

PART A	
Report of: Head of Development Management	
Date of committee:	29th March 2017
Site address:	Watford General Hospital Site and Surrounding Land situated between Vicarage Road, Cardiff Road, Wiggenhall Road and Dalton Way/Oxhey Park and Riverside Park
Reference Number:	14/00511/OUTM
Description of Development:	Deed of Variation to s106 Agreement that Accompanied the Planning Application for the Watford Health Campus Masterplan to amend the trigger point for the Works to the Lower High Street/Dalton Way Junction set out within Schedule 2, Paragraph 1.1(b) (iv)
Applicant:	Watford Health Campus LLP
Ward:	Oxhey/Vicarage/Central

1.0 Site and Surroundings

- 1.1 The application site for the Health Campus Masterplan has an area of 26.5 hectares and is located predominantly within Vicarage ward in West Watford. It comprises a number of different sites including Watford General Hospital, the former Cardiff Road Industrial Estate, the former Willow Lane allotment site, the former Carriage Sheds site off Wiggenhall Road (now Trade City Watford) and the Oxhey Park Playing Fields. Areas adjoining the site to the west, north and east are predominantly residential, comprising the Victorian terraced housing of West Watford, although immediately abutting the site to the east is Vicarage Road Stadium and Farm Terrace allotments. To the south is the open public space of Riverside Park and Oxhey Park.
- 1.2 For the purposes of this report, the area in question is the southern junction of Lower High Street and the Dalton Way gyratory road system, as shown in Appendix 1
- 1.3 No part of the site is subject to either a Local or Statutory Listing. The site is not located within a Conservation Area and there are no Tree Preservation Orders on the site. The surrounding area is subject to a Controlled Parking Zone.

2.0 Proposed Development

2.1 A Resolution to Grant Conditional Outline Planning Permission for the Watford Health Campus Masterplan was agreed by the Council's Development Control Committee on 18th September 2014. This was subject to the completion of a s. 106 planning obligation and to the imposition of appropriate conditions. The Committee also resolved that the final terms of the planning obligation and the planning conditions be determined by the Committee. The Heads of Terms for the s. 106 planning obligation and the proposed conditions to be applied to the Planning Permission were agreed by Committee Members on 16th December 2014 and outline planning permission was granted on 6th January 2015.

2.2 The outline planning permission is accompanied by a s. 106 planning Agreement that was signed on 6th January 2015. Within the Agreement, Schedule 2, Paragraph 1.1 (b) set out the following requirements:

(b) not to Occupy or suffer or permit Occupation of any part of the area of Business Area South until a certificate of completion has been issued by the Director in respect of the following works required pursuant to an agreement entered into in accordance with Section 278 of the Highways Act 1980.

- (i) Junction improvement scheme at Lammas Road/Wiggenhall Road/Fishers Industrial Estate junction to improve safety and pedestrian connectivity whilst integrating with the new Link Road/Access Road junction
- (ii) New signal controlled junction with restricted movements at the site access/Link Road/Wiggenhall Road junction
- (iii) New junction at the eastern end of the Link Road with Dalton Way
- (iv) Lane reallocation and realignment within the highway boundary at the Lower high Street/Dalton Way (south) junction to provide two right hand lanes from Lower High Street onto Dalton Way with the provision of pedestrian/cycle facilities at the junction of Lower High Street and Dalton Way

2.3 It should be noted by Members that the works relating to Points (i) to (iii) above were completed as part of the Highway Infrastructure Works for the construction of Thomas Sawyer Way. Point (iv) is the subject of this report.

2.4 For the purposes of this report, it is proposed that Schedule 2 Paragraph 1.1 of the Agreement shall be varied as follows:

- a) Paragraph 1.1(b)(iv) shall be deleted in its entirety
- b) The following new Paragraph 1.1(c) shall be inserted:

“to complete the works to provide the land reallocation and realignment within the highway boundary at the Lower high Street/Dalton Way (south) junction to provide two right hand lanes from Lower High Street and Dalton Way gyratory in accordance with drawing number H1112-201 revision G (or any further plan agreed by Hertfordshire County Council and the Watford Health Campus Partnership) such works to be completed within 6 (six) months of the date relevant agreement to undertake these works made pursuant to section 278 of the Highways Act 1980 is entered into or such other timescale agreed in writing between the parties to this Agreement or by such date which is agreed pursuant to the terms the relevant section 278 agreement itself”

2.5 As Members approved the recommendation for the granting of planning permission at Development Control Committee subject to the completion of a s106 Planning Agreement, it was considered necessary to bring the proposed Deed of Variation back to Committee to allow Members to again make the decision on this.

3.0 Relevant Planning History

14/00511/OUTM – Hybrid planning application for the development of a mixed use health campus accessed from the approved Access Road comprising:

1. Outline element for the construction of new hospital/healthcare accommodation, together with business, retail, office, food and drink, hotel and leisure uses and up to 681 new dwellings, safeguarding of land for the expansion of Laurance Haines primary school, new public spaces, play space and landscaping, associated car parking, access roads, footways and cycleways.
2. Detailed element (Business Area South) for the construction of three industrial units together with associated vehicle and cycle parking, site landscaping and the creation of a new wildlife area

Outline Planning Permission Granted – 6th January 2015

4.0 Planning Policies

4.1 Development Plan

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

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

4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 Watford Local Plan Core Strategy 2006-31

WBC1 Presumption in favour of Sustainable Development

SS1 Spatial Strategy

SPA3 Health Campus

SD1 Sustainable Design

HS1 Housing Supply and Residential Site Selection

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

T5 Providing New Infrastructure

INF1 Infrastructure Delivery and Planning Obligations

4.4 Watford District Plan 2000 (saved policies)

T21 Access and Servicing

T22 Car Parking Standards

4.5 Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026

1A Presumption in Favour of Sustainable Development

12 Sustainable Design, Construction and Demolition

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

No relevant policies.

4.7 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

4.7.1 *Residential Design Guide (RDG)*

A revised Watford Residential Design Guide was adopted as a Supplementary Planning Document by Watford Borough Council's Cabinet on 23rd July 2014 following public consultation between 4th November and 16th December 2013. This supersedes the Residential Design Guides: Volume 1: Building New Homes & Volume 2: Extending Your Home (2008) and Supplementary Planning Guidance 6 (SPG6): Internal Space Standards (2004). An amended version was adopted by the Council in August 2016. The amendment was required to bring the internal space standards in line with the nationally described standard. The changes were consulted on between 15th June and 15th July 2016 and approved on 23rd August 2016. New residential development and extensions to existing properties are expected to comply with the Residential Design Guide.

4.7.2 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.8 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

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 11	Conserving and enhancing the natural environment
Section 12	Conserving and enhancing the historic environment
Decision taking	

5.0 Consultations

5.1 Site Notices

Not required

5.2 Press Notice

Not required

5.3 Neighbour consultations

Not required

5.4 Technical Consultations

5.5 Hertfordshire County Council Highways

The change as outlined in the letter from the Watford Health Campus Partnership to HCC's Chief legal Officer dated 6th March 2017 has been agreed in principle by HCC Highways as a pragmatic solution to the problems of delivering off-site highway improvement associated with the Health Campus project and linked to opening of the first phase of development on the Campus site - Business Zone South.

6.0 Appraisal

6.1 Main issues

The main issue to be considered in this report is:

- (a) The need for delaying the trigger point for the implementation of the works

- 6.2 The Transport Assessment undertaken by Aecom that accompanied the Hybrid masterplan planning application considered the traffic impacts of the development, along with proposed mitigation and improvements to the local highway network where required. It should be noted that the works to the Lower High Street/Dalton Way Junction were originally proposed within the original Health Campus application from 2007.
- 6.3 The current junction arrangement at this location provides one lane heading southbound onto the Dalton Way gyratory from Lower High Street, one lane heading north bound onto the Dalton Way gyratory from Lower High Street and one straight ahead lane from Lower High Street towards Bushey Arches
- 6.4 The proposed arrangements will introduce two lanes heading southbound onto the Dalton Way gyratory from Lower High Street. The traffic lights for the traffic on Lower High Street heading towards Bushey Arches are proposed to be removed, allowing a continual traffic flow. Traffic lights will continue to alternate the flow onto the Dalton Way gyratory between the northbound and southbound directions.
- 6.5 Pedestrians and cycles are proposed to be removed from the existing traffic island which is to be reduced in size and alternative provision provided for their safe crossing.
- 6.6 An indicative layout proposal is shown in Appendix 2
- 6.7 The existing s. 106 planning agreement restricts the occupation of the new industrial units at Business Zone South (Trade City Watford) until the works shown in Appendix 2 are completed. The purpose of this Report is to obtain Member approval not on the merits of the proposed scheme, but on the principle of the timing of the works, to allow any occupation of Business Zone South before the works are completed.
- 6.8 An original scheme for the improvement works at this junction was submitted with the hybrid planning application. On closer examination with HCC, it was considered that there was insufficient width on the two lanes proposed to lead onto the gyratory heading northbound from Lower High Street. Discussions continued to be held with HCC to come to a resolution. A further scheme was submitted in Autumn 2016 which was initially deemed as acceptable by the Highways Technical Team. However, when further assessment was undertaken as part of the Safety Audit, concerns were raised over pedestrian safety and the

Health Campus Partnership were asked to look at an alternative scheme. A revised scheme (as shown above) has received indicative approval from the Highways Technical Team and is being fast tracked by the Safety Audit Team to ensure approval and deliverability as soon as is practically possible.

- 6.9 It is evident therefore that both Hertfordshire County Council Highways and the Health Campus Partnership have been working together closely and pro-actively for a long time to develop a viable scheme here, despite the delays in getting an approved scheme.
- 6.10 Given the extent of discussions that have taken place to date with Herts County Council Highways and the Health Campus Partnership and the progress made, Herts County Council Highways have agreed that they would accept a delay on the trigger point for the implementation of these works as the works will not be able to be completed by June 2017 when Trade City Watford is expected to be occupied and open. Instead, it has been agreed with Herts County Council Highways that the works are to be completed within six months of the completion of the s.278 of the Highways Act which is expected to be finalised shortly.
- 6.11 Junction improvements at this location have been required for a long time and it is considered that the latest proposal for the works to this junction will provide the benefits to the local highway network without adversely affecting users of the highway or pedestrians. Whilst these will be delivered later than originally expected, the implementation of these works will ensure improvements to traffic flows in this part of the town.
- 6.12 There may be a small short term increase in traffic at this junction following the opening of Trade City Watford as a result of the extra traffic associated with this development. However this will be for a temporary period only and the junction works proposed will address this and provide improved traffic flows in this part of the town once completed.

7.0 Conclusion

- 7.1 The Health Campus Partnership and Hertfordshire County Council Highways have been working together to come to an agreement on a scheme for this junction that will improve traffic flows and provide greater capacity for the junction. A number of earlier schemes have previously been explored but none of these were considered to satisfy all the safety requirements.

- 7.2 In accordance with the s. 106 planning agreement associated with the hybrid masterplan application for the Health Campus, the junction works are currently expected to be implemented prior to the occupation of Trade City Watford. However, due to delays in designing a scheme that satisfied all the Hertfordshire Highways Safety Reviews, this is now unlikely to be possible.
- 7.3 A revised scheme has now been drawn up and this would appear to address all concerns raised previously. However due to time constraints, this will not be able to be completed by the opening of Trade City Watford in June and instead is proposed to be implemented within six months of the signing of the s. 278 Agreement which is expected imminently.
- 7.4 There will therefore be a small increase in traffic at this junction on a temporary basis from the opening of Trade City Watford until the completion of the proposed works. This will only be short term and the junction improvement works proposed here will ultimately increase capacity and improve traffic flows at this junction once complete.
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8.0 Human Rights Implications

- 8.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.
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9.0 Recommendation

- 9.1 **(A)** That, a Deed of Variation to the existing s106 Planning Obligation be entered into to:

Section 106 Heads of Terms

That Schedule 2 Paragraph 1.1 of the Agreement shall be varied as follows:

- a) Paragraph 1.1(b)(iv) shall be deleted in its entirety

b) The following new Paragraph 1.1(c) shall be inserted:

“to complete the works to provide the land reallocation and realignment within the highway boundary at the Lower high Street/Dalton Way (south) junction to provide two right hand lanes from Lower High Street and Dalton Way gyratory in accordance with a plan to be agreed by Hertfordshire County Council and the Watford Health Campus Partnership LLP) such works to be completed within 6 (six) months of the date relevant agreement to undertake these works made pursuant to section 278 of the Highways Act 1980 is entered into or such other timescale agreed in writing between the parties to this Agreement or by such date which is agreed pursuant to the terms the relevant section 278 agreement itself”

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