

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **16th December 2014**

Site address: **7, 9, 15 Bridle Path**

Reference number: **14/00555/OUTM**

Description of development: **Outline application for a mixed-use development of up to 30 residential units (Class C3) and up to 1,728m² of office floorspace (Class B1a) in a building up to 8 storeys high**

Applicant: **Keay Homes Limited**

Date received: **4th June 2014**

13 week date (major): **3rd September 2014**

Ward: **Central**

SUMMARY

Outline planning permission is sought, with all matters reserved except for access to the site, for a mixed-use development of the site with up to 30 dwellings and 1,728m² of office floorspace (Class B1a) in a building up to 8 storeys high. The application site has an area of 0.085 hectare and is currently occupied by a series of single and two storey workshops.

The application was previously considered by the Committee at its meeting on 28th August 2014 when a decision was deferred in order to allow the applicant to submit additional information regarding the building's massing and impact on the surrounding area and nearby heritage assets. No further information has, however, been received.

The submitted illustrative drawings show an 8 storey building at the western end of the site and a 5 storey building at the eastern end, linked by a 2 storey element. Illustrative floorplans show how the proposed number of flats and amount of office floorspace could be accommodated on the site, within a car-free scheme. These drawings allow an assessment of the proposal to be made against the policies of the Core Strategy and the saved policies of the Watford District Plan 2000.

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 designations identify the Clarendon Road/Station Road employment area as the prime office area within the Borough and, as such, development proposals should be for Class B1 office use. Policy E1 of the District Plan states that only in exceptional circumstances will land within designated employment areas be released for the purposes of regeneration, either in the form of housing or mixed use development, where it can be demonstrated the site is no longer required to meet future employment needs. The proposed mixed-use scheme 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 overall objectives of the Core Strategy. However, the residential element is not in accordance with the land allocation unless it can be demonstrated that exceptional circumstances exist in accordance with Policy E1.

At the committee meeting on 28th August 2014, the application was recommended for approval on the basis that a more flexible approach to development within employment areas was being taken, specifically with regard to mixed-use office and residential schemes, to encourage the provision of new, modern office floorspace to replace an ageing and increasingly outdated stock. This approach was reflected in the emerging development management policy on employment, which was subject to public consultation in November-December 2013. In view of the fact that the most recent employment study was undertaken in 2010 to inform the Core Strategy, an updated employment study was commissioned in June 2014 to provide an up-to-date evidence base for the development management policies and site allocation plan. This study was

published in November and concludes that the predicted level of employment land needed for the remainder of the Core Strategy period (to 2031) is significantly higher than that predicted in the 2010 study. As such, the proposed employment policy has now been amended to reflect this greater need for employment land and residential uses are no longer considered appropriate within employment areas. The previous approach of allowing mixed-use developments within employment areas is, therefore, no longer considered acceptable other than in exceptional circumstances. Whilst the amended policy is still to be subject to a further public consultation (to be undertaken in December-January) and an examination in public as part of the Local Plan Part 2, the employment study provides an up-to-date evidence base that is a material consideration. Furthermore, the new policy is very similar to Policy E1 of the District Plan, which remains a saved policy and relevant to the application.

The applicant had previously agreed to enter into a Section 106 planning obligation to secure financial contributions towards the provision or improvement of a range of community facilities and services and 35% affordable housing provision, in accordance with the policies of the Core Strategy. Despite a draft unilateral undertaking being sent to the applicant in August 2014, no completed undertaking has been received.

The Committee previously requested additional information regarding the building's massing and impact on the surrounding area and nearby heritage assets but, despite the time that has elapsed, no further information has been received. Whilst your officers understand the concerns expressed at the meeting on 28th August, they remain of the view that the scale of the building is acceptable in this location and, consequently, would not have a significant adverse impact on nearby heritage assets or the surrounding area.

However, in light of the new employment evidence base that is a material consideration and the failure of the applicant to complete a s.106 undertaking to provide the necessary financial contributions and affordable housing provision, the Development Management Section Head recommends that outline planning permission be refused for the reasons set out in the report.

BACKGROUND

Site and surroundings

The application site has an area of 0.085 hectare and is rectangular in shape, measuring 55m long by 15m wide. It has an east-west orientation with a frontage to Bridle Path at both ends due to the U-shaped layout of Bridle Path. The site is currently occupied by a series of single storey and two storey buildings located along the northern and southern boundaries of the site, with a central access in between. The buildings are used as workshops, principally for car repairs and maintenance.

The immediate area of Bridle Path contains a variety of different commercial buildings. Immediately to the north of the site is the 8 storey Holiday Inn hotel with the 3 storey Clarendon House office building beyond. Immediately to the south of the site is the 2 storey Shire House office building. Beyond this, on the southern side of Bridle Path, are the 2/3 storey office buildings fronting Station Road. Most of these are former detached and semi-detached residential properties that have been converted to office use over many years. To the west are the two, 4/5 storey Egale House office buildings which front St Albans Road. Finally, to the east is Benskin House occupied by The Flag public house. This is a listed building comprising the 3 storey original hotel building facing Watford Junction Station and the 2 storey former stables range fronting Station Road and extending along the eastern side of Bridle Path.

Proposed development

Outline planning permission is sought, with all matters, except for access, reserved for future approval (appearance, landscaping, layout and scale), for a mixed-use development of the site with up to 30 dwellings and 1,728m² of office floorspace (Class B1a) in a building up to 8 storeys high. The development has no car parking provision. Pedestrian access to the building will be from the eastern and western sections of Bridle Path.

Planning history

13/00328/OUTM - Outline planning permission for mixed-use development of up to 78 flats (Class C3) and 585m² of gym (Class D2) in a building up to 9 storeys high with ancillary parking. Application withdrawn.

14/00013/OUTM - Outline application for a mixed use development of 30 residential units as 4 x 2 bed flats, 8 x 1 bed flats and 18 x studio flats (Class C3) and 1,728m² of office space (Class B1) in a building up to 8 storeys high. Application invalid.

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

SPG10 Open Space Provision
Residential Design Guide (2014)
Watford Character of Area Study (2011)

CONSULTATIONS

Neighbour consultations

Letters were sent to 91 properties in Bridle Path, St Albans Road and Station Road. One letter has been received on behalf of the owners of the adjoining office building at Shire House. The objections can be summarised as follows:

- Proposal represents a serious overdevelopment of the site. Building will dwarf Shire House.
- Building covers 100% of the site and will be difficult to construct and create serious difficulties and inconvenience to the occupiers of Shire House.
- Prime office windows on the rear elevation of Shire House facing the site. The proposed building will be only 3m from the rear elevation resulting in an impact on Right to Light and quality of use.
- Proposed access and egress would compromise the current amenities and access to Shire House.
- Design creates overlooking of Shire House.

Advertisements in local paper/site notices

Four site notices were placed outside the site on 13th June 2014. The application was advertised in the Watford Observer on 20th June 2014.

Statutory consultations

Hertfordshire County Council (Highway Authority)

The Transport Statement states that the proposals are for a car-free development with no vehicles access for the proposed development. In section 6 of the application form indicates that there will be new vehicular and pedestrian access arrangements to the site. The access arrangements shown on Site Plan drawing (ref I4026/006) show there to be a 'Public Highway' area, this will have to be clarified as part of the design checking and approval process necessary to obtain the Section 278 agreement in order to make changes to the public highway adjoining the site.

Parking: "car-free" developments are likely to result in parking on street which will lead to over-spill on to surrounding residential roads. Nevertheless the development site has good public transport accessibility level. The site is in a Controlled Parking Zone which is a designated area in which all parking places are restricted in order to impact positively on the safety and efficiency of the public highway and protect parking for around the Town Centre.

Planning Obligation: It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways of transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. Planning obligations so derived would be used on schemes and measures identified in the Southwest Hertfordshire Transport Plan. As an indication of the minimum level that would be sought HCC would require a second strand (pooled) contribution of £11,750. This is based on the rates for 30 flats in accessibility zone 2.

Conclusion: The Site is located in the Town Centre and approximately 600 metre from Watford Junction Station. The development has good connection to passenger transport routes and acceptable walking distance to shops and other local amenities. In this case,

“car-free” development would be acceptable. As a consequence Hertfordshire County Council as the Highway Authority does not recommend refusing this application.

Four standard conditions are recommended relating to construction.

Hertfordshire County Council (Property)

I am writing in respect of planning obligations sought towards education, library and fire and rescue services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information received to date for a development of 30 residential units (comprising 4 x 2-bed flats, 8 x 1-bed flats and 18 studio flats) we would seek financial contributions towards primary and secondary education, nursery education, childcare, youth and library services, together with fire hydrant provision, as set out within HCC's Planning Obligations Toolkit.

When applications are made in outline, HCC's standard approach is to request Table 2 of the Toolkit is referred to and included within any Section 106 deed following identification of service requirements. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to determine the dwelling mix at the reserved matters stage with the financial contribution being calculated accordingly, without the need to enter into a deed of variation in respect of these contributions. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010: “fairly and reasonably related in scale and kind to the development”.

Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

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.

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.

Environment Agency

We request that the conditions below are added to any planning permission granted. Without these conditions, the proposed development on this site could pose an unacceptable risk to the environment and we would need to object to the application. If you have any queries about this response, please do not hesitate to contact me.

Condition 1

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on the submitted *Phase I Desk Study Report* (prepared by: BSP Consulting; dated: 22 March 2013; reference: 13109) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Condition 4

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts

of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Condition 5

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Police Architectural Liaison/Crime Prevention Officer

Has given general comments relating to Secured by Design standards.

Environmental Health

Land Contamination

The site has a number of potentially contaminative uses, as such the standard contamination condition would be required should planning permission be granted.

Noise

The position of the proposed development is such that the future residents may be disturbed by noise and/or odour from existing sources. I believe the following conditions could control this and ensure that the residents are not disturbed:

1. Plans will be submitted to and agreed by the local planning authority prior to construction demonstrating that the standard for indoor ambient noise levels for dwellings defined in BS 8233:2014 is achieved in the living rooms and bedrooms of all units in the development. This standard must be met while provisions for rapid cooling and ventilation are functioning.

Any assessment must take into account noise sources including (but not limited to) railway noise and plant in Egale House, the Holiday Inn and The Flag.

2. A ventilation stack was noted on Mitchells & Butlers Training Kitchen, Bridle Path, Watford. Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA states that flues must not discharge within 20 metres of any building. Plans must be submitted to and agreed by the local planning authority prior to construction demonstrating that the eastern elevation of the development is provided with such ventilation and provision for rapid cooling as to prevent disturbance from odour.

Conservation and Design

The application is in outline form so the elevation and layout details are indicative only. The two main issues for comment are the impact on the setting of the listed building, The Flag PH, and the proportion of office and residential in an area where employment uses are encouraged.

In terms of the impact on the setting of the listed building, the proposed scheme has been reduced in height towards the building to reduce the impact. It is difficult to tell without views showing the outline of the proposed building superimposed onto the views of the listed building – I am surprised that the heritage statement does not include such images. I have tried to do this myself and feel that, generally, efforts have been made to reduce the impact on the setting and it is only views such as that shown in image 1.2 of the appendix that the proposed building would impact on the listed building where it would be seen above the roofline of the wing to the main section of the listed building. As the heritage statement notes, the listed building already has an urban back drop but at the moment there is clear sky above the roofline of the building apart from the hotel. The proposed building would fill part of this clear sky to the left of the hotel still leaving clear sky above the remainder; it would be unfortunate for all of the roofline to be subsumed by taller buildings behind it; this would represent a more significant change to the setting but may be difficult to resist if this proposal is permitted. It would be preferable to reduce the height of the residential section of building unless additional information can be supplied to show the quantum can be delivered without filling in the skyline above the roofline of the wing to The Flag.

On this basis it is clear that there will be a negative impact on the setting of the listed building; this would constitute less than substantial harm in terms of the NPPF and should be weighed up against the public benefit of the scheme (para 134). It is difficult to be more precise as we have no clear indication in visual terms from the heritage statement of how the proposed building will impact on the setting (view 1.2). Clearly one of the mitigating arguments regarding quality of the application cannot apply here as this is an outline application.

I am still uncomfortable with an outline approach for a building of this size and where there are issues regarding the setting of a heritage asset. Instinct says that the outline approach being used here is not the right one.

In terms of the proportion of residential floorspace to employment – as submitted there is more employment than residential floorspace (58.7% office to 41.3% residential); generally in what is predominantly an employment area we would expect more office space (as a proportion of the total). The principle of the mixed use is acceptable (check how this compares with other mixed schemes we have approved) and the scheme will provide a net uplift in employment floor space.

Note: These comments were the original comments made on the application before the new 2014 employment study was commissioned and published. Following receipt of the new employment study, the following additional comments were received from the Spatial Planning Manager:

Policy E1 identifies this area as one for primary office use (Class B1a), and sets out that release for housing or mixed use development would be exceptional, and would only occur where it is demonstrated that the site is no longer required to meet future employment and business needs. The latest evidence, in the form of the Economic Growth and Delivery Assessment 2014, indicates that space in this area is required to meet such needs so this test could not be met at the present time.

Policies EMP1 and EMP2 of the Watford Core Strategy 2013 also identify the Clarendon Road area as the focus for office use. Improvements to the quality of office stock in this area are part of the strategy for delivering job growth in Watford.

The latest evidence on future employment and business needs is set out in the Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners in 2014, using data including the 2013 East of England Forecasting Model (EEFM). The study's assessment of this recent run of the EEFM forecasts total job growth of 13,290 over the period 2006-31, almost double the 7,000 minimum target set in the Core Strategy. 11,630 of these are predicted to be B1a or B1b office jobs. This means we need to protect, improve, and indeed increase, our stock of quality office accommodation.

The EGDA sets out 4 potential future scenarios for future employment space requirements. These are based on the Spring 2013 EEFM, past development rates, labour supply (based on the Core Strategy Housing Target) and labour supply (based on 2012 Sub National Population Projections). The EGDA goes on to compare the forecast requirement to the existing supply (in the form of extant planning permissions and the employment component expected from major development projects at Ascot Road, Town Centre improvements, Watford Business Park, Watford Health Campus and Watford Junction). All scenarios bar the past development rates scenario anticipate a substantial additional requirement for office floorspace. The past development rates scenario is not considered a sustainable one to plan for as past development rates are likely to have been constrained by losses of space and supply side factors and would effectively represent an acceptance that the borough would continue to under perform economically.

This area, with its location close to the railway station and the town centre, is Watford's primary office location. Redevelopment in this area represents an opportunity to provide additional high quality office accommodation. In response to the most recent evidence, Local Plan Part 2 proposes continuing the approach of protecting office uses in the Clarendon Road / Station Road / Bridle Path area (which was subject to consultation in

Nov/Dec 2013) and extending this to look to provide additional high quality office floorspace in this area.

Taken together, the existing and emerging policies and latest available evidence mean that non-employment uses are unlikely to be considered acceptable in this area. Rather we will be seeking improvements to the amount of high quality office floorspace available here. Any supporting uses should be clearly ancillary in nature and of a type which support and enhance the vitality and viability of the primary office use of the area. Residential use is not acceptable in this location.

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) identified potential demand for up to 90,000m² of B1a office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m² of new floorspace. This study also highlighted the fact that the quality of floorspace is equally important as the quantity. Clarendon Road/Station Road is identified as needing improvement in the quality of stock to compete effectively and attract occupiers. It is important to have not only the right quality and quantity of floorspace but also the right type of space to meet the future employment needs of the Borough and generate new jobs. As a regional centre, it is important that Watford remains an employment destination and does not become merely a commuter town.

The latest Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners (2014) has identified a significantly greater predicted growth in employment at 13,290 new jobs, almost double the predicted 7,000 new jobs in the 2010 Employment Study. Some 11,630 of these are forecast to be in Class B1(a) and B1(b) office jobs. It also predicts a significant shortfall of employment floorspace, in the order of 164,000m² to 215,000m² (see table below), a significant proportion of which will need to be in the form of office floorspace. Even allowing for some adjustment and refinement of these figures, these figures are a magnitude greater than that planned for in the Core Strategy.

Scenario	Baseline EEFM (Spring 2013)	Labour Supply (260dpa)	Labour Supply (2012 SNPP)
Office Space requirement	253,720	202,400	244,025
Potential supply of office space	38,295	38,295	38,295
Surplus(+)/Shortfall(-)	-215,425	-164,105	-205,730

(extract from EGDA 2014) (all figures in m²)

Clarendon Road / Station 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. Given the latest forecast figures for new jobs and employment floorspace, the Clarendon Road / Station Road employment area will be the main focus for new office development and will need to accommodate significantly greater levels of floorspace than currently exists. Any development proposals in the employment area will therefore need to demonstrate clearly that they maximise every opportunity to meet the forecast demand for growth in employment floorspace in the medium and longer term to 2031.

The office element of the proposed mixed-use scheme (1,794m²) is in accordance with the employment land allocation of the District Plan and the wider employment objectives of the Core Strategy. This element will provide modern, high quality office floorspace to replace the existing out-dated workshops on the site. However, the residential element of the proposed scheme is not in accordance with either the land allocation or the Core Strategy, and does not provide any new employment floorspace to meet forecast demand. This is an opportunity that needs to be taken in light of the new employment study and could potentially provide up to an additional 1200m² of office floorspace on the site. In light of the new employment study, it cannot be demonstrated that the site is no longer needed

to meet future employment needs and, therefore, no exceptional circumstances exist to merit the inclusion of residential development in this scheme.

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 residential element of the scheme will undermine the overall objective of the Core Strategy to provide new employment floorspace, and specifically new office floorspace within the prime office location of Clarendon Road / Station Road. In conclusion, the proposal does not accord with the overall objectives and policies of the Core Strategy or the District Plan.

Layout and design

The site is relatively small and rectangular in shape with a frontage to Bridle Path at its eastern and western ends. The proposed building covers 100% of the site area with a new frontage to Bridle Path at each end. At its western end the building has 8 storeys of accommodation and is a similar height to the adjacent Holiday Inn building to the north and the Egale House office buildings to the west fronting St Albans Road. The ground and first floor is proposed as office use with the upper 6 floors for residential use. At its eastern end, the building has 5 storeys of accommodation, all for office use, with the top storey set back from the frontage. This element of the building is lower in order to reflect the lower scale of the listed Benskin House, occupied by The Flag public house, to the east. In between these two elements, the central section of the building is 2 storeys high, both for office use. Overall, the scale of the building is considered appropriate for this location, subject to a more detailed assessment of its impact on adjoining buildings.

As the application is in outline with appearance a reserved matter, the actual design of the building is not for approval at this stage. However, an illustrative design has been submitted which shows the applicant's current intentions for the building. Due to the

narrow width of the site, the building has a strong vertical emphasis with the windows shown to be arranged in 3 vertical columns on both the western and eastern elevations. The different uses within the building can be distinguished by the different window designs, with the office windows being pairs of narrow vertical windows and the windows to the flats being horizontal windows. The indicative materials are brick and render. This is considered to be an acceptable design approach for the site.

Townscape and visual impacts

The immediate area of Bridle Path contains a variety of different commercial buildings. These vary in scale from single storey to 8 storey. The 8 storey element at the western end of the site will be seen in the context of the 8 storey Holiday Inn and the 4/5 storey office buildings of Egale House. It will also close off the view between the two Egale House buildings from St Albans Road and form a new frontage to Bridle Path. In this context, the proposed building will have a limited but positive impact on the streetscene of St Albans Road and will enhance the streetscene of Bridle Path. The 5 storey element at the eastern end of the site will primarily be seen as a 4 storey building due to the set back of the top floor. On this eastern side of Bridle Path, this element of the building will be seen in the context of the 2 storey Shire House building and the parking areas to the rear of the Holiday Inn hotel and Benskin House. This section of Bridle Path has a poor streetscene and environment and the proposal will enhance this. The building will have a limited impact on Station Road and Clarendon Road due to it being set back behind existing buildings.

The building will also be visible in some more distant views of the site, principally from the south. From the north, views of the building will be screened by the existing Egale House and Holiday Inn buildings. From the south, the building will be visible, from limited vantage points, from St Albans Road, Station Road, Clarendon Road and Woodford Road. In each case, the building will be seen alongside the existing Holiday Inn and Egale House buildings. In this context, the building will sit comfortably alongside these buildings as part of a small cluster of taller buildings and will not appear unduly prominent or overbearing in these views.

Heritage assets

There are no heritage assets on the application site but the site is in close proximity to the listed building of Benskin House to the east. This has a grade II listing and comprises the 3 storey former hotel building facing Watford Junction station and the 2 storey former stables range fronting Station Road and extending along Bridle Path to the rear, although the listing description refers only to the 3 storey former hotel building. The site also includes an open car park at the rear, accessed off Bridle Path, opposite the eastern end of the application site.

The closest part of the proposed building to the listed building is the office element at the eastern end of the site. This is sited only 13m from the 2 storey stable block at its closest point. This will change the immediate setting of the listed building although the 2 storey Shire House (with mansard roof) adjoining the application site is only 8m away at its closest point. The proposed building will face directly towards the open rear car park. The stable block is the less important part of the listed building and is not referred to in the listing description. Its setting and context is very different to that of the main 3 storey building.

The main listed building, the former hotel, is sited 64m to the south-east of the application site with the 2 storey stable range sited in between. Views of this building are principally from Station Road, its junction with Clarendon Road and from Woodford Road to the east. In each of these views, the listed building is seen in the context of taller buildings. To the front, adjacent to the building, is the Iveco House building sited above Watford Junction station. It is part 6 storeys, part 9 storeys in height with a large plant room, and visually dominates the junction of Clarendon Road and Station Road. To the rear, the taller buildings of the Holiday Inn and Egale House form the backdrop to views of the listed building. The proposed building, in particular the 8 storey element, will be an additional taller building within this context, seen alongside the Holiday Inn to the rear of the listed building. The lower 5 storey element will be significantly less visible behind the listed building. In views from Woodford Road and the junction with Clarendon Road, the existing

Holiday Inn building is actually screened from view by the main building of Benskin House. As such, it is not considered that the proposed building will have any significant adverse impact on the setting of the listed building. Having regard to the land allocation of the site and the policies of the Core Strategy to encourage higher density development in the town centre and other highly sustainable locations, it is considered that this minor level of harm is outweighed by other policies of the Core Strategy in this case.

General housing policies

The application site is located within the Town Centre Special Policy Area of the Core Strategy. Policy SS1 states that within the wider town centre higher density homes will be delivered. Notwithstanding the policy objection to residential use on this site, the proposal accords with this wider strategic aim.

Although the details of the proposed units are not for approval at this stage, floor plans have been submitted that allow an assessment to be undertaken. The illustrative plans show 20 studio flats, 6 one bed flats and 4 two bed flats. Although schemes would normally comprise primarily one and two bed units with relatively few studio units, there is no policy objection in principle to studio flats. This is therefore considered to be an acceptable mix of units for a high density scheme of this nature and accords with aims of Policy HS2 of the Core Strategy. Policy HS3 of the Core Strategy requires 35% of the units to be provided as affordable units. The policy requires these to be provided as a mix of tenures comprising 65% affordable rent, 20% social rent and 15% intermediate tenures. In practice, it is often difficult to achieve this mix, especially within a single block of this nature and where relatively small numbers of units are involved. On a number of other schemes, single tenure affordable housing has been considered acceptable, either as affordable rent or intermediate tenures (shared ownership). In this case, it is considered acceptable in principle that, in the event of permission being granted, the required affordable units (11 units if 30 units are to be provided) could be single tenure, either for affordable rent or intermediate tenures.

Policy UD1 of the Core Strategy sets out the design principles for achieving high quality design. There is no reason why these criteria cannot be achieved at detailed design stage.

With regard to internal floor areas, the application was submitted before the adoption of the new Residential Design Guide and the updated standards this contains. The table below shows the illustrative floorareas compared to the minimum standards of SPG6 and the recently adopted (23rd July 2014) Residential Design Guide 2014.

	Proposed (illustrative)	SPG6 (excluding bathrooms and storage)	RDG 2014
Studio	34-36m ²	29.5m ²	37m ²
1 bed (2 person)	50m ²	29.5m ²	50m ²
2 bed (3 person)	68m ²	38m ²	61m ²

The illustrative floor areas are significantly in excess of the minimum standards of SPG6. The floor areas of the 1 and 2 bed units meet or exceed the increased standards of the RDG 2014. The studio units are slightly below the RDG standards by 1-3m². As the scheme is in outline, the floor areas could change at detailed reserved matters stage and be designed to meet the new RDG standards. In any event, the shortfall in the illustrative floor areas of the studio units is not large in this case.

Impacts on adjoining properties

All of the surrounding properties are in commercial use, either as offices or a hotel. As such, the levels of outlook, privacy and natural light are not considered as important as for residential properties. Whilst the proposed building will be directly visible from one of the Egale House office buildings and the Holiday Inn hotel, it will not have any significant adverse impact on these properties. With regard to Shire House, this building has windows on its rear (northern) elevation sited only 3m from the boundary of the site. These windows will suffer a loss of outlook and natural light as a result of the proposal. However, notwithstanding any Right to Light that may apply (which is not a material

planning consideration), it is not reasonable for the outlook and light to these windows over the application site to be maintained at the expense of prejudicing the development of the application site.

Residential amenity

The illustrative flats will have adequate internal floor areas to ensure sufficient internal space for future occupiers and acceptable layouts. All of the proposed flats are shown to be in the 8 storey, western element of the building, located at 2nd-7th floor levels above the ground and first floor office floorspace. The studio and 1 bed flats are shown to be single aspect and the 2 bed flats to be multi-aspect. These details may change at reserved matters stage but allow an initial assessment to be made.

The majority of the studio flats will have a western aspect within the main front elevation of the building. The majority of the flats will face between the two Egale House buildings towards St Albans Road. This will ensure good outlook and natural light. The flats at the southern end of this elevation will face one of the Egale House office buildings at a distance of 18.5m. This is less than the 22m minimum normally required for facing buildings and will mean that these units will have a lower level of outlook, natural light and privacy. However, this relationship occurs across a public highway (Bridle Path) and is not an unusual relationship in this respect. With regards to privacy, the office building has dark tinted glass and those windows directly facing the site are to a main stair core. The offices will also generally be unoccupied during evenings and weekends when the flats will be occupied, thereby ensuring no significant loss of privacy.

The 1 bed flats will have an eastern aspect, looking across the site towards the 5 storey office element at a distance of 16.5m. This is also less than the normal minimum distance of 22m. In this case, the rear (western) elevation of the office element is shown as not containing any windows and will, therefore, not give rise to any loss of privacy. The lower height of the office element will mean that the flats will receive acceptable levels of outlook and natural light.

The 2 bed flats are located within a projecting wing and have windows facing south, east and north. The principal windows face south and are shown to be angled in a south-easterly direction in order to avoid prejudicing the potential development of the adjoining Shire House site. This is acceptable. All of the flats will have adequate levels of outlook, natural light and privacy.

Due to the site being located close to the railway lines (32m to the north-east), all of the proposed flats could potentially suffer noise nuisance from rail traffic. Environmental Health have also identified other potential sources of nuisance from the plant rooms of the adjacent office and hotel buildings (noise) and the kitchens of the public house (odours). Although a noise assessment has been submitted with the application, this is considered to be inadequate and Environmental Health have requested further survey work and analysis to be undertaken and appropriate mitigation measures to be incorporated into the design of the flats. As the application is only in outline, it would be appropriate to secure these details by condition in the event of planning permission being granted.

Transportation, access and parking

The site is in a highly accessible location with Watford Junction station and its associated bus interchange located just 130m to the east. This gives access to a wide range of rail and bus services. Further bus services are accessible within the town centre located 800m 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. In light of this high level of accessibility and the small site area, the development is proposed to be car-free. This is acceptable in this location.

The proposed flats will need to 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 could be secured by a Section 106 planning obligation in the event of planning permission being granted.

The existing site has two vehicular access points from Bridle Path, one at its eastern end and one at its western end. These will be closed off as part of the development and the details could be secured by condition in the event of planning permission being granted. At the western end of the site, the public highway currently forms an unmade apron between the edge of the carriageway and the site boundary. Adjoining this is an unmade strip of land over which the application site has a right of access. It is proposed that these two areas of land will be resurfaced as part of the proposal. This area is of sufficient size to accommodate a 10m service vehicle which would allow servicing of the offices and residential flats clear of the carriageway.

The development will also be required to make a payment towards the provision or improvement of sustainable transport measures in the Borough, in accordance with Policies T5 and INF1 of the Core Strategy and the County Council's Planning Obligations Toolkit. As the application is in outline, the actual payment will be dependent on the number and size of flats and the amount of office floorspace proposed at reserved matters stage.

Flood risk and drainage

The site is within Flood Zone 1 with minimal risk of flooding from all sources. It is also located within a Source Protection Zone 2, indicating that groundwater beneath the site will directly feed a public drinking water abstraction point. As such, and having regard to the potential for land contamination, the Environment Agency has requested a condition to ensure no infiltration of surface water without the approval of the Local Planning Authority. In order to minimise the risk of flooding post-development, a surface water drainage strategy could be secured by condition in the event of planning permission being granted.

Sustainability, energy and waste

The site is within Special Policy Area 1 Town Centre and, as such, will be expected to exceed current best practice for sustainable design. The Council's emerging development management policies, which underwent public consultation in November-December 2013, require all development within Special Policy Areas to achieve Code Level 4 of the Code

for Sustainable Homes for residential development and a BREEAM rating of 'Very Good' for commercial development. Design stage interim certificates and post-construction final certificates to confirm that these levels have been achieved could be secured by condition in the event of planning permission being granted.

Both the Code for Sustainable Homes and BREEAM assessments have waste management as an integral component and the Council's policies also require adequate bin storage provision for waste and recycling as part of all new development. Separate bin stores for the office and residential elements of the development could also be secured by condition. 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.

Open space and children's play space

The site is unable to provide any open space or children's playspace due to the 100% site coverage and the high density nature of the proposal. The site lies within an area of deficit of open space on the Proposals Map of the Watford District Plan 2000 and is not within 200m of a children's play area. As such, financial contributions are sought of £2,472 per unit for open space and £985 per unit of 2 or more bedrooms, in accordance with policies L8 and L9 of the District Plan and the contributions set out in SPG 10.

Planning obligation

The development proposed in this application is one where, in accordance with Policy INF1 of the Watford Local Plan 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 2006-31 and saved policies H10, L8 and L9 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.

As the application is in outline at this stage, and in the event that planning permission is granted, the actual contributions relating to the proposed development will be calculated at reserved matters stage having regard to the number and size of dwellings, in accordance with the Hertfordshire County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant policies of the Watford Local Plan Core Strategy 2006-31 and Watford District Plan 2000. As such, the contributions will be directly related to the proposed development, will be fairly and reasonably related in scale and kind to that development and will be 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.

The scheme will also need to secure the provision of necessary fire hydrants, as required, to serve the development.

Consideration of objections received

Objections	Officer's response
Proposal represents a serious overdevelopment of the site. Building will dwarf Shire House.	The proposed building is of a similar scale to surrounding buildings, including Egale House and the Holiday Inn.
Building covers 100% of the site and will be difficult to construct and create serious difficulties and inconvenience to the occupiers of Shire House.	Other buildings cover 100% of their site, this is not in itself inappropriate. Construction matters are not a material planning consideration.

Prime office windows on the rear elevation of Shire House facing the site. The proposed building will be only 3m from the rear elevation resulting in an impact on Right to Light and quality of use.	Right to Light is a private matter. Any windows overlooking the site should not prejudice the development of the site. None of the windows are to residential units.
Proposed access and egress would compromise the current amenities and access to Shire House.	The proposed development is car-free and has no vehicular access. The access and amenities of Shire House will not therefore be compromised by the proposal.
Design creates overlooking of Shire House.	Some overlooking of Shire House will occur but as this is in office use, it is not considered that this will give rise to any harm.

Conclusion

The office element will result in the provision of new office floorspace on the site and will contribute towards providing new employment within the Borough, in accordance with the objectives and policies of the Core Strategy and the District Plan and the latest Economic Growth and Delivery Assessment by Nathaniel Lichfield and Partners. However, the residential element is not in accordance with the Core Strategy or the District Plan and does not exploit the full opportunity to provide new employment floorspace to meet the forecast levels of employment growth. No exceptional circumstances are considered to exist to justify residential on this site as the latest evidence demonstrates the site is required to meet future employment needs. As such, the application does not accord with the objectives and policies of the Core Strategy and the District Plan.

The submitted illustrative drawings show an 8 storey building at the western end of the site and a 5 storey building at the eastern end, linked by a 2 storey element. Illustrative floorplans show how the proposed number of flats and amount of office floorspace could

be accommodated on the site, within a car-free scheme. These drawings allow an assessment of the proposal to be made against the policies of the Core Strategy and the saved policies of the Watford District Plan 2000. Overall, this is considered to be an acceptable scale of development for the site.

The application was previously considered by the Committee at its meeting on 28th August 2014 when a decision was deferred in order to allow the applicant to submit additional information regarding the building's massing and impact on the surrounding area and nearby heritage assets. No further information has, however, been received. Whilst your officers understand the concerns expressed at the meeting, they remain of the view that the scale of the building is acceptable in this location and, consequently, would not have a significant adverse impact on nearby heritage assets or the surrounding area.

Notwithstanding the fact that the residential element of the scheme is not in accordance with the development plan, no Section 106 agreement or undertaking has been submitted to secure financial contributions towards the provision or improvement of a range of community facilities and services and 35% affordable housing provision, in accordance with the policies of the Core Strategy.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to prevent the loss of employment land to residential use, which is not in accordance with the Development Plan, and which would prejudice the ability of the Council to meet future employment needs.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed residential units included within the scheme are contrary to Policies SS1, SPA1, EMP1 and EMP2 of the Watford Local Plan Core Strategy 2006-31, and Policy E1 and the employment land allocation on the Proposals Map of the Watford District Plan 2000, which seek Class B1 office use on this site. No exceptional circumstances are considered to exist to justify residential use on this site.
2. The proposal 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, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposal fails to contribute to the provision or improvement of community facilities (education, youth and childcare facilities, libraries and health facilities) 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 proposal 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 Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved policies L8 and L9 of the Watford District Plan 2000.
5. The proposal fails to make provision for affordable housing on-site and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.

6. 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.

7. 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.

Drawing numbers

L4026 023 (Survey)

L4026 005A (Location Plan)

L4026 006B (Site Plan)

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