

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee

**13<sup>th</sup> March 2014**

Site address:

**36, Clarendon Road**

Reference Number :

**13/01324/FULM**

Description of Development:

**Demolition of existing buildings and redevelopment of the site to provide 2,220 sqm of office (Class B1a) floorspace and 36 residential flats with associated surface car parking, cycle and bin storage and landscaping.**

Applicant:

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

Date received:

**23<sup>rd</sup> December 2013**

13 week date(major):

**24<sup>th</sup> March 2014**

Ward:

**CENTRAL**

**SUMMARY**

The site is located in the Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. These policies identify Clarendon Road as a prime office area and development proposals should be for Class B1 office use. The proposed mixed-use scheme comprises a 5 storey office element (2,220m<sup>2</sup> floorspace) on the Clarendon Road frontage with 36 residential flats behind in a part 7, 6, 4 and 2 storey element. The office element will result in an increase in the quantity and quality of office floorspace on the site and will contribute towards providing new employment within the Borough, in accordance with the Core Strategy. Although the residential element is not strictly in accordance with the land allocation, the scheme

remains employment led and is considered to accord with the overall objectives of the Core Strategy.

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

The 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 Gartlet Road and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the large scale, commercial character of Clarendon Road and the domestic scale, residential properties in Gartlet Road. A new street frontage along Gartlet Road will be created along the rear boundary of the site.

The application is accompanied by a viability appraisal which seeks to demonstrate that it is not viable for the scheme to provide 35% affordable housing, 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 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 has been submitted to which appropriate weight can be given, 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.

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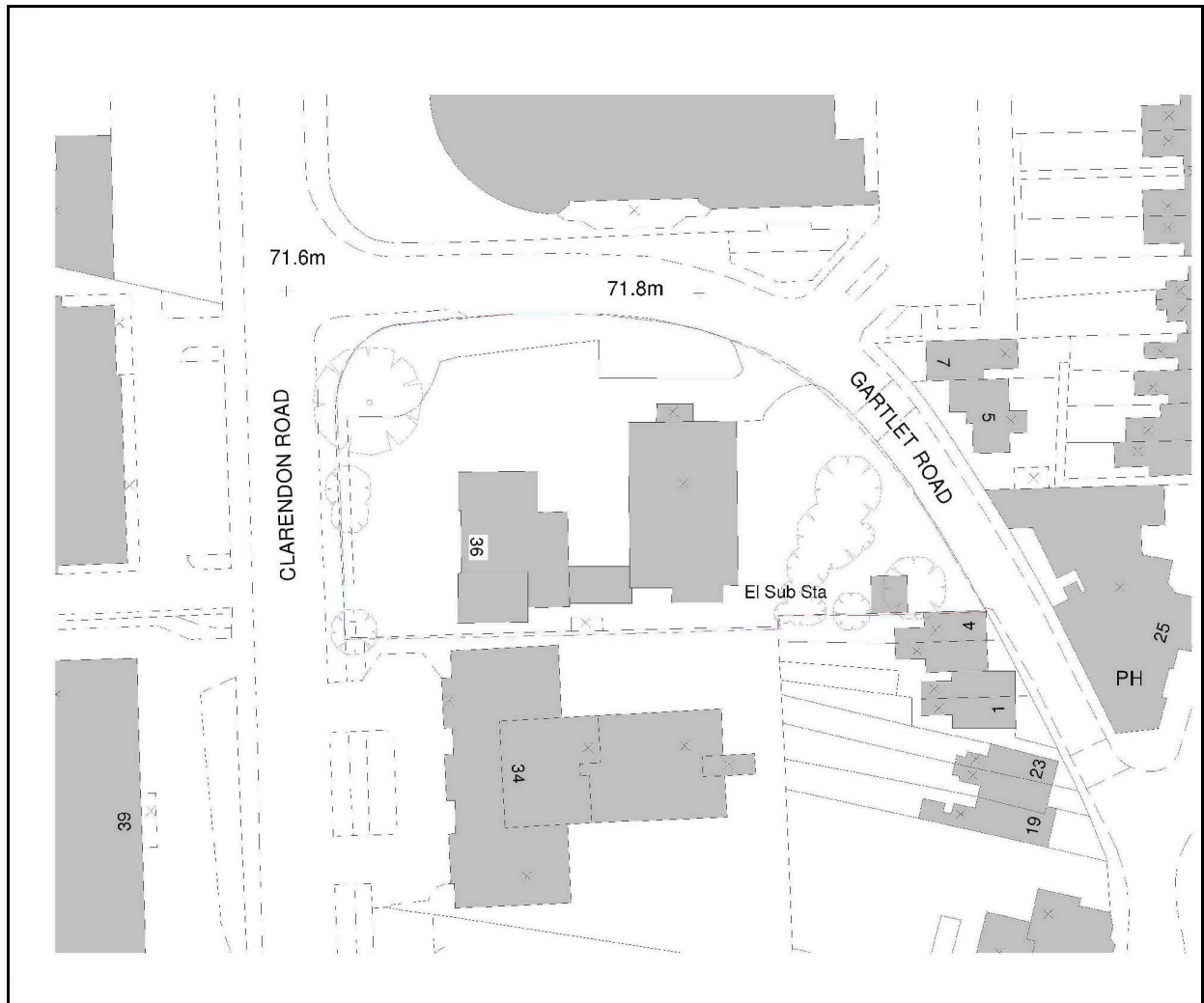
## **BACKGROUND**

### **Site and surroundings**

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

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

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



Existing site plan

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 buildings on the site and the erection of a new multi-storey building comprising 5 storeys of Class B1 office accommodation on the frontage with Clarendon Road and up to 6 storeys of residential

accommodation to the rear fronting Gartlet Road. An additional storey of residential accommodation is also proposed at roof level. The office element will comprise 2,220m<sup>2</sup> gross internal floorspace with a net internal area of 1,659m<sup>2</sup>. The residential element will provide 36 flats comprising 7 x studio, 14 x 1 bed and 15 x 2 bed units. Two surface level car parks will provide 19 parking spaces for the offices, accessed from a new access on Clarendon Road, and 24 parking spaces for the residential, accessed from a new access on Gartlet Road. The pedestrian access to the offices will be from the corner of Clarendon Road and Gartlet Road. All the residential units will be accessed from Gartlet Road via a new footpath proposed along the southern side of the road, where no footpath currently exists.



Proposed site plan

## **Planning history**

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

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

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## **Relevant policies**

### **National Planning Policy Framework**

- Section 1 Building a strong, competitive economy
- Section 2 Ensuring the vitality of town centres
- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 12 Conserving and enhancing the historic environment

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

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

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

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

No relevant policies.

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

|      |                                                  |
|------|--------------------------------------------------|
| WBC1 | Presumption in favour of sustainable development |
| SS1  | Spatial Strategy                                 |
| SPA1 | Town Centre                                      |
| SD1  | Sustainable Design                               |
| SD2  | Water and Wastewater                             |
| SD3  | Climate Change                                   |
| SD4  | Waste                                            |
| HS1  | Housing Supply and Residential Site Selection    |
| HS2  | Housing Mix                                      |
| HS3  | Affordable Housing                               |
| EMP1 | Economic Development                             |
| EMP2 | Employment Land                                  |
| T2   | Location of New Development                      |
| T3   | Improving Accessibility                          |
| T4   | Transport Assessments                            |
| T5   | Providing New Infrastructure                     |
| INF1 | Infrastructure Delivery and Planning Obligations |
| UD1  | Delivering High Quality Design                   |
| UD2  | Built Heritage Conservation                      |

### **Watford District Plan 2000**

|      |                                                |
|------|------------------------------------------------|
| SE7  | Waste Storage and Recycling in New Development |
| SE27 | Flood Prevention                               |
| SE39 | Tree and Hedgerow Provision in New Development |
| T10  | Cycle Parking Standards                        |
| T21  | Access and Servicing                           |
| T22  | Car Parking Standards                          |
| T24  | Residential Development                        |
| T26  | Car Free Residential Development               |
| E1   | Employment Areas                               |

- L8 Open Space Provision in Housing Development
- L9 Children's Playspace
- U17 Setting of Conservation Areas

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

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

### **Neighbour consultations**

Letters were sent to 14 properties in Clarendon Road and Gartlet Road. Four replies have been received, raising the following objections to the proposal:

- Loss of locally listed building with historical relevance to be replaced by office building that may stand empty.
- Proposed development, being partly within the Estcourt Conservation Area, not in keeping with the surrounding area with regards to size and construction.
- Residential properties being built in a commercial zone.
- Negative impact of proposed development on nearby residential properties.
- Proposed building does not respect existing building lines.
- Development of this size should not be sited so close to Gartlet Road.
- Proposed building is taller than adjacent buildings and, together with its siting, creates an oppressive, monolithic building alien to the area.
- Lack of affordable housing is unacceptable.
- Development proposes flats up to 5 storeys which are not in keeping with the 2 storey houses of the conservation area.
- Residents should be barred from obtaining parking permits for the controlled parking zone.



- Houses and gardens in Gartlet Road will be overlooked by offices.
- Gardens in Gartlet Road will be overshadowed by the proposed building.
- Proposed development's size, siting, height and scale is obtrusive and fails to conform to planning regulations and building lines.

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

Two site notices were placed outside the site on 7<sup>th</sup> January 2014, one on each road frontage. A public notice was published in the Watford Observer on 10<sup>th</sup> January 2014.

### **Consultations**

#### **Thames Water**

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

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

### Hertfordshire County Council (Highway Authority)

The Highway Authority's response to the submitted application was as follows:

"I have recommend refusal [of] this application because insufficient information has been provided to enable the Highway Authority to fully assess the highway implications of the proposed development. The proposed development (according to the submitted drawing: 63040-TS-003 A) if permitted may lead to the detriment of public and highway safety. This would be prejudicial to general provisions of highway safety and contrary to National Planning Policy Framework.

Consequently before the Highway Authority can determine whether the impact of the development on the transport network is acceptable more details are needed.

1. The applicant needs to provide the Safety Audit Stage 1 for the proposed development (which including with the relocated signal crossing, proposed office access and proposed residential access).

Informative - Visibility (from proposed residential access)

1. The proposed delivery lay-by location for the proposed development is not acceptable. As parked vehicles at this point where visibility is substandard and could lead to danger and inconvenience to people using the proposed residential access.

2. The proposed delivery lay-by (1.55m) is not widen enough for vehicles to keep away from the carriageway.

Conclusion

Insufficient information has been provided to enable the Highway Authority to fully assess the highway implications of the proposed development and recommends refusal based on the information provided."

*Following these comments, a Stage 1 Safety Audit has been undertaken and submitted to the County Council, together with the applicant's response to this in the form of amended drawings. This included a re-siting of the signal crossing and proposed office access, an improved delivery lay-by, and amendments to the residential access. At the time of writing this report, it is understood that these changes have addressed the County Council's concerns. The County Council's formal response will be reported at the committee meeting.*

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

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

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

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

Policy 1a: Presumption in Favour of Sustainable Development;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

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

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

Hertfordshire County Council (Development Services)

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

|                     |         |
|---------------------|---------|
| Primary education   | £13,470 |
| Secondary education | £7,250  |
| Nursery education   | £3,434  |
| Childcare           | £974    |
| Youth facilities    | £248    |
| Libraries           | £3,500  |

Fire hydrant provision to serve the development is also sought.

*Following amendments to the scheme after submission and the consequent change in the mix of units proposed, the contributions now sought are as follows:*

|                            |                |
|----------------------------|----------------|
| <i>Primary education</i>   | <i>£14,193</i> |
| <i>Secondary education</i> | <i>£7,647</i>  |
| <i>Nursery education</i>   | <i>£3,597</i>  |
| <i>Childcare</i>           | <i>£1,023</i>  |
| <i>Youth facilities</i>    | <i>£258</i>    |
| <i>Libraries</i>           | <i>£3,552</i>  |

Hertfordshire Constabulary (Crime Prevention Design Advisor)

I commented on the pre application in December 2013 for PRC Architectural & Planning Ltd and it is disappointing to see no mention of the consultation within the documentation.

The only mention of security is within the Sustainability document where 2 points have been claimed on the basis there will be a consultation with a CPDA. There is a similar comment under BREEAM and a further 2 points have been claimed. No consideration appears to have been given to crime prevention measures within the DAS which is again a requirement under the NPPF.

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

Residential

- I am pleased to see external meters as this will help to prevent distraction burglaries.
- I am happy to see a sliding gate protecting the residential parking area as I know that parking spaces are at a premium in Watford, plus it will hopefully deter vehicle crime within the residential portion of the car park.
- There is a gap along the southern edge of the office development which appears to allow access to the residential car parking and this must be fenced or the gap planted with something like Pyracantha to prevent entry in to the car park through this area.
- There needs to be a little more planting around the bedroom window of ground floor Unit 1 so as to prevent anyone walking past or in the offices opposite being able to see in to the room.

- On the Gartlet Road elevation of Units 1 & 2 where the bedroom windows of Units 2 & 3 look out on to the private gardens and shown in “white” on 9283 PL004 Ground Floor Plan there is what looks like a path which goes nowhere, and I’m not sure what purpose this area serves, could you let me know as it could make the bedroom windows vulnerable.
- There is also the possible overlooking from the offices in to the kitchen, dining and balcony areas of the flats and I suggest the windows from the offices are of obscure glass to prevent any possible overlooking.

#### Offices

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

#### Planning Policy

##### *Impact on the character and appearance of the Conservation area*

There has been extensive pre-application consultation on this site and it is disappointing to see the submitted scheme is not the one supported by the pre-application comments; it is the scheme preceding that which was given support by e mail on 5<sup>th</sup> June 2013 and which was commented on the e mail sent on the 22<sup>nd</sup> May 2013.

The 22<sup>nd</sup> May email identified concerns regarding the volume of residential development proposed at the rear of the site in terms of its impact on the conservation area which includes the rear of the site and on properties at 1-4, Gartlet Road. The email suggested the following approach to the building heights:

- Remain at 2 storey within the conservation area reflecting the building heights of properties immediately adjacent to the site;
- 3 storey for the area immediately adjoining the conservation area and where the 3 storey office block currently sits; and
- Follow the scale of the offices along the frontage and the corner between Clarendon Road and Gartlet Road.

This approach was recommended as it is considered to be the approach which both allows a significant quantum of development on the site and which best serves to protect and enhance the character and appearance of the conservation area. Additional areas of concern were amenity and light levels for some of the new flats and the lack of any landscape proposals for the decked area.

The purpose in making a clear distinction within the site rather than promote a transition approach was to ensure that the scale of development within the conservation area was at a scale which could be read as domestic and appropriate for the conservation area and which accepted that to the rear where there is 3 storey at present this could be carried forward into the redeveloped scheme. The materials used in this part of the site in the proposed scheme are different to the front part of the site which is responding to the scale of the office development. This suggests therefore both the scale, massing and external appearance of the supported scheme could be used together to reinforce the concept of a clear break and two distinct parts to the proposed scheme (no materials were submitted for the supported scheme).

The proposed scheme, by blurring the distinction of the supported scheme by stepping the rear section so that we have a building which is 2, 3, 4, 5, 6 and 7 storeys rather than 2, 3 and 6, is messy and incoherent in its form. The additional storeys have increased the massing of the buildings and result in a blocky and clumsy elevation and back drop for the conservation area. The clear distinction which could be reflected in both the scale and materials for the supported scheme becomes confused as the materials used on the

frontage for Gartlet Road are continued through the transition including the 4 and 5 storey elements.

Therefore, given the effort and advice given through the pre-application process, it is recommended that unless the scheme is amended in line with the supported pre-application scheme it should be refused as it fails to preserve and enhance the character and appearance of the conservation area by reason of the scale, massing and height of the middle section of the proposed scheme.

#### *Locally Listed Building – proposed demolition*

This is an undesignated heritage asset under the NPPF and is subject to para 135 of the Framework. Clearly by demolishing the building a significant impact is caused; however, given that the building has limited value in heritage terms, its demolition can be justified for an appropriate scheme. In this case, the proposed scheme is not yet of a suitable standard to be considered appropriate.

Note that the quote referred to in para 4.5 of the Heritage Statement refers to the supported scheme and not the one which has been submitted, and should not be used to support the current proposals as suggested.

#### *Conclusion*

At present the scheme does not meet the requirement necessary in terms of the impact on the conservation area and should be refused or amended.

*Following a meeting with officers and subsequent correspondence, the proposed scheme has been amended, specifically the residential element fronting Gartlet Road. This is the scheme that is to be determined.*

#### Property

In its current form the EAS (*Economic Assessment Statement*) and accompanying documents do not conform to best practices when making an assessment of the viability



of 36 Clarendon Road. In order to make a comprehensive assessment of the site further information and evidence should be provided in conjunction with the RICS guidance note. Until robust information is forthcoming then the conclusions drawn by the EAS should not be adhered to.

*No further EAS has been submitted for consideration at the time of preparing this report.*

#### Arboricultural Officer

Whilst the proposals show the loss of all the existing trees on site I am disappointed that only one replacement tree is proposed given the high profile junction location of the development. The planting area where the single tree is proposed could accommodate at least one more tree and I would wish to see, if possible, a further tree planted in the bed adjacent to 34, Clarendon Road close to the highway frontage.

*Additional tree planting is indicated on the amended drawings and this can be secured by condition.*

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#### **APPRAISAL**

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

- (a) the *Watford Local Plan Part 1 - Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

#### **Land allocation**

On the Proposals Map of the Watford District Plan the site is located within Employment Area E7a (Clarendon Road/Station Road). In the Core Strategy it is located within the

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

### **Principle of development**

The site is within the wider Town Centre SPA in the Core Strategy and within an allocated employment area (E7a) in the Watford District Plan 2000. The Core Strategy sets out the requirement for the provision of at least 7000 new jobs by 2031 to meet strategic objectives and maintain Watford's role as a regional employment centre.

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

Clarendon Road is identified as a prime office location and a focus for new office development within the spatial strategy (Policies SS1 and EMP1) . A major strength is its location and proximity to Watford Junction (sustainable access) and the town centre core (other services). It is important that this area remains the focus for new job creation and that opportunities for this are recognised and taken. Replacing redundant and outdated

building stock (such as the buildings currently on the application site) that no longer meets the requirements of modern employers represents a prime opportunity to achieve this. The Council expects approximately 3,300-4,200 new jobs to be created within the wider town centre area. Any development proposals in Clarendon Road will therefore need to demonstrate clearly that they will contribute to growth in employment in the medium and longer term to 2031.

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

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

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

### **Heritage assets**

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

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

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

### *i) Estcourt Conservation Area*

The Estcourt Conservation Area is characterised by Victorian 2 storey terraced housing interspersed with small workshops and yards giving it a mixed-use character. The domestic scale streetscapes with strong enclosure from the terraced houses are an important feature of the area as are the open spaces created at the significant road junctions. The eastern part of Gartlet Road expresses these characteristics with 2 storey housing on both sides and the Estcourt Tavern public house (a locally listed building) sited at the prominent junction with Estcourt Road, which forms one of the characteristic open junctions seen within the area. The western part of Gartlet Road is in stark contrast to this, falling within the designated Clarendon Road employment area. On the southern side is the application site and on the northern side the 5 storey Edward Hyde office building. The 'ceremony garden', which is the only part of the site that falls within the conservation area, forms the boundary of the conservation area and is surrounded by a high conifer hedge. Consequently, it contributes little to the character and appearance of the conservation area. The 3 storey 1960s office building that adjoins the 'ceremony garden' and the boundary has a negative impact on the setting of the conservation area.

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

elements of the building on the western part of the site. The proposed main facing material is yellow stock brick to complement the predominant material found in the conservation area.

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

*ii) Locally listed building*

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

**Viability appraisal**

The application is accompanied by a viability appraisal (an Economic Assessment Statement) which seeks to demonstrate that it is not viable for the scheme to provide 35% affordable housing, 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 should be secured in accordance with Policy HS3. Discussions regarding the viability appraisal are continuing and it is hoped that these will have concluded successfully by the date of the committee meeting. Until such time as a

robust and sound viability appraisal has been submitted and this has been considered and is able to be given due weight, the full provision of affordable housing is 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 will be secured, even though this level of provision has not been agreed by the applicant. In the event that a robust and sound viability appraisal is submitted for consideration and your officers are satisfied that due weight can be given to this, a revised recommendation will be presented to the Committee.

### **Layout and design**

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

The layout of the proposal also exploits the two frontages by providing separate vehicular and pedestrian access points for the office and residential uses. The office use has a new vehicular access on Clarendon Road, a short distance to the north of the existing access, with pedestrian access on the chamfered corner element. The residential element has a

new vehicular access on Gartlet Road to the west of the existing exit point. All the residential units have access from the new footpath to be formed on the southern side of Gartlet Road.

The office and residential elements of the building both have a different design and treatment not only to distinguish their different uses but also to reflect the context in which each element will be viewed. The office element, which will form part of the Clarendon Road streetscape, is of a simple contemporary design with a high proportion of glazing and a strong horizontal emphasis in the arrangement of the windows to help mitigate its scale and mass. The main facing materials proposed are curtain wall glazing with infill metal panels and grey and white rainscreen cladding. The residential elements will have buff London stock brick as the main material, reflecting the dominance of this material within the conservation area.

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

### **Townscape and visual impacts**

Clarendon Road is characterised by large, multi-storey commercial buildings of varied age, design and materials. The proposed office element of the scheme is 5 storeys high fronting onto Clarendon Road and is adjoined by a 4 storey building to the south with a 5 storey building sited to the north. Other 5 storey buildings line the western side of Clarendon Road. The siting of the building reinforces the existing building line on this side of the road and positively addresses the corner. In this context, the scale and massing of the building is in keeping with the road and will significantly improve the streetscape. The existing former villa building on the site, whilst visually attractive in its design, retaining many of its original Victorian features, now sits incongruously within the commercial character of Clarendon Road, being dwarfed by the surrounding office buildings. Consequently, this prominent corner within Clarendon Road is marked by a domestic scale building, set back from the frontage and surrounded by open car parking. The



proposal will significantly enhance the street scene by introducing a prominent corner building of a scale that would be expected in the context of this site.

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

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

### **Housing policies**

The proposal will provide 36 flats comprising a mix of studio, one and two bedroom units. This provides a good mix of flat sizes within the scheme and is acceptable. All of the flats will exceed significantly the minimum flat sizes set out in SPG6: Internal Space Standards with the studio flats ranging from 33m<sup>2</sup> to 35m<sup>2</sup>, the one bed flats from 43m<sup>2</sup> to 47m<sup>2</sup> and the two bed flats from 63m<sup>2</sup> to 70m<sup>2</sup>. All of the room sizes will meet or exceed the minimum room sizes. The majority of the flats will have their main living/dining areas facing south (16), east (3) or west (1) and this will ensure that these flats will receive adequate levels of daylight and sunlight and have good levels of outlook and privacy. However, 16 of the flats will have their main elevation north facing and these are principally the flats within the 6 storey residential element adjoining the office element. These flats will have a lower level of amenity than the other flats as they will receive little

direct sunlight and they will directly face the 5 storey office building at 38, Clarendon Road on the opposite side of Gartlet Road at a distance of 16m. Consequently, the flats at the lower levels of the building (i.e. the first and second floors in particular) will also suffer a lower level of outlook and daylight. This is partly a consequence of introducing residential development into the Clarendon Road area where larger scale buildings exist and also partly the orientation of the site. However, within high density urban areas, it is not uncommon for multi-storey flatted blocks to face each other across roads and in this context, the relationship is not unusual and is considered acceptable.

Policy HS3 of the Core Strategy requires all developments of 10 or more residential units to provide 35% of the units as affordable housing. For this application, 13 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 13 affordable units should be provided in accordance with this policy. Policy HS3 states that only in exceptional circumstances will the Council consider a lower level of affordable housing provision, where a developer can demonstrate exceptional planning or other constraints on the development of the site.

Based upon the tenure mix set out in Policy HS3, 8 of the units would need to be affordable rent, 3 social rent and 2 intermediate/shared ownership. This is not likely to be an acceptable mix for a registered provider given the small number of units involved and the fact that all but 3 of the residential units (private and affordable) will need to share the same entrance and lift/stair core. Following discussions with the Housing team, who have had informal discussions with a number of registered providers, it has been agreed that the most appropriate tenure mix for this site is for all the units to be for intermediate/shared ownership.

### **Impacts on adjoining properties**

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

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

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

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

### **Flood risk and drainage**

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

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

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

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

The existing site has two vehicular access points, one on Clarendon Road at the southern end of the frontage and one on Gartlet Road towards the eastern end of the site. These

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

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

The application proposal requires a payment towards the provision or improvement of sustainable transport measures, in accordance with Policies T5 and INF1 of the Core Strategy and the County Council's Planning Obligations Toolkit. Based upon the Toolkit, the required contribution for this scheme (commercial and residential elements) is £25,375.

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

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

Both the Code for Sustainable Homes and BREEAM assessments have waste management as an integral component and bin stores are provided as part of the development for waste and recycling bin provision. These measures will ensure that the

development is of a sustainable construction and will encourage waste to be managed and reduced on site, in accordance with the policies of the County Council's Waste Core Strategy and Development Management Policies.

### **Planning obligations**

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

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

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

Most new residential developments within Watford comprise fewer than 50 dwellings. The Council seeks financial contributions on a per unit basis from all new residential developments. This is considered to be a reasonable approach as it ensures that all such developments make contributions on an equal basis, with actual payments determined by

the number and, in some cases, the size of the units proposed. This approach therefore does not disadvantage applicants proposing larger developments within the Borough, but rather ensures that all applicants make payments in proportion to the additional demand on services and facilities that their development will generate.

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

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

i) Community facilities

- Primary education £14,193
- Secondary education £7,647
- Nursery education £3,597
- Childcare £1,023

- Youth £258
- Libraries £3,552

ii) Open space and children's playspace

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

- Open space £88,992
- Children's playspace £14,775

iii) Sustainable transport

- Sustainable transport £25,375

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

**Consideration of objections received**

| Objections                                                                                                                                                | Officer's response                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Loss of locally listed building with historical relevance to be replaced by office building that may stand empty.                                         | The locally listed building is considered to have limited significance. The proposal will provide flexible, modern office floorspace to meet employment needs that is considered to outweigh the loss of the building. |
| Proposed development, being partly within the Estcourt Conservation Area, not in keeping with the surrounding area with regards to size and construction. | It is considered the proposal successfully makes the transition between the office buildings of Clarendon Road and the residential houses in the conservation area and is in keeping with the character of both areas. |



|                                                                                                                                                  |                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential properties being built in a commercial zone.                                                                                         | Although contrary to policy, it is considered justified and appropriate to allow residential development as part of a mixed-use scheme on this site.                                                                                      |
| Negative impact of proposed development on nearby residential properties.                                                                        | Although the immediate context of the adjacent residential properties will change, it is not considered the proposal will have any significant adverse impacts on these properties.                                                       |
| Proposed building does not respect existing building lines.                                                                                      | The building will follow the existing building line on Clarendon Road and will create a new building line on Gartlet Road which replicates the existing stepped building line on the southern side of the road.                           |
| Development of this size should not be sited so close to Gartlet Road.                                                                           | The western end of Gartlet Road already accommodates a 5 storey office building at No.38. The proposed building steps down in scale towards the east to reflect the change in scale of buildings between Clarendon Road and Gartlet Road. |
| Proposed building is taller than adjacent buildings and, together with its siting, creates an oppressive, monolithic building alien to the area. | The proposed building is one storey higher than No.34 to the south but very similar in height to No.38 to the north.                                                                                                                      |
| Lack of affordable housing is unacceptable.                                                                                                      | This is contrary to policy and will need to be considered through the submission of a sound and robust viability appraisal. It is unlikely that exceptional circumstances could be demonstrated.                                          |

|                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Development proposes flats up to 5 storeys which are not in keeping with the 2 storey houses of the conservation area.</p>              | <p>The proposed building steps down in scale towards the east to reflect the change in scale of buildings between Clarendon Road and Gartlet Road.</p>                                                                                                                                                                                                                    |
| <p>Residents should be barred from obtaining parking permits for the controlled parking zone.</p>                                          | <p>It is recommended that future residents be excluded from the local controlled parking zone. This can be secured through a s.106 planning obligation.</p>                                                                                                                                                                                                               |
| <p>Houses and gardens in Gartlet Road will be overlooked by offices.</p>                                                                   | <p>The office element will be sited 44m from the nearest window of the houses in Gartlet Road and further away than the existing office building at No.34. As such, it will not give rise to any additional overlooking.</p>                                                                                                                                              |
| <p>Gardens in Gartlet Road will be overshadowed by the proposed building.</p>                                                              | <p>The proposed building is sited to the north and north-west of the gardens of houses in Gartlet Road and will therefore not give rise to any overshadowing.</p>                                                                                                                                                                                                         |
| <p>Proposed development's size, siting, height and scale is obtrusive and fails to conform to planning regulations and building lines.</p> | <p>The proposed building reflects the scale of buildings in Clarendon Road and Gartlet Road and steps down in scale to the east to make the transition between the two. It will follow the existing building line on Clarendon Road and will create a new building line on Gartlet Road which replicates the existing building line on the southern side of the road.</p> |

## **Conclusion**

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

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

The design and scale of the scheme will ensure that it makes a positive contribution to the character and appearance of Clarendon Road through the provision of a prominent new building on this important corner site. The residential element will also enhance the character, appearance and setting of the Estcourt Conservation Area to the east of the site, creating a new, active built frontage to Gartlet Road. The residential element will have an acceptable relationship with the houses on Gartlet Road and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the large scale, commercial character of Clarendon Road and the domestic scale, residential properties in Gartlet Road.

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, 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 should be secured.

Discussions regarding the viability appraisal are continuing. Until such time as a robust and sound viability appraisal has been submitted and this has been considered and is able to be given due weight, the full provision of affordable housing and Section 106 contributions should be sought in accordance with the Council's policies.

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## **HUMAN RIGHTS IMPLICATIONS**

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

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## **RECOMMENDATIONS**

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

### Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
  - a) £88,992 (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) £14,775 (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) £25,375 (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) £14,193 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
  - c) £7,647 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
  - d) £3,597 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
  - e) £1,023 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - f) £258 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - g) £3,552 (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 13 flats as affordable housing to be shared ownership by tenure in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2013.

### Conditions

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

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

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

9283/PL 001, 002, 003H, 004L, 005K, 006K, 007K, 008I, 009I, 010I, 011H, 012H, 013H, 014H, 015H, 016H, 017H, 018G.

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

63040-TS-003B.

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

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

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

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

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

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

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

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

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

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

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

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

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



10. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

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

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

12. No plant or equipment shall be installed within the roof level plant room until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the sound pressure level from the plant room will be at least 10dB below the lowest LA<sub>90</sub> (15 minute) noise level measured at 1m from the adjoining residential flats when all plant and equipment is operational. The assessment shall include appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until the approved mitigation measures have been installed.

Reason: To ensure the operation of the plant and equipment does not give rise to noise nuisance to the residential occupiers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, children's play space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits. The agreement also requires the provision of necessary fire hydrants to serve the development and the provision of 13 affordable housing units.

2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
3. Prior to demolition of the existing buildings, the applicant is advised to commission a survey, by a suitably qualified and competent person, to identify asbestos within the building and to ensure that it is removed and disposed off in accordance with current regulations. The survey report should be submitted to the Environmental Health Team at Watford Borough Council for approval. No demolition should commence until this report has been approved.

Drawing numbers

9283/PL 001, 002, 003H, 004L, 005K, 006K, 007K, 008I, 009I, 010I, 011H, 012H, 013H, 014H, 015H, 016H, 017H, 018G.

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

63040-TS-003B.

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**(B)** In the event that no Section 106 planning obligation is completed by 20<sup>th</sup> March 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development fails to make provision for public open space or children's play space, either in the form of on-site works or commuted payments, and as such is contrary to saved policies L8 and L9 of the Watford District Plan 2000.

2. The proposed development fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed development fails to contribute to the provision or improvement of education and community facilities (youth facilities, childcare and libraries) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
4. The proposed development fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
5. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.
6. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

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