on-site provision of 5 Affordable Housing units;
- On payment of the agreed commuted sum the remaining Open Market Housing units can be occupied and the 5 Affordable Housing units can be transferred to Open Market Housing units and thus occupied.

6.8 These requirements can be secured through a new Section 106 unilateral undertaking in the event of planning permission being granted.

6.9 (c) Amenity space provision

The approved scheme provided amenity space at roof level of 152sqm. As constructed, this area has been reduced to 35sqm. This is regrettable as the flats do not have individual balconies. However, the site adjoins the pedestrianised public realm on The Parade which includes the pond and public seating and is a short walk from Cassiobury Park. Given the town centre location of the site and its accessibility to a wide range of services, it is not considered that the reduction in the roof amenity area is unduly harmful to the overall amenity of the flats.

6.10 (d) Bin and cycle storage

The bin and cycle stores are located at the rear of the site within a small open yard area. Although the siting has changed within this area, this is acceptable.

7. Consultation responses received

7.1 **Statutory consultees and other organisations**

None required.

7.2 **Internal Consultees**

The Housing team support the payment of the commuted sum if the affordable housing units cannot be delivered on-site.

7.3 **Interested parties**

Letters were sent to 37 properties in the surrounding area. No responses have been received.

8. **Recommendation**

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

Section 106 Heads of Terms

- i) To secure 5 units on the first floor of the development to be Affordable Housing units for affordable rent comprising 4 x 1 bedroom and 1 x 2 bedroom units;
- ii) No more than 9 units of Open Market Housing units to be occupied before the Owner has entered into a legally binding agreement with a Registered Provider in respect of the Affordable Housing units or paid the commuted sum referred to below;
- iii) In the event the Affordable Housing units are not acquired by a Registered Provider within a period of 6 months, a commuted sum of £1,078,816 to be paid to the Council;
- iv) On payment of the commuted sum to the Council, the Affordable Housing units to be sold as Open Market units.

Conditions

1. No dwelling shall be occupied until the internal works to the flats on the first, second and third floors have been carried out in full in accordance with the approved drawings.

Reason: To ensure the proposed flats meet the required minimum internal floorspace standards and provide an acceptable level of amenity for future occupiers.

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

594-CDA-A-00-DR-A-05-0100 Revision 04

594-CDA-A-01-DR-A-05-0101 Revision 07

594-CDA-A-02-DR-A-05-0102 Revision 07

594-CDA-A-03-DR-A-05-0103 Revision 07

594-CDA-A-04-DR-A-05-0104 Revision 01

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

3. No dwelling or commercial unit shall be occupied until the cycle and bin stores have been provided in accordance with the approved drawings.

Reason: To ensure adequate provision is made for the future occupiers of the building.