

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee **12th March 2015**

Site address: **Mecca Bingo, 19, King Street**

Reference Number : **14/01574/FULM**

Description of Development: **Retention of existing façade to King Street, demolition of remaining building to rear and erection of a part 4 storey, part 3 storey building to provide a ground floor Class A1/A2 unit and 25 flats with 13 parking spaces.**

Applicant: **Heronlea Group**

Date received: **29th October 2014**

13 week date(major): **28th January 2015**

Ward: **Central**

SUMMARY

This application was originally presented to the Committee on 19th February 2015 when a decision was deferred to allow further information to be provided regarding the viability appraisal accompanying the application and the findings of the independent consultant instructed by the Council to assess this. Some additional information has been provided in this report but, due to the commercially confidential nature of this information, full copies of the applicant's viability appraisal and the independent consultant's report on this are provided under Part B as confidential items.

The site is located in the Town Centre SPA in the Core Strategy and within a Secondary Retail Frontage on the Proposals Map of the Watford District Plan 2000. It is also sited within the High Street/King Street Conservation Area and the building itself is locally listed.

The proposal will result in the loss of the majority of the locally listed building and thereby substantial harm to this asset. However, the architectural interest of the building is confined to the prominent Art Deco façade on King Street, which is to be retained, and some of the original internal features and fittings that still remain, albeit these have been heavily altered over the years. The façade plays an important role within the street scene and the conservation area and has a positive effect in enhancing the conservation area. In contrast, the rear element of the building fronting Granville Road is architecturally very poor and has a negative impact on the conservation area. The scale and design of the scheme will reflect the scale of the existing building and draw upon and complement the Art Deco façade. Overall, therefore, the loss of the rear element of the building and its replacement with a sympathetic new build will maintain the architectural value of the building and enhance the character and appearance of the conservation area.

The new building will have an acceptable relationship with the houses to the rear on Granville Road and Smith Street and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the larger scale Art Deco façade on King Street and the domestic scale residential properties in Granville Road. A new active street frontage will also be created to Granville 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. The submitted viability appraisal has been assessed by external consultants on behalf of the Council and it has been agreed between the parties that the maximum that the scheme can support is four affordable housing units. The applicant has agreed that this level of provision, and the usual s.106 planning obligation contributions, can be secured by means of a unilateral undertaking.

The Development Management Section Head therefore recommends that, subject to the provision of four units of affordable housing provision and the full s.106 contributions in accordance with the Council's policies, planning permission be granted subject to appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

The site is located on the southern side of King Street at the junction with Granville Road. It is roughly rectangular in shape with a site area of 0.10 hectare. It is currently occupied by the Mecca Bingo building, which has recently closed down. The building is locally listed and was originally constructed in 1913 as a cinema. In the 1930s the existing Art Deco façade was installed as part of a comprehensive refurbishment of the building. The site is also sited within the High Street/King Street Conservation Area. This encompasses the commercial buildings fronting King Street and High Street and the adjoining residential roads of Granville Road, The Crescent, Smith Street and Cambridge Road.

Proposed development

The application proposes the retention of the existing Art Deco façade on King Street, the demolition of the remainder of the building and the erection of a part 4 storey, part 3 storey building attached to the rear. The ground floor of the retained frontage is to be used for Class A1 (shops) or Class A2 (financial and professional services) purposes with the upper floors converted into 6 flats (2 on each floor). The new building will comprise 19 flats to give a total of 25 flats in the scheme. The 4 storey element will include an undercroft parking area for 13 cars and a communal bin store. A small communal amenity area and a cycle store are also proposed.

Planning history

The building was constructed in 1913 as Watford's first large cinema and it opened in December 1913 as the Central Hall Cinema. It was refaced in its current Art Deco style in the 1930s as part of a comprehensive renovation. It ceased use as a cinema in 1968 and subsequently became a bingo hall. This use has now also ceased and the building is vacant.

The High Street/King Street Conservation Area was designated in 2006. This included the application property as a Locally Listed Building. In April 2013 the building was made the subject of an Article 4 Direction to restrict permitted development rights relating to the painting of the exterior of the building.

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
TLC1	Retail and Commercial Leisure Development
HS1	Housing Supply and Residential Site Selection
HS2	Housing Mix
HS3	Affordable Housing
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
S7	Secondary Retail Frontage
L8	Open Space Provision in Housing Development
L9	Children's Playspace
U15	Buildings of Local Interest
U18	Design in Conservation Areas
U20	Demolition in Conservation Areas
U24	Shopfronts

Supplementary Planning Guidance and Supplementary Planning Documents

SPG10 Open Space Provision

Locally Listed Buildings in Watford (2010)

Watford Character of Area Study (2011)

High Street/King Street Conservation Area Character Appraisal (2013)

Shopfront Design Guide (2013)

Residential Design Guide (2014)

CONSULTATIONS

Neighbour consultations

Letters were sent to 46 properties in King Street, Granville Road, The Crescent and Smith Street. Four replies have been received, two raising the following objections to the proposal:

- Overlooking of gardens in Smith Street, loss of light.
- No need for car parking provision, will cause congestion and overcrowding in the area.
- Unclear where bin storage to be located. Should be at front or side, not rear.

Of the other two letters, one raises no objections and one is in general support of the application, although commenting that the building could have been retained if a cinema operator had been sought.

Following publication of the agenda for Committee on 19th February, one of the objectors (2, Smith Street) submitted further comments on the report, which were reported verbally to the Committee. These comments focused on the fact that the minimum back-to-back distance of 27.5m between new and existing development as set out in the Residential Design Guide was not adhered to. This is discussed in detail below under the heading 'Impact on adjoining properties.' The objector does not agree with the statements and conclusions made in the report. In particular, they comment that the rear garden of 2,

Smith Street is not currently overlooked and their garden area will experience a loss of privacy as a result of the development. They have also, subsequently, submitted a photograph of the existing garden area taken from a first floor window.

Advertisements in local paper/site notices

A public notice was published in the Watford Observer on 7th November 2014. Two site notices were placed outside the site on 11th November 2014, one on each road frontage.

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.

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

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

Hertfordshire County Council (Highway Authority)

The Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Conditions:

1. Prior to the commencement of demolition works details of the method of washing of vehicle wheels exiting the site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority and the agreed method shall be operated at all times during the period of site works.
2. The development shall not begin until details of the disposal of surface water from the drives and parking areas have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.
3. The development shall not begin until details of the layout and construction of the access to The Crescent (sic) have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The development shall not be brought into use until the accesses have been laid out and constructed in accordance with the approved details.
4. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.
5. Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Access and parking:

The parking and access arrangements as shown on drawing title "Landscape Plan" are acceptable. There is sufficient turning space and vehicles will be able to enter and leave the site in a forward gear. The LPA as Parking Authority will determine the appropriate level of parking for the proposed, however, the Highway Authority considers the proposed level of parking should prevent any overspill onto the surrounding highway network. The existing on street parking restrictions will prevent any overspill onto the surrounding highway network.

Planning obligations:

The site has been vacant for many years therefore we can assume the trips generated by this proposal will be new to this area of the road network. The applicant should be made aware that if planning permission is granted for this development of 25 flats it will attract a financial contribution of £10,500 (12 1-bed flats @ £375=£4,500; 11 2-bed flats @ £500=£5,500; Two 3-bed flats @ £750=£1,500) but not limited to sustainable transport measures identified in the Southwest Hertfordshire Transport Plan and/or implementation of the Clarendon Road Urban Realm project and/or Real Time Passenger Information screens at nearby bus stops. These charges have been derived from the document "Planning Obligations Guidance - Toolkit for Hertfordshire".

Conclusion:

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

Hertfordshire County Council (Development Services)

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

Primary education	£12,680
Secondary education	£8,670
Nursery education	£2,977

Childcare	£885
Youth facilities	£253
Libraries	£2,515

Fire hydrant provision to serve the development is also sought.

Note: These contributions are based on the proposed provision of 4 affordable housing units being for affordable rent. The application proposes these units to be for shared ownership. As such, the figures included in the recommendation are slightly different from these figures.

Hertfordshire Constabulary (Crime Prevention Design Advisor)

Detailed comments have been made, not all of which are planning matters. Comments can be summarised as follows:

Secured by Design part 2 physical security

To alleviate my concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. National sustained research proves that Secured by Design housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage.

Parking

Underground/basement car parking *will* be problematic if not adequately secured and users will feel vulnerable. The plans HL-005 and HL-006 appears to show this as open, although plan HL-008 (elevations) appears to show it gated? If the undercroft parking area were not secured with access control and was left open, I would wish to formerly object as security for the development would be compromised. The site is a town centre location and the development opposite in Granville Road, has its rear parking area secured by full height electronically controlled gates.

a) A barrier arm would not be sufficient and the entrance exit should be controlled by a visually permeable roller shutter or similar. The bottom metre of the shutter could be solid laths to prevent litter and leaves being blown into the parking area, whilst above this it could be visually permeable. The shutters should start to close within 5 seconds of vehicles leaving or entering the parking area, so as to prevent unauthorised persons tailgating into the parking area or on foot sneaking into the parking area when a vehicle leaves. The sensor that detects motion to close the gate should also be mounted on the inside of the gates to prevent tampering by offenders.

b) Painting the walls and ceiling white of the underground car parking area can greatly aid lighting and help make residents feel safe. Lighting levels should be to the appropriate British Standard.

Pedestrian path to rear amenity/parking area

On the southern boundary with the next door dwelling is a footpath that is shown open on plans HL-005 (Landscape plan) & HL-008 (elevations) and gives access to the private rear amenity and parking area for the proposed development. This must be gated and locked to prevent access by offenders. If it were left open I would wish to formerly object as security for the development would be compromised.

Planning Policy

This is a locally listed building and sits within a conservation area. There has been pre-application advice on this scheme which suggested that the most significant part of the locally listed building was the front section and that any scheme which involved the demolition of the rear sections rather than conversion should not exceed the envelope of the existing building on the site.

The principle of the land use proposed is acceptable although I would question whether an A1 use is realistic in this location and whether an A3 use would be more suitable.

Massing

Although the proposed scheme does exceed the building envelope of the existing building in some places I think this is acceptable in terms of the surrounding buildings – the overall height is not exceeded apart from the land adjoining the residential properties on Granville Road; here the existing building was significantly lower than these residential properties and the height of the proposed building here is acceptable.

Layout

In principle the layout proposed is acceptable; however, the arrangement does mean that the elevation to Granville Road is rather bland and not really good enough for a ground floor elevation on a residential street. Some effort needs to be made to improve this with additional windows and improved design of the doors and gates. This could include a window onto the staircase accessing the residential units in the converted section of the development.

Elevations

Generally acceptable subject to design details:

- Windows at ground floor of converted building – these need to follow the art deco style of the upper floors;
- Windows on the elevation of the new section – again need to respond better to the art deco style in terms of shape and proportion – ladder style would be better as well – vertical emphasis. I would prefer to see metal windows.
- Balconies – pick up the motif on the windows of the main building and building this into a balcony design – nearly got it but not quite.
- Doors – converted building – doors need to follow an Art deco style which matches the windows.
- Granville Road elevation – entrance to car park – should be metal railing style gates – pick up art deco motifs.
- Granville Road – doors to residential – need to be art deco style.

In general there is a great deal of good strong design in the existing building which should be incorporated into the design details of the proposed new building for it to be acceptable in terms of the locally listed building and the conservation area. If the applicant can make these changes and provide some of the design details we need up front this scheme could be acceptable. I would prefer to have as much as possible in terms of detailed design of windows/doors/balconies and all materials prior to approving a scheme here; it is a sensitive location and we need to justify the loss of part of the heritage asset.

Note: various amendments to the design of the scheme have been made to address these comments.

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 a Secondary Retail Frontage within the defined Town Centre. 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.

Principle of development

The site is within the wider Town Centre SPA in the Core Strategy and within a Secondary Retail Frontage in the Watford District Plan 2000. Within the wider town centre area an element of new residential development is considered appropriate and is expected (Policy SS1). King Street contains a number of mixed town centre uses including restaurants and offices with residential flats and other commercial uses above, typical of a secondary frontage location. The retention of the façade to King Street and its conversion to a Class A1/A2 use at ground floor with flats above is appropriate and acceptable in this location. The loss of the leisure use is regrettable but the former cinema use ceased in 1968 and the recent bingo hall use has also now closed. A new multi-screen cinema (together with another leisure use, unknown at present) will be provided as part of the Charter Place redevelopment, due to commence in 2015, and this will provide enhanced leisure facilities within the town centre. Furthermore, the nature and form of the existing building makes it unsuitable for conversion to other uses. Granville Road is wholly residential and it is acceptable for the main residential element of the development to be located on this frontage.

Shopping policies

Saved Policy S7 of the Watford District Plan refers to secondary retail frontages in the town centre. This seeks to retain the general retail character of the frontage while permitting an adequate number of non-retail units. In this case, the building has never been in retail use. The proposed new ground floor unit, proposed for either Class A1 or A2 uses, is appropriate for a secondary frontage and accords with the aims of this policy.

Layout and design

The development of the site is informed by the dual frontage onto King Street and Granville Road and the retention of the existing Art Deco façade to King Street. With regard to the façade, there would appear to be no photographs to confirm the original ground level frontage following the installation of the Art Deco façade in the 1930s. The current frontage comprises three largely altered central doors accessed via three steps

with blank tiled walls either side. The left hand side incorporates a solid fire exit door. The proposal incorporates three glazed central doors with flush access and will introduce new glazed shopfronts to either side. The detailed design of these doors and windows has not been agreed at this stage and will, to some extent, be dependant on the requirements of any future occupier of the unit. Appropriate detailed designs and materials can be secured by condition.

The residential element behind the retained façade steps down and reflects the existing step in the building's roofline. This element is 4 storeys and is appropriate to the scale of the façade. The building then steps down to 3 storeys towards the southern boundary where it adjoins the existing 2 storey houses on Granville Road. This ensures the building provides an appropriate transition between the larger scale commercial façade and the domestic scale houses of Granville Road.

The new building maintains the strong building line on Granville Road which also allows the incorporation of new paving and tree planting along this frontage. It also removes the open parking/servicing area that currently exists adjacent to 14 Granville Road which is unsightly and detracts from the street scene and is also a potential location for anti-social behaviour.

The design approach adopted for the building is contemporary but draws upon both the Art Deco style of the retained façade and the Victorian houses on Granville Road. The 4 storey element is finished in white render to complement the white painted façade and incorporates metal balconies that echo the Art Deco styling. The 3 storey element incorporates projecting bays with dormer windows above and is to be finished in brick. This continues the rhythm of bay windows evident within the road and the facing brickwork which is characteristic of the residential streets within the conservation area. The detailed design, particularly of the windows, has been amended following submission to address the comments of the Urban Design and Conservation Manager.

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 complement and respect both the retained façade and the wider area. The impact of the proposal on the building and the conservation area are considered in more detail below.

Heritage assets

The existing building is locally listed and was constructed in 1913 as Watford's first large cinema, opening in December 1913 as the Central Hall Cinema. It was refaced in its current Art Deco style in the 1930s as part of a comprehensive renovation. The principal architect was George Coles (FRIBA) with the interior design by Theodore Komisarjevsky, who undertook a number of cinema refurbishments at the time, at least one of which is now a listed building. This gives the building its historic and architectural interest. In terms of its landmark and streetscape quality, its scale and design contributes to the distinctiveness and legibility of the locality and adds structure and variety to King Street at this prominent corner. It is significant that the description in the local listing focuses solely on the Art Deco façade with no mention of the rear of the building that fronts Granville Road. This comprises a plain grey rendered finish with no windows or decoration with later additions in brick and modern air conditioning plant and equipment.

The High Street/King Street Conservation Area was designated in 2006. The Conservation Area Character Appraisal (2013) summarises the special interest of the conservation area as follows:

‘This is an area of the town centre retaining strong elements of the early layout of the town and its 18th and 19th century evolution. The scale and mix of buildings and building periods, including the town's only concentration of 16th and 17th century buildings and some notable late 19th / early 20th century components, are consistent with these origins. The area includes a significant number of Nationally and Locally Listed Buildings. These give structure to the streetscape and have notable historical and architectural interest. The area contains “High Street” land uses, which are compatible with the nature and scale of these older buildings, as well as a substantial element of terraced or semi-detached housing of a comparable scale’.

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

i) Locally Listed Building

All of the building with the exception of the façade to King Street is to be demolished. The proposal will, therefore, potentially cause significant harm to this asset. However, it is notable that the local interest of the building resides almost solely with the distinctive Art Deco façade, which accounts for its primary architectural interest and its strong landmark role within the locality. The main element of the building sited behind the King Street façade is in stark contrast to the façade and is of no architectural interest. It contributes little, if anything, to the local interest of the building other than the fact that it forms part of the original cinema building. Although there are some internal features remaining from the refurbishment by Komisarjevsky they are not of such interest to merit the building being listed and, being internal, do not contribute to the wider area. The retention of the Art Deco façade will ensure the primary interest of the building is retained. The loss of the remainder of the building is considered to have a moderate adverse impact on the local interest of the building. The internal features can be recorded (and potentially removed, if appropriate) as part of an historic building survey of the building before it is demolished, which can be secured by condition. It would also be appropriate in the circumstances to secure a method statement for the demolition of the building, to ensure the façade can be adequately protected and retained, and a scheme for the refurbishment of the façade.

ii) High Street/King Street Conservation Area

The conservation area contains a number of listed and locally listed buildings which make a significant contribution to its special interest. Most of these are located on the High Street and King Street frontages where they form an important role in the structure of the area and the quality of the streetscape. This includes the application property. The conservation area is divided into four character areas, reflecting the activities/functions carried out and their physical characteristics. The site is within a character area comprising larger scale commercial and leisure uses fronting King Street that adjoins the

predominantly two storey residential character area that includes Granville Road and Smith Street. The main role of the application building within the conservation area is the landmark value of the large scale Art Deco frontage to King Street. The remainder of the building fronting Granville Road is of very poor quality and appearance with unsightly modern additions, air conditioning plant and equipment and service area. Overall, this element of the building has a negative effect on the conservation area in stark contrast to the positive effect of the main façade. The demolition of the rear element of the building and its replacement with a new building of high quality design and materials, complementing in scale and design both the Art Deco façade and the Victorian houses on Granville Road, is considered to enhance the character and appearance of the conservation area.

Housing policies

Policy HS1 of the Core Strategy gives criteria for the allocation of housing sites and for the consideration of windfall sites such as this. Criteria that support residential use include, inter alia, consistency with the spatial strategy; previously developed land; close to good public transport, walking and cycle network routes; and location within the town centre or at other strategically located sites. The proposal accords with these criteria.

Policy HS2 seeks the provision of a mix of housing types, sizes and tenures. Higher density developments including flats should be focused around the town centre and other key strategic sites. The proposal will provide 25 flats comprising a mix of one, two and three bedroom units. This provides a good mix of flat sizes within the scheme and is acceptable in this location. All of the flats will exceed the minimum flat sizes set out in the Residential Design Guide:

	RDG minimum standard	Proposed flat sizes
1 bedroom	37m ²	49.6-57.2m ²
2 bedroom	61m ²	64.8-77.7m ²
3 bedroom	74m ²	78.5m ²

All of the room sizes will meet or exceed the minimum room sizes. All of the flats will have their main living/dining areas facing either east or west and this will ensure that all the flats will receive good levels of daylight and sunlight as well as having good levels of outlook. In terms of privacy, the east elevation of the building will be sited 21m from the main rear elevations of properties in Smith Street. This is significantly less than the minimum distance of 27.5m given in the Residential Design Guide. However, this needs to be considered in the context of the site and adjacent development.

With regard to the 4 storey element occupying the northern and central parts of the site, the east elevation faces the rear elevation of a recently constructed two storey block of flats at the rear of 19, King Street. The western facing rear elevation of this block does not contain any windows and, as such, there will be no loss of privacy to the proposed flats. The 3 storey element occupies the southern part of the site. This aligns very closely with the main rear elevations of the adjoining houses in Granville Road, sited 22.5m from the main rear elevations of houses in Smith Street. The relationship between the proposed flats and the existing houses in Smith Street is therefore very similar to that between the existing houses in Granville Road and Smith Street. As such, the flats will enjoy a similar level of privacy. Furthermore, existing trees along this boundary, both within the site and outside the site, are to be retained and enhanced with new tree planting, acting as a further screen to any overlooking. Overall, the proposed flats will have a good level of amenity and are 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, 9 affordable units are required to satisfy this policy. Policy HS3 adds that only in exceptional circumstances will the Council consider a lower level of affordable housing provision, where the developer can demonstrate exceptional planning, or other constraints on the development of the site through the submission of a development viability assessment. The application as submitted includes only 4 affordable housing units and the applicant has sought to justify this position by the submission of a viability appraisal. This viability appraisal has been assessed by external independent consultants on behalf of the Council, and this

appraisal was undertaken using the approved RICS publication “Financial Viability in Planning” July 2012. The application includes a number of abnormal costs due to the retention of the front façade and the need to support it during demolition of the rear element. Thus, the demolition proposed in this case is a highly technical operation and more expensive than a standard demolition. Also included are repairs to the facade, replacement windows, new art deco features for the building and improvements to the fabric of the front facade to allow for modern insulation. As demonstrated in the viability appraisal, and agreed by the Council’s independent consultant, the abnormals and associated consultants fees equate to over £1 million.

Having regard to these abnormal costs and all other costs associated with the development, the price paid by the applicant for the site and the calculated gross development value of the scheme, the recommendation of the independent consultant is that the maximum that the scheme can support is four affordable housing units (16%), all of which are proposed to be shared ownership. Based upon this level of affordable housing provision, the surplus generated by the scheme (after having taken into account the applicant’s profit level of 20% of gross development value) is only £1,725. If the full, policy compliant level of affordable housing (comprising 9 units with 2 units for social rent, 6 units for affordable rent and 1 unit for shared ownership) were to be provided, the independent consultant calculates that the scheme would generate a deficit of £839,871 and would not be viable to proceed.

The applicant’s submitted viability appraisal and the report of the Council’s appointed independent consultant are available as confidential Part B items.

Impacts on adjoining properties

The proposed development will potentially impact on properties in Smith Street (nos. 1-3, inclusive) which adjoin the eastern boundary of the site and on 14 Granville Road, which adjoins the southern boundary.

i) 1-3 (inclusive) Smith Street

The main rear elevations of these properties are sited 13m from the eastern boundary of the site. At present, the existing building partially adjoins this boundary (to the rear of 1 Smith Street) with the remainder of the boundary adjoining the single storey extensions that include large air conditioning plant and equipment on the roof. The proposed 3 storey element of the new building will be sited to the rear of these properties, set in 8m from the boundary and extending to the southern boundary. The existing building is large and unsightly as is the air conditioning plant and equipment. The proposed building will change the outlook from these properties but it is considered that this will result in a significant improvement. In terms of natural light, the proposed building is set far enough away from these properties (21m) to ensure that the proposal will have no adverse impact on daylight and sunlight to these properties.

The only potential adverse impact relates to overlooking and a loss of privacy. The proposed building will introduce habitable room windows in its eastern elevation overlooking these properties at a distance of 21m. This is less than the minimum distance of 27.5m for facing habitable room windows set out in the Residential Design Guide. However, it should be noted that the back-to-back distance between the existing properties on Granville Road and Smith Street is only 22m, so the proposal follows the existing pattern of development and will result in similar levels of privacy. Several factors will help to mitigate any loss of privacy. Firstly only one window on each of the first and second floors will serve living rooms. The other two windows on each floor will serve bedrooms, which will, in practice, give rise to a lower degree of overlooking. Secondly, two existing small holly trees on the boundary will be retained and two new holly trees are proposed to be planted, to provide some evergreen screening. Overall, it is considered that the level of overlooking to properties in Smith Street will be acceptable in this location.

ii) 14 Granville Road

This property adjoins the southern boundary of the site. It is a semi-detached house with a typical Victorian L-shaped footprint incorporating an outrigger. It incorporates two windows on the main rear facing elevation adjacent to the outrigger, one each at ground and first

floor levels. These would typically serve a second reception room at ground floor and a bedroom at first floor (although the actual layout of no.14 is not known). The proposed 3 storey element of the new building is sited approximately 1m from the southern boundary and 2m from the flank elevation of no.14 and extends to the depth of the outrigger. This relationship is very similar to the relationship that exists between the existing houses. The main difference is that the outriggers on the existing houses are 2 storeys with a pitched roof and the new building is 3 storeys with a flat roof. This will mean that the proposed building will have a slightly greater impact on the outlook and natural light to the two habitable room windows than would normally be the case. However, the main habitable room windows are located at the front and rear of the house and will be unaffected by the proposal. On balance, having regard to the typical relationship between houses on Granville Road, it is not considered that the adverse impact of the proposal on the two rear facing windows in no.14 would merit a refusal of planning permission.

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 in to the public sewer system, in accordance with the advice from Thames Water, can be secured by condition.

Transport, access and parking

The site is in a highly accessible location within the town centre with good access to bus services within the High Street and to High Street Station, only 375m to the south-east. The full range of town centre shops, services and facilities are within a short walking distance of the site, including the main entrance to the *intu Watford* centre at the eastern end of King Street.

The existing access to the site, adjacent to 14 Granville Road, is to be closed and a new access created 17m to the north. This will serve the undercroft car park. This arrangement will not result in the overall loss of any on-street parking space. The residential units will be serviced from Granville Road as are the existing houses on this road. A new bin store is to be located on this frontage, integrated within the building, to ensure easy access both

for residents and for collection purposes. The small retail unit on King Street can be serviced from either road.

The proposal incorporates 13 parking spaces for the proposed 25 flats. This is an acceptable level of provision within this town centre location where the maximum provision would be 25 spaces and where car-free development is considered acceptable. Provision is also made for 30 cycle spaces. Details of the proposed cycle store can be secured by condition.

As the site is located within a controlled parking zone, the development will need to be excluded from the CPZ to ensure future residents will not be entitled to parking permits, thereby preventing any additional on-street parking on the surrounding roads. This will require a payment of £2,000 to cover the costs of varying the local Traffic Regulation Order and can be secured by a s.106 planning obligation. The closure of the existing access point on Granville Road and the formation of a new access point will also require the remarking of permit holder parking bays outside the site, in order to ensure no loss of on-street parking capacity. The applicant has agreed to a payment of £1,500 to cover the cost of this work.

The application proposal is also required to make 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 is £11,500. This can be secured by a s.106 planning obligation.

Sustainability, energy and waste

The site is sited within a special policy area (SPA 1: Town Centre) and the expectation is that all new residential development should achieve Code Level 4 of the Code for Sustainable Homes. A design stage certificate can be secured by condition to demonstrate how the residential element of the scheme can achieve Code Level 4 prior to the commencement of development. A post-construction certificate to confirm that this level has been achieved can also be secured by condition.

The Code for Sustainable Homes has 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, the County Council and the Primary Care Trust to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the National Planning Policy Framework.

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

i) Community facilities

- Primary education £12,876
- Secondary education £8,802
- Nursery education £3,069
- Childcare £901
- Youth £261
- Libraries £2,671

ii) Open space and children's playspace

The site is located in an area where there is not a deficit in open space, although it is not within 200m of an existing children's play space. The following contributions are therefore sought in accordance with SPG10.

- Open space £30,900
- Children's play space £12,805

iii) Sustainable transport

- Sustainable transport £11,500

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. The obligation will also include the provision of four units of affordable housing, as discussed above.

Government amendments to Planning Policy Guidance

On 28 November 2014, the Government announced (by way of a Written Statement to Parliament) that it was making changes to national policy with regard to Section 106 planning obligations, because of the disproportionate burden of developer contributions on small-scale developers. The Written Statement announced that, for sites of 10 units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. The Written

Statement also announced that a financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes.

Consequential amendments relating to these changes in 'policy' were made to the national Planning Policy Guidance (PPG), although it is relevant to note that no changes have been made to the National Planning Policy Framework (NPPF), despite the Government announcement referring to changes in national 'policy'. Thus, there is a deal of uncertainty as to whether the changes are, in effect, to policy or to guidance: this is potentially an important distinction, as it could affect the weight to be attached to the changes where they constitute material planning considerations.

So far as the current planning application is concerned, the change relating to vacant building credit is potentially a material planning consideration. The applicant is of the view that this amendment to the PPG means that no affordable housing contribution is required as part of the proposed development. However, interpretation of this change is not that straightforward. The revised PPG refers to "affordable housing contributions" rather than affordable housing. Watford does not seek financial contributions towards affordable housing but instead requires the provision of units of affordable housing on a development site. It is possible to argue, therefore, that the vacant building credit does not apply to Watford. The Department of Communities and Local Government has said, in writing, that it intends the vacant building credit to apply "to both financial contributions and the provision of units". Whilst that may be the Department's intention, the wording of the guidance in the PPG clearly gives scope for an alternative interpretation. As the Supreme Court held in *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13, "policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context". The Supreme Court also held that policy-makers cannot make their policy "mean whatever they would like it to mean".

The PPG, as amended, says that:

“Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floorspace.”

Paragraph: 022 Reference ID: 23b-022-20141128

The context of this amendment is clearly the offer of a “financial” credit; consequently, the references to “contributions” ought to be regarded equally as financial contributions. Accordingly, it is open to the Council to construe the amended PPG guidance on vacant building credit as applying only to financial contributions and not to the provision of affordable housing units themselves. On this interpretation, the amendment to PPG does not apply to sites in Watford as the Council does not seek financial affordable housing contributions. The amendment is not, therefore, a material planning consideration in this case and no weight should be attached to it.

Notwithstanding the interpretation to be placed on the wording of the PPG amendment in relation to vacant building credit, there is a broader question to consider regarding the relationship between the provisions of the development plan and any other material considerations. Under section 38(6) of the Planning and Compulsory Purchase Act 2004 an application for planning permission must be determined, “in accordance with the policies of a development plan unless material considerations indicate otherwise”. The Courts have held that the section 38(6) obligation “requires the decision maker not merely to have regard to the plan but to offer it priority” (*R (on the application of Ash Parish Council v Guildford Borough Council* [2014] EWHC 3864 (Admin)). In *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2013] EWHC 11, the Court held that:

the section (section 38(6)) requires not a simple weighing-up of the requirement of the plan against the material considerations but an exercise that recognises that while material considerations may outweigh the requirements of a development plan, the starting point is the plan which receives priority. The scales do not start off in an even balance.

In *Ash Parish Council* the Court also pointed out that:

Although the NPPF is a material consideration it is not of equal legal force to the policies in the Development Plan: see *Sea and Land Power Energy Ltd v Secretary of State for Communities and Local Government* [2012] EWHC 1419 and *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 at [46]:

“All of this, one has to remember, sits within the statutory framework for the making of decisions on applications for planning permission, in which those decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Government policy in the NPPF does not, and could not, modify that statutory framework, but operates within it – as paragraph 12 of the NPPF acknowledges.”

It is clear, therefore, that priority in the decision making process is to be given to the development plan. Moreover, if the NPPF is not of equal legal force to policies in the development plan then the guidance in the PPG must be even less so.

It is also well established law that the weight to be given to a material consideration is a matter for the decision maker not the Court, unless the decision maker has behaved irrationally (*Tesco Stores v Secretary of State for the Environment* [1995] 1 WLR 759 *per* Lord Hoffmann at 780).

The Council is entitled, therefore, to place greater weight on the provisions of the development plan than on the guidance in the PPG. The Council's adopted Core Strategy is up to date, has been the subject of examination in public and has been found to be sound and in conformity with the NPPF. The development plan also includes the "saved" policies from the Watford District Plan 2000, which are referred to in Appendix D of the Core Strategy. Consequently, the absence of a planning obligation in this case would be contrary to:

- (i) saved Policies L8 and L9 of the Watford District Plan 2000;
- (ii) Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31;
- (iii) Policy INF1 of the Watford Local Plan Core Strategy 2006-31
- (iv) saved Policy H10 of the Watford District Plan 2000; and
- (v) Policy HS3 of the Watford Local Plan Core Strategy 2006-31.

For the reasons set out above, these development plan policies, both individually and collectively, should be given greater weight than other material considerations to be found in the amended PPG.

Consideration of objections received

Objections	Officer's response
Overlooking of gardens in Smith Street, loss of light.	This is discussed in the report.
No need for car parking provision, will cause congestion and overcrowding in the area.	There is no objection to the provision of limited car parking in this location.
Unclear where bin storage to be located. Should be at front or side, not rear.	The bin storage is on the Granville Road frontage.

Conclusion

There is no objection in principle to the development of a new commercial unit at ground floor level on King Street and residential flats on the remainder of the site.

The proposal will result in the loss of the majority of the locally listed building and thereby substantial harm to this asset. However, the architectural interest of the building is confined to the prominent Art Deco façade on King Street, which is to be retained, and some of the original internal features and fittings that still remain, albeit these have been heavily altered over the years. The façade plays an important role within the street scene and the conservation area and has a positive effect in enhancing the conservation area. In contrast, the rear element of the building fronting Granville Road is architecturally very poor and has a negative impact on the conservation area. The scale and design of the scheme will reflect the scale of the existing building and draw upon and compliment the Art Deco façade. Overall, therefore, the loss of the rear element of the building and its replacement with a sympathetic new build will maintain the architectural value of the building and enhance the character and appearance of the conservation area.

The new building will have an acceptable relationship with the houses to the rear on Granville Road and Smith Street and will have no significant adverse impacts on their amenities. The building successfully makes the transition between the larger scale Art Deco façade on King Street and the domestic scale, residential properties in Granville Road. A new active street frontage will also be created to Granville Road.

Following the assessment of the applicant's viability appraisal, the recommendation of the independent consultant appointed by the Council to assess this is that the proposed development can only support 4 units of affordable housing (16%) if the scheme is to remain viable.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATIONS

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

Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
 - a) £30,900 (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) £12,805 (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.

- d) £1,500 towards the remarking of parking bays on Granville Road outside the application site.
- ii) To secure financial payments to the County Council of:
- a) £11,500(index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3 and T5 of the Core Strategy 2013;
 - b) £12,876 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £8,802 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £3,069 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £901 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £261 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £2,671 (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 4 flats as affordable housing for intermediate/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:-

HL-001, 002, 003, 004(V2), 005(V2), 006(V2), 007, 008(V2), 009, 010

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

3. No demolition or construction works shall take place before 8am or after 6pm Mondays to Fridays, or at any time on Saturdays, 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 demolition works shall commence until a detailed method statement for the retention of the existing façade and central tower has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall only be undertaken in accordance with the approved method statement.

Reason: The building is of local interest and plays an important role within the conservation area, in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

5. No demolition works shall commence until an historic building record has been made of the building. This shall include a written and photographic record of the building internally and externally. Copies of the completed record shall be deposited with the Historic Environment Record maintained by Hertfordshire County Council and with the Watford Museum and with such other public depository as shall be agreed in writing with the local planning authority.

Reason: To ensure a record is made of this building of local interest, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

6. No construction works shall commence until a detailed method statement for the refurbishment of the retained façade and central tower has been submitted to and approved in writing by the Local Planning Authority. No part of the building shall be occupied until the approved works have been completed in full.

Reason: The building is of local interest and plays an important role within the conservation area, in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

7. No construction works shall commence until a design stage certificate to demonstrate that the proposal will achieve Code Level 4 of the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until a post-completion certificate, to certify that Code Level 4 standard has been achieved, has been submitted to and approved in writing by the Local Planning Authority.

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

8. No 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 to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

9. No construction works 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.

10. No construction works shall commence until details of the materials to be used for all the external finishes of the new building, including all external walls, roofs, doors, windows, balconies and dormer windows, 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.

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

Reason: To ensure the surface water drainage 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 part of the development shall be occupied until the hard landscaping works and boundary treatments as shown on approved drawing no. HL-005(V2) have been carried out in full, unless otherwise agreed in writing by the Local Planning Authority. The works shall be retained as approved.

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.

13. The approved soft landscaping works as shown on approved drawing no. HL-005(V2) 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.

14. No part of the development shall be occupied until the new vehicular access on Granville Road to serve the residential car parking has been completed in full, as shown in principle on drawing nos. HL-005(V2) and HL-006(V2).

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 access adjacent to 14 Granville Road has 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 gate shall be installed at the entrance to the residential car parking area except in accordance with such details and specifications of the gate, including the operating mechanism and noise levels during operation, as 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.

17. No part of the development shall be occupied until the 13 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 of 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.

18. No part of the development shall be occupied until the bin store has been provided in accordance with the approved drawings (unless otherwise approved in writing by the Local Planning Authority). The store shall be retained at all times for bin 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.

19. No part of the development shall be occupied until the cycle store shown on the approved drawings, for a minimum of 25 cycles and utilising two Broxap Apollo Junior Cycle Shelters, has been constructed. This shall be retained at all times.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site, 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.

20. The ground floor commercial unit fronting King Street shall only be used for purposes within Class A1 (shops) or Class A2 (financial and professional services) of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site is within a designated secondary shopping frontage on the Proposals Map of the Watford District Plan 2000 and to accord with Policy S7 of the Watford District Plan 2000.

21. No shop front shall be installed on the ground floor commercial unit fronting King Street unless the details of the design and materials have been submitted to and approved in writing by the Local Planning Authority. The shopfront shall only be installed in accordance with the approved details and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the locally listed building and the conservation area, in accordance with policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31 and Policy U24 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 and for the remarking of parking bays on Granville Road. The agreement also requires the provision of necessary fire hydrants to serve the development and the provision of four 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.

4. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.
5. Works to be undertaken on the adjoining Highway will require a legal agreement with the Highway Authority. Before commencing the development the applicant shall contact the Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway is constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

Drawing numbers

HL-001, 002, 003, 004(V2), 005(V2), 006(V2), 007, 008(V2), 009, 010

- (B)** In the event that no Section 106 planning obligation is completed by 25th February 2015 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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