

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee	31st October 2013
Site address:	32, Clarendon Road
Reference Number :	13/00863/FULM
Description of Development:	Demolition of existing building and redevelopment of site to provide 1,632 sqm of office (Class B1a) floorspace and 22 residential flats with associated surface and basement car parking, cycle and bin storage and landscaping.
Applicant:	Nascot Consortium Ltd
Date received:	15th August 2013
13 week date(major):	14th November 2013
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 (1,632m² floorspace) on the Clarendon Road frontage with 22 residential flats behind in a part 6 storey, part 3 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 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 rear of the site. The residential element will have an acceptable relationship with the houses to the rear on Estcourt 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 Estcourt Road. The rear boundary will also be enhanced by new tree planting.

The application is accompanied by a viability appraisal which seeks to demonstrate that it is not viable for the scheme to provide 35% affordable housing or Section 106 payments towards community facilities and infrastructure, as required by the Council's adopted policies. At the time of writing this report, this position is not accepted by your officers who consider that the full affordable housing provision and Section 106 payments should be secured. Discussions regarding the viability appraisal are continuing. It is therefore considered that, until such time as a robust and sound viability appraisal can demonstrate that no affordable housing or Section 106 payments can be provided, the full provision should be sought in accordance with the Council's policies.

The Development Management Section Head therefore recommends that the application be approved, subject to the provision of 35% affordable housing provision and the full Section 106 payments in accordance with the Council's policies, and subject to appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

The site currently comprises a 3 storey building with basement, previously occupied by Barclays Bank within Use Class A2 (financial and professional services), which sits centrally on the site. It provides 1,345 m² gross internal and 806m² net sales area. The building was constructed in the late 1960s with exposed concrete and brick being the

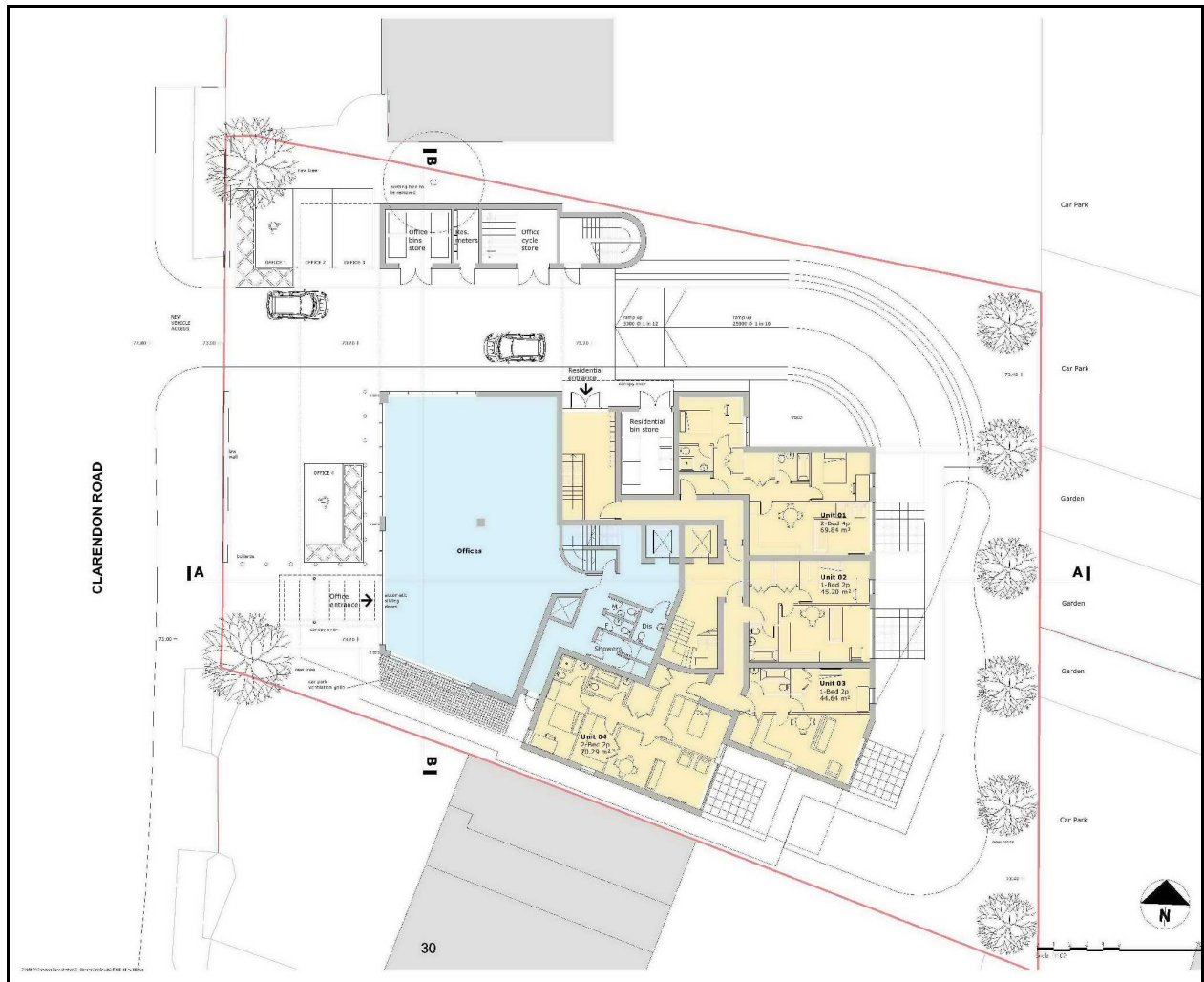
dominant materials. Surrounding the building are 36 surface level car parking spaces accessed via a one-way system operating through the site, with access from the northern access point on Clarendon Road and egress from the southern access point. The main pedestrian access is located centrally within the frontage.

To the north the site is adjoined by 34, Clarendon Road comprising a 4 storey refurbished office building of grey cladding panels and terracotta tiling. To the south is 30, Clarendon Road comprising a 4 storey 1980s office building of brick and stone. Opposite the site to the west is the recently constructed Jury's Inn hotel. To the east, the rear of the site adjoins 2 storey detached and terraced properties on Estcourt Road 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.

Proposed development

The application proposes the demolition of the existing building and the erection of a new multi-storey building comprising 5 storeys of Class B1 office accommodation on the frontage with Clarendon Road and 6 storeys of residential accommodation to the rear, with one storey of residential accommodation at roof level. The office element will comprise 1,632m² gross internal floorspace with a net internal area of 1,218m². The residential element will provide 22 flats comprising 8 x 1 bed, 12 x 2 bed and 2 x 3 bed units. A basement car park will provide 32 parking spaces (24 spaces for the flats and 8 spaces for the offices) accessed via a ramp sited along the northern boundary of the site. At ground level, a further 4 spaces will be provided for the offices. A new vehicular access will be provided towards the northern end of the site frontage alongside which will be the pedestrian access to the flats. The pedestrian access to the offices will be from the southern end of the frontage.



Ground floor plan

Planning history

Planning permission was granted for the construction of a new bank building on the site in 1966 (ref. 4108/66) and 1968 (ref. 4161/68). An extension to the building was granted in 1980 (ref. 9/429/80). In January 2010, planning permission was granted for a change of use from Class A2 (financial and professional services) to offices within Class B1 (business) (ref. 09/00934/COU). This permission was renewed in January 2013 but has not been implemented (ref. 12/01081/EXT).

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 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)
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CONSULTATIONS

Neighbour consultations

Letters were sent to 37 properties in Clarendon Road and Estcourt Road. No replies have been received.

Advertisements in local paper/ site notices

A site notice was placed outside the site on 23rd August 2013. A public notice was published in the Watford Observer on 30th August 2013.

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. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

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

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)

A Transport Statement was submitted in support of this planning application. The existing site has two access points from Clarendon Road and vehicles used to operate a one-way system around the site. The southern of the two existing vehicle access point would be removed and the footway made good. The northern access point has the form of a footway crossover and has no formal bellmouth where it joins to Clarendon Road. This form is appropriate given the high numbers of pedestrians passing the site.

Vehicles would be catered for in the proposed development in basement and surface car parking (36 parking spaces) for both residential and office uses. There would be 48 cycle parking spaces. Opportunities for residents or visitors to park on surrounding roads are restricted by the comprehensive parking and waiting controls in place in the local area.

The site has been vacant for many years therefore we can assume the trips generated by this proposal will be new to this area of the road network. The applicant should be made aware that if planning permission is granted for this development of 22 flats it will attract a financial contribution of £10,500 and, for the non-residential element (office) a contribution of £6,000, totalling £16,500 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".

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

The Highway Authority has requested 7 conditions be imposed on any planning permission relating to construction of the basement car park, wheel washing, construction of the new access, closure of the existing access, storage of materials and contractors parking.

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.

The adopted Waste Core Strategy and Development Management Policies Development Plan Document forms part of the Development Plan for the purposes of section 54A of the Town and Country Planning Act 1990 (as amended). Therefore, in determining the planning application the Borough Council is urged to pay due regard to these policies and ensure their objectives are met.

As from 6 April 2008, a site waste management plan (SWMP) is required by law for all construction projects that are worth more than £300,000. 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. Projects over £500,000 may require further information.

Hertfordshire County Council (Development Services)

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

Primary education	£13,320
Secondary education	£9,058
Nursery education	£3,136
Childcare	£926
Youth facilities	£262
Libraries	£2,492

Fire hydrant provision to serve the development is also sought.

Hertfordshire Constabulary (Crime Prevention Officer)

I have examined the DAS which unfortunately does not mention crime prevention nor how this can be addressed. The Planning Statement talks about Code Level 4 and BREEAM and in the documentation mentions a CPDA or equivalently qualified person will be consulted, also points have been awarded for crime prevention under both the Code and BREEAM.

I was consulted by PRC in July 2013 and comments/recommendations in details were supplied but again no mention in the planning application; I did require an SBDF application form at that time but to date nothing has been received. I am not aware whether my comments have been taken on board and at the present moment I would be talking to the Code Assessor and BRE about why points have been awarded for security when no mention is made within the documentation. Perhaps an addendum to the DAS would be in order.

An addendum to the Design and Access statement addressing these points has now been received.

Planning Policy

From a policy point of view, the proposed office/residential mix is acceptable since it is now an employment led scheme and increases the amount and quality of employment space provided on-site, in line with the desire, set out in the Core Strategy, to retain Clarendon Road as primarily an office location.

We also welcome the proposals to reduce the carbon impact by achieving BREEAM very good and CfSH Level 4 if this can be confirmed, and the potential reduction in water consumption to 89.4 litres per person per day. I could not see any reference in the sustainability statement as to how the proposal complies with the last part of Policy SD3, i.e. how the design would be adaptable over time to enable higher standards in future or to deliver or contribute to networks of decentralised community heating systems.

The incorporation of some larger 3 bedroom units into the mix of flats is welcomed. However we would object strongly to the complete lack of affordable housing proposed. The proposal does not currently comply with core strategy Policy HS3, as the developer has not demonstrated the exceptional circumstances for considering a lower (or indeed zero) level of affordable housing provision. The property department has provided separate comments on the viability assessment submitted in this regard.

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 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*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

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 building 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 5,000m² 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.

Viability appraisal

The application is accompanied by a viability appraisal which seeks to demonstrate that it is not viable for the scheme to provide 35% affordable housing or Section 106 payments towards community facilities and infrastructure, as required by the Council's adopted policies. At the time of writing this report, this position is not accepted by your officers who consider that the full affordable housing provision and Section 106 payments should be secured. Discussions regarding the viability appraisal are continuing and it is hoped that these will have concluded successfully by the date of the committee meeting. It is therefore considered that, until such time as a robust and sound viability appraisal can demonstrate that no affordable housing or Section 106 payments can be provided, or that only a partial provision is justified, and this is accepted by your officers, the full provision should be sought in accordance with the Council's policies.

This report and the recommendation has therefore been written on the basis that the full 35% affordable housing and Section 106 payments will be secured, even though this level of provision has not been agreed by the applicant. In the event that your officers are satisfied that the applicant should make no provision or only a partial provision, as justified by a robust and sound viability appraisal, a revised recommendation will be presented to the Committee.

Layout and design

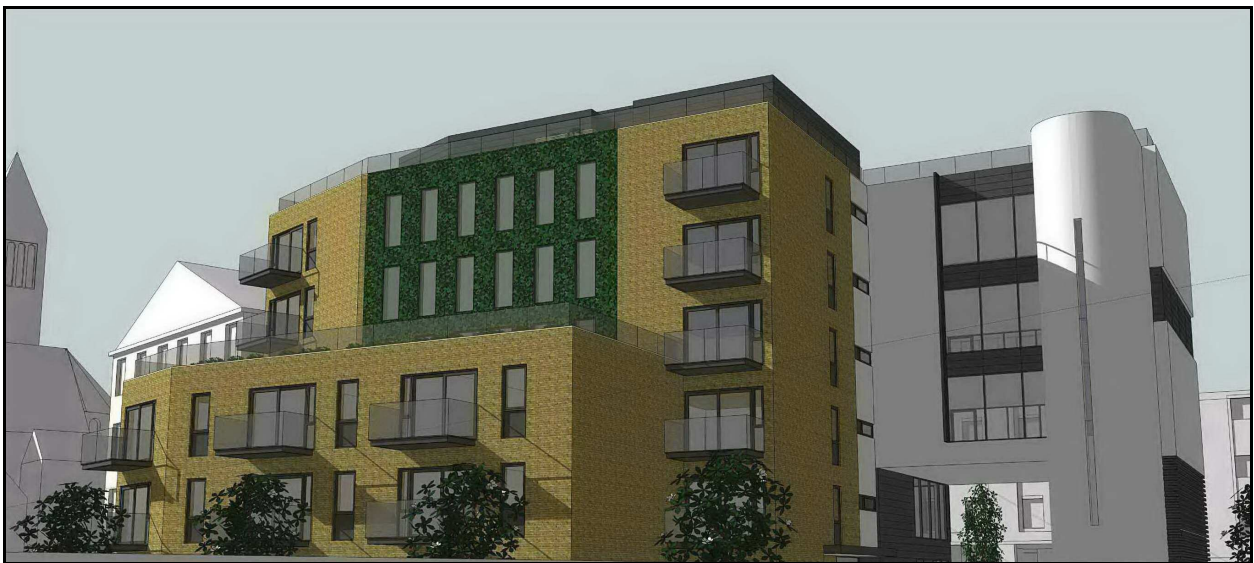
The layout of the site is dictated by its single frontage onto Clarendon Road and its relationship to adjoining properties, including residential properties to the rear. Although formed of a single building, the proposal comprises two distinct elements. The office element is located on the Clarendon Road frontage alongside the existing office buildings to the north and south.

The stepped, residential element is located to the rear facing the residential properties within the Estcourt Conservation Area. A single access is proposed from Clarendon Road which serves a servicing bay on the frontage and the basement car park. The extent of the basement has been designed to allow a landscaping strip to be accommodated along the rear boundary with the residential properties to provide a new tree screen as well as new tree planting on the frontage.

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 strong horizontal emphasis in the arrangement of the windows to help mitigate its scale and mass. The main facing materials proposed are white render, used to reinforce the horizontal emphasis of the elevation, and grey terracotta rainscreen cladding.



View from Clarendon Road



View from the rear

The residential element will only be viewed from the residential properties to the rear and from limited viewpoints within the conservation area and will form part of the setting of the conservation area. This element is also of a contemporary style but exhibits a vertical

emphasis in the arrangement of its windows, reflecting the strong vertical rhythm seen in the Victorian houses that characterise the conservation area. This element will use buff London stock brick as its main facing material reflecting the dominance of this material in the conservation area. Overall, the design 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 4 storey buildings to the south and north. The siting of the building maintains the existing building line on this side of the road. The two flats at roof level are set back 6m from the front elevation and this element will not appear as a prominent feature on the building. In this context, the scale and massing of the building is in keeping with the road and will significantly improve the streetscape.



View along Clarendon Road looking north

The residential element to the rear varies from 6 storeys where it abuts the rear of the office element down to 3 storeys towards the rear boundary which abuts the Estcourt Conservation Area and the properties in Estcourt 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. The 3 storey element reflects the scale of development within the wider conservation area which is predominantly 2 storey houses with pitched roofs.



View from Gartlet Road and Estcourt Road

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 setting of the conservation area.

Housing policies

The proposal will provide 22 flats comprising a mix of one, two and three 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 one bed flats ranging from 44.6m² to 45.9m², the two bed flats from 64.2m² to 78.7m² and the three bed flats from 82.7m² to 85.8m². All of the room sizes will meet or exceed the minimum room sizes and all flats will have adequate storage facilities. All of the flats will have their main living/dining areas facing east and all of the single aspect flats are east facing. Other flats are dual aspect with their main elevation facing east. This will ensure all the flats receive adequate levels of daylight and sunlight and have good levels of outlook. The scheme has also been designed to ensure there is no overlooking of the flats from either the scheme's office element or the adjoining office buildings.

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, 8 affordable units are required to satisfy this policy. The application as submitted includes no affordable housing provision and the applicant has sought to justify this position by the submission of a viability appraisal. As discussed above, the viability appraisal is still the subject of on-going discussion. Until these discussions are concluded, the expectation remains that 8 affordable units should be provided in accordance with this policy.

Based upon the tenure mix set out in Policy HS3, 6 of the units would need to be affordable rent, 1 social rent and 1 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 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 would be 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 30 and 34, 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 Estcourt Road to the rear of the site.

The proposed building is sited 10m from the rear boundary of the site and is 3 storeys high at this distance. The building then steps back 7.5m at 3rd – 5th floor level to give a distance of 17.5m to the boundary. At its closest point, the building is 26m from the nearest residential property, the rear outrigger of 7, Estcourt Road. This distance increases to 32m in respect of 15, Estcourt Road. For the main rear elevations that contain the main habitable rooms, these distances increase to 32m and 37.5m respectively. The Residential Design Guide requires a minimum separation distance of 27.5m between facing windows of residential properties. This minimum distance is only not achieved in respect of the rear outrigger of 7, Estcourt Road. In order to mitigate any potential overlooking and loss of privacy to these properties in Estcourt Road, a line of trees are proposed to be planted along the rear boundary. These trees will also help to mitigate the increased scale of the building compared to the existing building. This tree planting will be possible as the basement is set in a minimum of 3.5m along the length of the rear boundary allowing more than adequate space for the planting of small/medium size trees.

Having regard to the siting of the building due west of the houses in Estcourt Road and the distances achieved, the proposed building will have no significant adverse impact on daylight or sunlight to these properties.

Flood risk and drainage

The site is located within Flood Zone 1 and is at low risk of flooding. A sustainable surface drainage scheme is proposed to reduce and/or attenuate surface water flows and this can be secured by condition.

Transport, access and parking

The site is in a highly accessible location with Watford Junction station and its associated bus interchange located 650m 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 office use. This is explained by the significant reduction in car parking on the site for the office element (from 42 to 12 spaces), which significantly reduces the potential for traffic generation, and the fact that parking for the flats is also limited to one space per unit.

The existing site has two vehicular access points from Clarendon Road at the northern and southern ends of the frontage. These access points operate as part of a one-way system through the site (access via the northern access and egress via the southern access). As part of the proposal, the southern access will be closed off and the northern access retained and modified. The access incorporates a servicing bay adjacent to the building frontage which is sufficient to allow servicing vehicles to enter the site. The bin stores for both the office use and the flats are located at ground level close to the access and 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 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 does not include any payment towards the provision or improvement of sustainable transport measures as required by policies T5 and INF1 of the Core Strategy. The applicant has sought to justify this position by the submission of a viability appraisal. As discussed above, the viability appraisal is still the subject of on-going discussion. Until these discussions are concluded, the expectation remains that a contribution should be made towards sustainable transport, in accordance with these policies and the County Council's Planning Obligations Toolkit. Based upon the Toolkit, the required contribution for this scheme (commercial and residential elements) is £16,500.

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 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, the County Council and the Primary Care Trust 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 £13,320
- Secondary education £9,058
- Nursery education £3,136
- Childcare £926
- Youth £262
- Libraries £2,492

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 therefore sought in accordance with SPG10.

- Open space £54,384
- Children's playspace £13,790

iii) Sustainable transport

- Sustainable transport £16,500

The application as submitted does not include any payments towards the provision or improvement of community facilities or infrastructure as required by the policies of the Core Strategy and the District Plan. The applicant has sought to justify this position by the submission of a viability appraisal. As discussed above, the viability appraisal is still the subject of on-going discussion. Until these discussions are concluded, the expectation remains that contributions should be made towards community facilities and infrastructure, in accordance with the policies of the Core Strategy and the District Plan, SPG10 and the County Council's Planning Obligations Toolkit.

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 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 rear of the site. The residential element will have an acceptable relationship with the houses to the rear on Estcourt 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 Estcourt Road. The rear boundary will also be enhanced by new tree planting.

The application is accompanied by a viability appraisal which seeks to demonstrate that it is not viable for the scheme to provide 35% affordable housing or Section 106 payments towards community facilities and infrastructure, as required by the Council's adopted policies. At the time of writing this report, this position is not accepted by your officers who consider that the full affordable housing provision and Section 106 payments should be

secured. Discussions regarding the viability appraisal are continuing. It is therefore considered that, until such time as a robust and sound viability appraisal can demonstrate that no affordable housing or Section payments can be provided, the full provision should be sought in accordance with the Council's policies.

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.

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) £54,384 (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) £16,500 (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) £13,320 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £9,058 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £3,136 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £926 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £262 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £2,492 (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 8 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:-

9311/PL 001, 002, 003, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018; 9311/FE 704

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. No development shall commence until full details of the construction of the basement car park, including any necessary Approval In Principle certification issued in accordance with the requirements of the Department for Transport's DMRB Standard BD 2/12: Technical Approval of Highway Structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: In the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway.

6. No development shall commence until details of the layout and construction of the access to Clarendon Road have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the access has been laid out and constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

7. 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 July 2013). No part of the development shall be occupied until post-completion certificates to certify that Code Level 4 and BREEAM Very Good, respectively, 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.

8. 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. 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.

9. No development shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved hard landscaping works have been carried out. 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.

10. No development shall commence until details of a sustainable surface water drainage scheme for the development has 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 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.

11. No part of the development shall be occupied until the redundant southern vehicle access to Clarendon Road has been closed off and the adjacent footway and kerb reinstated, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

12. No part of the development shall be occupied until the 36 car parking spaces shown on 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 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.

13. 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 17 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.

Drawing numbers

9311/PL 001, 002, 003, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017,
018; 9311/FE 704

(B) In the event that no section 106 planning obligation is completed by 12th November 2013 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 (education, 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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