

## PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **31<sup>st</sup> March 2015**

Site address: **53, Clarendon Road**

Reference number: **14/01363/FULM**

Description of development: **Demolition of existing building and redevelopment of the site with the erection of a building up to 10 storeys in height comprising 4,648m<sup>2</sup> office floorspace (Class B1(a)) and 44 residential flats.**

Applicant: **Orion Land and Leisure and KKP (No.2) Trustee Limited**

Date received: **20<sup>th</sup> November 2014**

13 week date (major): **19<sup>th</sup> February 2015**

Ward: **Central**

### **SUMMARY**

Full planning permission is sought for the demolition of the existing office building and the redevelopment of the site for mixed-use comprising 4,648m<sup>2</sup> Class B1(a) office floorspace and 44 residential flats in a building up to 10 storeys high. The application site has an area of 0.36 hectare and is currently occupied by an office building of 4 and 9 storeys in height which was granted planning permission in 1965.

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 a significant improvement in the 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.

Notwithstanding this policy background, in the past 2 years a more flexible approach to development within employment areas has been 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residential schemes, to encourage the provision of new, modern office floorspace to replace an ageing and increasingly outdated stock.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 more flexible approach led to the granting of planning permission for mixed-use office and residential schemes at 32, Clarendon Road in December 2013 and 36, Clarendon Road in June 2014. At the time, this approach was reflected in the emerging development management policy on employment in the Local Plan Part 2, which was subject to a first round of public consultation in November-December 2013.

In view of the fact that the most recent employment study at that time 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 emerging development management policies and site allocation plan of the Local Plan Part 2. This study was published in November 2014 and concluded that the predicted level of employment land needed for the remainder of the Core Strategy period (to 2031) was significantly higher than that predicted in the previous 2010 study. As such, the proposed employment policy in Local Plan Part 2 was subsequently amended to reflect this greater need for employment land to state that residential uses were no longer considered appropriate within employment areas. The Local Plan Part 2 was subject to a second round of public consultation in December 2014-February 2015.

The previous approach of allowing mixed-use developments within employment areas is, therefore, no longer considered acceptable unless the other uses are ancillary or complementary to the employment area or exceptional circumstances can be demonstrated. Whilst the Local Plan Part 2 is still to be subject to an examination in public, the latest employment study provides an up-to-date evidence base that is a material planning consideration and which supports the emerging policy. Furthermore, the new policy is very similar to Policy E1 of the District Plan, which remains a saved policy and relevant to the application. Although the applicant has submitted some viability information to support the residential element of the scheme, it is not considered that this is sufficient to justify an exception to the saved or emerging employment policies for this area. The scheme is therefore considered to be contrary to the employment policies and unacceptable for this reason.

With regard to the amenities of future residents, your officers have significant concerns regarding the very limited spacing between the proposed building and the existing office buildings to the north and south. The spacing between the buildings and the introduction of residential flats on to the site will give rise to a significant reduction in the level of amenity that would normally be sought, in respect of outlook, privacy and natural lighting, to the proposed flats and their occupiers. As such, it is considered that the proposed flats would not provide acceptable accommodation in this case.

With the introduction of the Council's Community Infrastructure Levy (CIL) charging schedule on 1<sup>st</sup> April 2015, the proposed development will now be liable for CIL payments rather than payments under section 106. The only planning obligations necessary in this case relate to the provision of affordable housing and the exclusion of the scheme from the local controlled parking zone to ensure future residents are not entitled to permits to park on-street. The application includes a 35% affordable housing provision, comprising 16 units for shared ownership, in accordance with Policy HS3 of the Core Strategy. This is considered acceptable in this case. However, no section 106 planning obligation has been completed at the present time.

For these reasons, the Development Management Section Head recommends that planning permission be refused, as set out in the report.

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## **BACKGROUND**

### **Site and surroundings**

The application site has an area of 0.36 hectare and is approximately rectangular in shape, measuring 56-62m long by 33-46m wide. It is located on the western side of Clarendon Road to the south of the junction with St John's Road. It has an east-west orientation with a single frontage to Clarendon Road and backs on to residential properties in Monmouth Road to the west. To the north and south the site is adjoined by existing office buildings of 5 storeys in height. The site is currently occupied by a single office building which comprises a 4 storey element to the frontage and a central tower 9 storeys high. The rear part of the site is occupied by a single decked car park.

The site is not within a conservation area and does not adjoin any locally or nationally listed buildings. The existing building on the site is of no architectural merit or historic interest.

### **Proposed development**

Full planning permission is sought for the demolition of the existing building and a mixed-use redevelopment of the site comprising 4,648m<sup>2</sup> of office floorspace (Class B1(a)) and 44 residential flats in a building up to 10 storeys high. The development also includes 48 car parking spaces, with 44 spaces provided in a basement car park, cycle stores and bin stores. At the front of the site facing Clarendon Road, the building will incorporate a 7 storey office element with offices also occupying the ground and first floor levels of the whole building. Behind this element, occupying the central part of the site, is the residential element, comprising 8 storeys sited above the first floor offices. The rear of the site comprises the ground and first floor offices and a 6m deep landscaping zone.



10/01033/EXT – Planning permission granted in January 2011 for the renewal of planning permission ref. 07/01137/FULM.

### **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**

Watford Character of Area Study (2011)

Residential Design Guide (2014)

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## **CONSULTATIONS**

### **Neighbour consultations**

Letters were sent to 49 properties in Clarendon Road, St John's Road, Monmouth Road and Albert Road North. No replies have been received.

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

One site notice was placed outside the site on Clarendon Road and one on Monmouth Road, both on 3<sup>rd</sup> October 2014. The application was also advertised in the Watford Observer on 3<sup>rd</sup> October 2014.

### **Statutory consultations**

#### **Hertfordshire County Council (Highway Authority)**

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

#### Conditions

1. Before first use of the development, signage shall be erected at both accesses to show the one-way entry and exit arrangement.

Reason: For highway safety propose.

2. Prior to the commencement of the development a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan.



Reason: to ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of the construction traffic on the local road network is minimised.

3. Two months prior to the first occupation of the development the applicant shall implement a Travel Plan with the object of reducing the staffs and visitors travelling to the development by private car which shall be first submitted to and approved by the Planning/Highway authorities.

Reason: To promote sustainable transport measures to the development.

i) Access

The existing site has two access points from Clarendon Road and the proposals will be used to operate a one-way entry/exit system arrangement.

ii) Parking

Vehicles would be catered for in the proposed development in basement and surface car parking (44 parking spaces on the basement and 4 disabled parking spaces on the ground) for the office uses. The residential development proposal will therefore be car free. However, there would be 101 cycle parking spaces for the proposed site.

Opportunities for residents or visitors to park on surrounding roads are restricted by the comprehensive parking and waiting controls in place in the local area.

iii) 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.

Thames Water

Surface Water Drainage - 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.

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 depth and 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.

#### Environment Agency

Has no objections to the proposed development.

#### Crime Prevention Design Advisor (Hertfordshire Constabulary)

##### 1. Basement Parking area:

This area for the commercial part of the scheme only appears open to casual intrusion and must be secured with access control. This will prevent residents abusing this area and children from the flats playing in this area, as well as preventing crime. Whilst there is no residential parking provided on site at all, in reality is this realistic and for visitors to the site? Also what arrangements can be made for delivery vehicles when residents move in or out?

##### 2. Residential stair / lift core entrance:

a) The entrance to the residential element appears to be at ground floor level. There is an additional entrance to the residential stair core at basement level of the basement parking area

for the offices. Is this meant to be as it will give access to residents to a the private parking for the offices?

b) Paragraph 5.2 of the Design and Access Statement (DAS) says "*The southern part of the colonnade conceals the entrance to the residential element of the scheme, thus giving it separation from the commercial activities.*" This causes me concern that residents will fear crime approaching and leaving their part of the site (especially at night) as it is hidden away and under a colonnade.

### 3. Access Control to Residential element:

a) No mention is made re any access control other than 9.11 & 9.12 in the DAS. For this development it must have both audio and visual access control, so that residents can see who is trying to enter the residential element. If it were not so I would wish to formally object.

b) Paragraph 5.3 of the DAS says about there being 34 private flats and 18 affordable flats. From the communal entrance via the lift, will there access where residents use an access card or fob to be able to use the lift to their floor only? Also will there be access control from the stair cores onto the individual floors?

### 4. Postal Access:

This is not mentioned. How will this be provided without compromising the security for the dwellings. Will there be through the wall delivery to post boxes; or delivery through a letter plate in each flat entrance door; or individual letter boxes for each flat just inside the communal entrance with the post services having a fob or key access to be able to deliver? A

'Tradesman's Button' is unacceptable as this exposes the flats during the day to being broken into when residents are at work. If a 'Tradesman's Button' were to be fitted I would wish to formally object.

### 5. Separation between the residential and commercial elements:

a) On the Proposed 1<sup>st</sup> Floor plan AR050-003B there is shown a residential stair core in the rear office element, towards the rear of the building. There are shown connecting doors between the residential stair core and the office element, and I wonder what function these serve? The residential and office elements should be separated as they are on the other stair

cores towards the front of the development as this helps towards the security of the offices. Are they fire exit doors?

b) On the Proposed 1<sup>st</sup> Floor plan AR050-003B there are shown two residential lifts passing through the office stair core area, towards the front of the building. The two lifts also show they have doors on the office floor level. This could affect not only the security of the offices, but also the security of the residential flats. Or will they only open in the event of an emergency?

#### 6. Access control to office element:

It is important that the office element of the design functions well and that there is access control to the various levels of offices. The Ground Floor plan AR 050-002B shows the ground floor office accessed via a reception area on the ground floor with access control barriers behind the reception, well overlooked by the reception desk. This is good. However the upper levels of offices have separate access via an unoccupied area, providing lift access and stair core access to the upper office floors. Surely this should be accessed via a single reception area at ground floor level; or this circulation lift and stair core to the upper floors of offices should have their own reception? The current arrangement causes me concern as it does not appear to function well, and could assist offenders gaining access to upper levels of offices.

#### 7. Cycle Parking:

Paragraph 9.10 says about separate secure covered cycle being provided for the private and office elements.

a) The residential cycle store should be visually permeable from the front (as it will not be overlooked by the residential element), and users could have a fear of crime by entering a totally enclosed cycle store, if they cannot see into it first. Also the door/gate should be self-closing with thumb turn on the inside and secured ideally with an access control fob or similar.

b) The office cycle store is shown as being open and not secure on the proposed ground floor plan. It should be planned to be visually permeable from the front, so users and the overlooking office element can see into it which will help deter crime. If it is wished that the residential element do not take this office cycle store over, then it should also be secured similar to the residential cycle store.

#### 8. Bollards:

Mention is made re these at paragraph 9.16 of the DAS but no mention is made as to where they will be fitted and their function. If fitted where vehicles will be reversing, invariably such vehicles reversing cannot see such bollards and they end up being knocked over or being nudged and leaning.

#### 9. Timber Louvered Privacy Screens:

If these are fitted there will need to be careful attention to detail, so they do not become informal climbing aids and the potential for safety with young children.

#### 10. CCTV:

There should be planned for CCTV to cover various elements of the development so as to deter crime as well as to make sure that the site has control over some of its less well surveilled areas. Such areas that should be covered by CCTV are:

- a) Office and residential entrances to the building
- b) Reception area
- c) Basement / underground parking area
- d) Cycle stores
- e) Any communal letter box system either internal or external for the residential element

#### 11. Rear amenity:

There is shown at the rear of the development a small open green area at ground floor level. Can I ask what this area is for, and its function? Should this be gated off with a suitable lock so legitimate users can use?

#### Environmental Health

I have reviewed the documentation pertaining to this application. The sustainability statement contained within the document states in section 9.3 that a Noise Impact Assessment will be carried out and section 9.4 states that an acoustic consultant will have been appointed to assist with the design of the development. No evidence of such an assessment or acoustic consultant's appointment was available in the documentation. As such Environmental Health are not able to fully assess the suitability of this development.

### Arboricultural Officer

The proposals should not affect the protected trees both on site (TPO 86) and those off-site (TPO 104) providing adequate protection system and methods are utilised both during demolition and construction. Construction of the basement may fall within the root protection areas of non-protected trees located within an adjacent property, 25 St Johns Road; however, I cannot provide full comments as these trees are not shown on the submitted drawings. I would wish to see and approve tree protection details and a full landscaping scheme.

### Spatial Plans Manager

This application falls within the area covered by an Article 4 Direction removing permitted development rights to change from office use to residential use. A planning application is therefore required.

The application site falls within the Clarendon Road/Station Road South Employment Area as identified in Policy E1 of the Watford District Plan 2000. 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 the site is required to meet such needs.

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 four 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.

The table below, extracted from Table 7.3 of the draft EGDA (numbering may change in final version) summarises the potential requirement:

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

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. No justification has been presented for pursuing a residential scheme here, given its clear policy status as a prime office location.

### Emerging Policy – Local Plan Part 2:

In response to the most recent evidence, Local Plan Part 2 continues the approach of protecting office uses in the Clarendon Road/Bridle Path area (which was subject to consultation in Nov/Dec 2013) and extends this to look to provide additional high quality office floorspace in this area. The policy, which was subject to consultation from mid-December, clarifies the position that residential uses are not appropriate in this location.

### Urban Design and Conservation Manager

We have no objection to the demolition of the existing building, which is not of noted architectural or historic interest. The proposed new building is of a significantly larger scale than the existing property and the scheme that was approved in 2007. Although there is the potential to increase the quantum of development on the site without harming the character of the area, as demonstrated by the 2007 approval, the new proposal does not achieve this aim. The scale of the proposed new block is out of scale with the neighbouring properties on Clarendon Road and will exacerbate the uncomfortable transition between the commercial properties on Clarendon Road and the much smaller scale of residential development to the rear. As a minimum the design of the proposed block would need to be altered so at least one storey is removed from all sections of the building, while two storeys would need to be removed from the highest section – the frontage area should be reduced in height so that the eaves line is maintained along the street. The higher sections should be set back further so that they are not read from the street. It is acceptable to step the rear of the building but the heights should be lower to improve the relationship between the proposed building at the residential areas to the rear.

The elevation detailing for the residential is broadly acceptable subject to details and materials – it is a bit busy at the moment and could benefit from a simplified palette of materials used in a contemporary manner – not sure how the projecting balconies will work in practice. I would like to see a move away from the Trespa style panels and more use of brick and simple detailing devices using the same material. In terms of the office



section I am not convinced by the use of the metal mullions as they produce a rather intimidating elevation treatment for the building which does not sit comfortably alongside the other buildings on Clarendon Road

On top of the large central roof section, which will need to have been reduced by part one and part two storeys, a communal roof garden should be provided for residents.

In terms of the space at the front of the proposed new building, an additional tree should be planted between the disabled parking spaces and the entrance access road. A strip of paving should also be provided in front of the disabled parking spaces. A pair of cycle hoops should be installed next to the tree adjacent to the exit access road for visitors to the site who have come by bike (the cycle store to the rear is not legible; although it is acceptable for other users of the building).

As it stands the proposed scheme does not enhance the character of the area and fails under National Planning Policy Framework (NPPF) paragraph 64 and the local plan policies UD1.

*Following these comments, a number of amendments were made to the scheme, including: the removal of the rear part of the residential element which stepped down towards the residential properties in Monmouth Road; reduction in the number of residential flats from 52 to 44; refinement of the design of the front elevation to Clarendon Road.*

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## **APPRAISAL**

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

- (a) the *Watford Local Plan Part 1 - Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;

- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

### **Land allocation**

On the Proposals Map of the Watford District Plan the site is located within Employment Area E7a (Clarendon Road/Station Road). In the Core Strategy it is located within the Town Centre Special Policy Area (SPA1). The objectives of the Town Centre SPA are to strengthen and consolidate Watford's position as a regional centre in the retail hierarchy; seek a more balanced provision of town centre facilities and infrastructure, including retail, leisure, entertainment and other town centre uses; seek access improvements for people of all ages, interest and backgrounds; redevelop the existing shopping centre at Charter Place; and deliver around 3,300-4,200 additional jobs in the wider town centre area in the retail, leisure, office and service sectors. Within the wider town centre, Clarendon Road is identified as the focus for office use.

### **Principle of development**

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

The GVA Employment Study 2010 (forming part of the evidence base for the Core Strategy) identified potential demand for up to 90,000m<sup>2</sup> of B1(a) office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m<sup>2</sup> of new floorspace. This study also highlighted the fact that the quality of floorspace is equally important as the quantity. Clarendon Road/Station Road employment area 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 164,000m<sup>2</sup> to 215,000m<sup>2</sup> (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 the numbers, these figures are a magnitude greater than that planned for in the Core Strategy.

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

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Surplus(+)/Shortfall(-)	-215,425	-164,105	-205,730

(extract from EGDA 2014) (all figures in m<sup>2</sup>)

is its location and proximity to Watford Junction (sustainable access) and the town centre core (other services). It is important that this area remains the focus for new job creation and that opportunities for this are recognised and taken. Replacing redundant and outdated building stock (such as the building currently on the application site) that no longer meets the requirements of modern employers represents a prime opportunity to achieve this. Given the latest forecast figures for new jobs and employment floorspace, the Clarendon Road/Station Road employment area will remain the main focus for new office development and will need to accommodate significantly greater levels of floorspace than currently exist. 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.

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. Such releases will only be permitted where it can be demonstrated that the site is no longer required to meet future employment needs.

The office element of the proposed mixed-use scheme (4,648m<sup>2</sup>) is in accordance with the employment land allocation and Policy E1 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 office floorspace on the site. However, the residential element of the proposed scheme is not in accordance with either the land allocation, the District Plan 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 a significant additional amount 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.

As part of the application, the applicant has sought to justify the inclusion of the residential element (initially 52 units) on viability grounds, stating that a pure office scheme would not be viable to deliver and could, therefore, not be funded. Although no detailed, open book viability appraisal has been submitted, development appraisal summary sheets have been submitted to support this argument. The information submitted relates to both the previously approved office scheme (granted in 2007 and renewed in 2011) which was not implemented and the application submission, including 52 residential flats. The main concern with this information is that both schemes have been appraised based upon an office rental figure of £22 ft<sup>2</sup>. This figure reflects the current highest rental levels that have been achieved recently in Clarendon Road and at this level (and without any detailed scrutiny of any other figures) both the previously approved scheme and the application scheme would not be viable. However, evidence from local agents suggests that the office

market in Watford is now improving and that there is a lack of high quality office floorspace. It is anticipated therefore that the rentals levels will begin to rise in the near future.

Furthermore, this view is supported by the applicant's agent in a review of the Watford office market. A report by Jones Lang LaSalle provides an overview of the Watford and wider Western Corridor office market, with a focus on the take-up and supply profile of the town. It also analyses recent transactions and gives a professional view on the estimated rental level for the redevelopment of the site for grade A office floorspace. The report states:

*“Watford has seen limited development in recent years which is reflective of the wider Western Corridor market during the economic downturn. Therefore there is a lack of Grade A product available today to benchmark the rental levels that a new building in the town would achieve. The most recent letting to TK Maxx on un-refurbished space was at £20 ft<sup>2</sup> showing that Grade A space in the town will be c.£21-£22 ft<sup>2</sup> today. The limited supply pipeline and decent demand for space will lead to rental increases over the next few years. We therefore suggest that a rental level of £24-£25 ft<sup>2</sup> should be applied to a Grade A building, such as a redeveloped Gresham House.” [the application site]*

If a rental level of £24-£25 ft<sup>2</sup> were to be used in the submitted appraisals, the viability of the both schemes would be significantly improved. It is not possible to say how viable the current amended proposal, incorporating 44 flats, would be as no appraisal has been undertaken for this scheme, but it should reasonably be undertaken with a rental level of £25 ft<sup>2</sup> to reflect the improving office market and the anticipated rental level. If viability is going to be used to justify exceptional circumstances, the level of residential incorporated into the scheme should be the minimum necessary to facilitate the delivery of office floorspace.

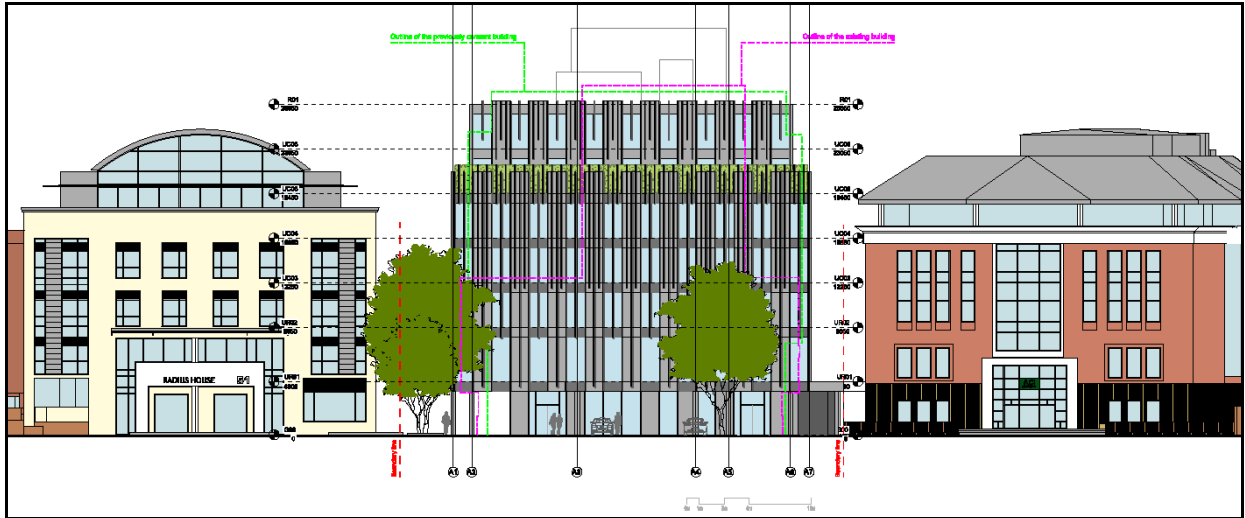
A further concern regarding the submitted appraisals is that whilst the proposed scheme is considered viable as it produces a profit of 19% on gross development costs and 15% on gross development value, all of this appears to be generated from the residential element. Although no detailed breakdown of the figures is given, the appraisal for the consented pure office scheme, also undertaken at a rental value of £22 ft<sup>2</sup>, shows a loss of 1-2% on both gross development cost and gross development value. With this as a comparison, it would suggest that the office element of the proposed scheme does not contribute towards the profit. When the office floorspace is included in the appraisal at rental levels of £24 ft<sup>2</sup> and £26 ft<sup>2</sup>, the profit achieved for the proposed scheme increases to 25% and 30% respectively. The conclusion that can be drawn from this is that the residential element is excessive.

The applicant has been made aware of these concerns and a further, detailed viability appraisal has been requested, based on the amended scheme for 44 residential units and a higher rental value for the office element. However, the applicant has declined to submit this and has requested the amended scheme be determined based upon the submitted information.

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 employment area. 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 proposed development seeks to provide a high quality mixed-use building of contemporary design that is appropriate to the character and appearance of Clarendon Road, whilst respecting the residential properties to the rear. The proposed building has a T-shaped footprint which is typical of many buildings on the western side of Clarendon Road, where plots generally tend to be relatively narrow and deep, with the 'head' of the building occupying the frontage and the narrower 'leg' of the building extending down the length of the site. Although a single building, it comprises 3 distinct elements. The 'head' of the building is an office element of 7 storeys in height fronting Clarendon Road. To the rear of this, the office floorspace extends across the whole of the ground floor (extending out to the northern boundary of the site, beyond the narrow 'leg' of the building) and the first floor of the building. Above these two floors of offices are 8 floors of residential accommodation occupying the central part of the site and forming the main 'leg' of the building. The scheme also includes a basement car park which is accessed from the northern side of the building. The office element is accessed from the front of the building with a separate residential entrance located on the southern side of the building where the 'head' and 'leg' of the building meet. This is where the residential stair/lift core is located. Although the residential entrance will have more limited visibility from Clarendon Road, it nevertheless fronts on to a wide pedestrian area along the southern side of the building which, with the appropriate use of materials and lighting, can form a high quality and safe pedestrian environment.



Street scene to Clarendon Road

The design of the main office element fronting Clarendon Road comprises a curtain wall glazing system with a strong vertical emphasis, incorporating metal ribs, light coloured metal infill panels and clear glazing. At fifth floor level, the design incorporates a strong horizontal band of darker infill panels that creates a visual eaves line at the level of the adjoining 5 storey buildings. Above this level, and set slightly back from the frontage, are two further floors of similar design and materials. Clarendon Road is characterised by its variety of building styles and materials, although most buildings fall into one of two types, where either facing brick is the dominant material with punched windows, or the building is predominantly glass. The proposed design approach for this building seeks to achieve something in between these extremes with a more equal balance between the glass and solid elements. This enables what is essentially a glass building to have a distinct character and visual interest in its elevation, whilst avoiding the heavier appearance of buildings where facing brick is dominant. In this respect it will be unique within Clarendon Road and is considered to be a perfectly acceptable design approach for the road that will add to its character.

The main residential element of the building is treated in a completely different way to the office element. This distinguishes it from the office element and also reflects the context within which it will be seen, with views of this element largely restricted to limited views



from the residential areas to the west of the site. Like the office element, it has a strong vertical emphasis but this is achieved through the use of large scale brick panels of contrasting brick and the vertical arrangement of windows and balconies. Further variety is added to the large scale elevations through the use of rainscreen and spandrel cladding panels. This approach to the arrangement of the fenestration and the use of materials not only adds visual interest to this element of the building but also helps to break up the scale and mass of the elevations. The use of brick as the dominant material also reflects the predominant material of the residential areas to the west.



South elevation

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

### **Townscape and visual impacts**

Clarendon Road is characterised by large, multi-storey commercial buildings of varied age, design and materials. The proposed office element of the scheme is 7 storeys high fronting onto Clarendon Road although it has a strong eaves line feature at the fifth storey. The site is adjoined by 5 storey buildings to the south and north. Other 5 storey buildings line the western side of Clarendon Road although taller buildings are also present,

including Melton House (now Holiday Inn) at 9 storeys and Meridian House at 6 storeys. Although the proposed building is taller than both adjoining buildings, the incorporation of the strong visual eaves line on the upper part of the fifth storey, and the slight set back of the top two floors, will help the building to sit comfortably alongside its neighbours. Within the general street scene, the building will not appear unduly prominent in views from the south or north due to the scale of the existing buildings and the lighter appearance of the building. The existing building has a relatively low 4 storey element fronting Clarendon Road which appears very weak within the street scene and generally reads as a gap in the building line. The proposed building addresses this deficiency by providing a strong building frontage that completes the building line and positively addresses Clarendon Road. As such, the building will significantly enhance the street scene and will strengthen the character of Clarendon Road as the prime office location in the town.

The residential element is sited to the rear of the office element and occupies an almost identical position within the site as the existing central tower. The rear elevation aligns very closely with that of the central tower and does not, therefore, encroach any closer to the western boundary of the site and the residential properties in Monmouth Road. Although the scale of the building will therefore be very similar to the existing central tower when viewed from the west, providing what is undeniably an abrupt transition between the larger scale office buildings of Clarendon Road and the domestic scale properties of Monmouth Road, the design and use of materials will provide a building of significantly higher quality and interest than the existing.

### **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.

The proposed development provides 44 flats comprising 14 one bedroom and 30 two bedroom units. Given the location of the site in the Clarendon Road employment area and within the wider town centre policy area, this is 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 16 affordable units (35%) could be provided as a single tenure for intermediate/shared ownership tenures.

**Residential amenity of future occupiers**

The Residential Design Guide (RDG) sets out various standards and guidelines to ensure that new residential development provides high quality accommodation with good levels of amenity for future occupiers. The first factor to consider is the internal floor area of the proposed dwellings and the RDG sets out the minimum areas that should be achieved dependant on the number of bedrooms proposed. The table below shows that the typical floor areas of the proposed flats meet or exceed the RDG minimum standards.

	Proposed floor areas	RDG 2014 minimum floor areas
1 bedroom	50m <sup>2</sup>	37m <sup>2</sup>
2 bedroom	70m <sup>2</sup>	61m <sup>2</sup>

The RDG also gives minimum floor area guidelines for single and double bedrooms and combined living areas. The proposed flats also meet or exceed these guidelines. Each flat will also be provided with an area for internal storage. Overall, each of the proposed flats

will have adequate internal floor space to provide good quality accommodation. Although there is very limited opportunity to provide any outdoor amenity space on the site for the flats, each proposed flat has an external balcony of either 4.8m<sup>2</sup> (1 bed) or 6.1m<sup>2</sup> (2 bed). This ensures that each flat will have some useable outdoor space that is private and directly accessible from each flat.

The RDG also requires that all new residential units should have acceptable levels of amenity in terms of outlook, privacy and natural light. In order to assess this, consideration needs to be given to the relationship of the proposed flats to the existing office blocks adjoining the site to the south and north. The flats themselves are arranged either side of a central corridor within the narrow 'leg' of the T-shaped building. Consequently, all of the flats are single aspect facing either due south or north.

The office block to the south also has a T-shaped footprint. The 'head' of the building fronting Clarendon Road is deeper than that of the proposed building and is sited only 2m from the site boundary. The main 'leg' of the building is sited 8.5m from the site boundary along its length. As the majority of the proposed flats face towards the 'leg' of the building, this gives a distance of 21m between the building and the proposed flats. However, for the flat sited at the extreme eastern end of the proposed building on each floor, the bedroom windows face towards the 'head' of the adjoining building, at a distance of only 14m.

The block to the north also has a T-shaped footprint. The 'head' of the building fronting Clarendon Road is again deeper than that of the proposed building and is sited only 1m from the site boundary. The main 'leg' of the building is sited 6.5m from the site boundary, but this boundary is set at angle to Clarendon Road, resulting in a widening of the application site towards the west. As with the southern block, the majority of the proposed flats face towards the 'leg' of the building. The distance between the proposed flats and the office block therefore varies from 19m at its closest point to 22.5m. As with the southern block, however, the bedroom windows of the easternmost flat on each level face towards the 'head' of the adjoining building, at a distance of only 12m.

In terms of outlook, the RDG does not give any objective guideline for assessment. However, it does give a minimum distance in respect of privacy to ensure reasonable levels of privacy are maintained between new and existing development. This distance is given as 27.5m. This is also considered to be a reasonable distance to ensure new buildings do not appear visually dominant and overbearing to existing buildings. In the case of the proposed flats, the distances between their habitable room windows and the adjoining office blocks varies from 12m to 22.5m for the north facing flats and from 14m to 21m for the south facing flats. All of these distances are significantly below the minimum distance of 27.5m set out in the RDG. Consequently, the existing office blocks to the north and the south will have a significant adverse impact on the levels of outlook and privacy that can be achieved and this will be particularly so for the flats on the lower levels of the proposed building. The flats on the upper levels, which exceed the height of the adjoining blocks, will be unaffected.

In respect of natural light, no assessment in accordance with the guidelines of the Building Research Establishment has been undertaken for the proposed flats. An initial 'rule of thumb' assessment for daylight can be undertaken by extending a 25° line in the horizontal plane from the mid-point of each proposed window towards the adjoining office blocks. This would suggest that the flats on the lower levels of the proposed building will only just receive minimum levels of daylight. On the upper levels of the building, the flats will receive increasing levels of daylight. In terms of sunlight, the flats facing north will receive no direct sunlight into their rooms. For the south facing flats, only those on the upper levels of the building are likely to receive acceptable levels of sunlight, with the flats on the lower levels being overshadowed by the office block to the south. The exact impacts would need to be determined through a full assessment.

Overall, it is considered that a significant majority of the proposed flats would experience poor levels of amenity in respect of outlook, privacy and natural lighting, specifically those on the lower levels of the building. This is considered to be unacceptable for new dwellings and constitutes a poor quality of development.

### **Impacts on adjoining properties**

The properties adjoining the site to the north and south are both 5 storey office buildings. As such, considerations of outlook, privacy and natural light are not as critical or important generally as for residential properties. The proposed building is not dissimilar in scale and height to the 9 storey central tower of the existing building or the previously approved 5 storey office building. It is not, therefore, considered that the proposed building will have any additional adverse impacts on these adjoining office building or their continued use.

However, the introduction of flats to the site may prejudice the future redevelopment of these sites for office use. Although the buildings to the north and south are relatively new compared to the existing building on the application site, they will at some stage in the medium to long term need to be redeveloped to provide updated, modern floorspace. If the increased floorspace requirements as identified in the latest Economic Growth and Delivery Assessment are to be achieved, it is likely that the future redevelopment of these sites will need to incorporate additional floorspace and thereby taller buildings. If residential flats were present on the site as currently proposed, an increase in the height of the adjoining buildings would be likely to result in a potential further additional loss of outlook, privacy and natural light to these flats, compared to that which can currently be achieved. This would be an unacceptable situation for residential flats that would by then be occupied and already experiencing a significantly reduced level of amenity. The consequence of this is that any increase in office floorspace on either of the adjoining sites is likely to be significantly compromised by the presence of residential flats on the application site and could result in any applications for additional office floorspace being refused in order to protect the amenity of the residential flats. This would be an unacceptable situation within the town's prime office employment area and is considered to merit a reason for refusal.

To the west, the site adjoins residential properties in Monmouth Road. The scheme as originally submitted had a stepped form that projected towards these properties and the western boundary, beyond the line of the rear elevation of the central tower. This comprised the two storey offices at ground and first floor levels with 1, 3 and 4 storeys of

residential flats above. Following discussions with your officers, these stepped residential elements have been removed and the central residential element of the building now does not extend beyond the line of the existing central tower. Although the residential element of the proposed building is slightly higher than the central tower of the existing building (by approximately 2.4m) this will not give rise to any significant additional visual impacts on the properties in Monmouth Road.

As part of the application, an assessment of sunlight and daylight to the properties in Monmouth Road was undertaken, in accordance with the guidelines of the Building Research Establishment. This demonstrates that the development as originally proposed would have no significant adverse impacts on the natural light to these properties. As the stepped element of the proposed building has now been removed, any potential impacts would be even less likely.

Overall, the proposed building will have no adverse impacts on the residential properties in Monmouth Road.

### **Transportation, access and parking**

The site is in a highly accessible location with Watford Junction station and its associated bus interchange located just 360m to the north. This gives access to a wide range of rail and bus services. Further bus services are accessible on Clarendon Road and within the town centre located 290m 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 a reduced level of on-site car parking provision is proposed. The site is located within Car Parking Zone 2 where the parking provision for commercial uses should be between 25-50% of the maximum standard.

The proposed development includes a provision of 48 spaces, all of which are to be allocated for the office use. Based upon the Zone 2 standards, the range of spaces considered acceptable for the proposed 4,648m<sup>2</sup> floorspace is 39-77.5 spaces. The provision of 48 spaces is within this range.

The proposed flats will have no parking provision. Given the highly accessible location of the site, located within a controlled parking zone, this accords with saved Policy T26 of the Watford District Plan 2000 for car-free developments, subject to the development being excluded from the local controlled parking zone. This is necessary in order 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 Clarendon Road, one at its southern end and one at its northern end. These give access to the lower and upper levels of the rear decked car park respectively. They also facilitate delivery and service vehicles entering and exiting the site in forward gear. The proposed development will retain these two access points to facilitate the servicing of the site and to allow access to the basement car park (44 spaces) and the 4 disabled parking spaces to the front of the site. This is acceptable and accords with saved Policy T21 of the Watford District Plan 2000.

### **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. Having regard to the current and previous use of the site, the Environment Agency has raised no objection to the proposal and has not recommended any conditions. From 6<sup>th</sup> April 2015, all major developments are required by law to incorporate a sustainable surface water drainage scheme in order to minimise the risk of flooding post-development. Given the fact that the existing site already has almost 100% site coverage, it is unlikely that the proposed development will give rise to any additional surface water flows. Any proposed scheme will need to be the subject of consultation with Hertfordshire County Council as the Lead Local Flood Authority.



### **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. Within the emerging Local Plan Part 2, which underwent a second public consultation in December 2014-February 2015, Policy SD5 requires all residential development to meet a minimum level 4 of the Code for Sustainable Homes and all non-residential development to achieve a minimum BREEAM rating of 'Very Good'. Major development within Special Policy Areas should achieve a minimum level 5 of the Code for Sustainable Homes or a BREEAM rating of 'Excellent' respectively. 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.

Current best practice is considered to be level 3 of the Code for Sustainable Homes and BREEAM 'Good'. The proposed development should therefore seek to achieve a minimum of level 4 and BREEAM 'Very Good' in order to demonstrate sustainable design measures have been incorporated into the design and to accord with the minimum requirements of the emerging Policy SD5. The proposal has been designed to achieve a minimum of level 3 for the residential element and BREEAM 'Very Good' for the office element. The residential element therefore fails to demonstrate sustainable design measures as currently proposed. Both the residential and office elements are below the emerging policy requirements of level 5 and BREEAM 'Excellent' for major development within a special policy area.

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 have been provided and are acceptable, and could also be secured by condition in the event of planning permission being granted. 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.

### **Community Infrastructure Levy (CIL)**

The Council's CIL charging schedule is to be implemented on 1<sup>st</sup> April 2015 and, as such, the proposed scheme will be liable for CIL charges. The CIL charge covers a wide range of infrastructure and community facilities including education, childcare, libraries, youth facilities, open space, children's playspace, transport and healthcare. Under the Community Infrastructure Levy Regulations 2010, payments towards infrastructure and facilities covered by CIL can no longer be sought by section 106 planning obligations unless there are site specific requirements which are necessary to make the development acceptable. CIL is charged on the relevant net additional floorspace created by the development. The charge for residential floorspace is £120m<sup>2</sup> and for offices is £0m<sup>2</sup>. As the existing building is lawfully occupied, the existing floorspace to be demolished is taken into account in calculating the net additional floorspace. An exemption from CIL can also be applied for in respect of all residential floorspace used for affordable housing. The CIL charge is non-negotiable and is calculated at the time planning permission is granted.

### **Planning obligations under section 106**

With the implementation of the Council's CIL charging schedule on 1<sup>st</sup> April 2015, section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements. Tariff style financial payments can no longer be sought. 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.

In the case of the current planning application, the only planning obligations required to make the development acceptable are:

- i) The provision of 16 units of affordable accommodation in accordance with Policy HS3 of the Core Strategy.
- ii) The payment of £2,000 towards the variation of the relevant traffic regulation order to exclude the development from the local controlled parking zone, to ensure future residents of the development are not entitled to resident's permits, in accordance with saved Policy T26 of the Watford District Plan 2000.
- iii) The provision of fire hydrants to serve the development in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

These obligations meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010 and, consequently, can be taken into account as a material planning consideration in the determination of the application.

### **Conclusion**

The office element will result in the provision of new, high quality 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. However, the residential element is not in accordance with the policies of 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 a significant element of residential development 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 scale and design of the proposed building and the intended materials are all considered to be appropriate and acceptable in this location. The building will make a positive contribution to the character and appearance of Clarendon Road as the town's

prime office area. Although the building will maintain the existing abrupt transition to the smaller scale residential dwellings to the west, it will nevertheless have a significantly improved appearance and will not have any additional impacts on these properties.

With regard to the amenities of future residents, there are significant concerns regarding the very limited spacing between the proposed building and the existing office buildings to the north and south. The spacing between the buildings and the introduction of residential flats on to the site will give rise to a significant reduction in the level of amenity that would normally be sought, in respect of outlook, privacy and natural lighting, to the proposed flats and their occupiers. As such, it is considered that the proposed flats would not provide acceptable accommodation in this case.

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 the provision of 35% affordable housing provision, the exclusion of the residential dwellings from the local controlled parking zone, or the provision of fire hydrants to serve the development, in accordance with the policies of the Core Strategy and the District Plan.

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## **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.

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## **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(a) office use on this site. No exceptional circumstances are considered to exist to justify residential use on this site.
2. The proposed residential units included within the scheme are likely to prejudice the future redevelopment of the adjoining sites to the north and south by virtue of the need to protect the level of amenity of the proposed flats. This would prevent the floorspace and height of the adjoining buildings from being increased in the future to meet employment needs and would be 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.
3. By reason of the scale and proximity of the adjoining office buildings to the north and south to the proposed flats and the single aspect nature of the flats, a significant majority of the proposed flats would experience poor levels of amenity in respect of outlook, privacy and natural lighting, specifically those on the lower levels of the building. This is considered to be unacceptable for new dwellings and constitutes a poor quality of development.
4. 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.
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 T26 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.

Drawing numbers

100-001, 002B

050-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 12, 113

050-001C, 050-002C, 050-003C, 050-004C, 050-005C, 050-006C, 050-007C, 050-008C,  
050-009C, 050-010C, 050-011C, 050-012C, 050-301C, 050-302C, 050-303C, 050-304C

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Case Officer: **Paul Baxter**

Tel: **01923 278284**

Email: **paul.baxter@watford.gov.uk**