

PART A	
Report of: HEAD OF DEVELOPMENT MANAGEMENT	
Date of committee	19th April 2017
Site address:	37, Bucks Avenue, Watford
Reference Number:	16/01621/FUL
Description of Development:	Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 24 dwellings (including 8 affordable dwellings) comprising 2 x 1 bed and 2 x 2 bed apartments, 16 x 3 bed houses and 4 x 4 bed houses with associated parking, informal play area and open space, all to be served by modifying the existing access from Bucks Avenue/Sherwoods Road (amended scheme). (Duplicate application to Hertsmere Borough Council)
Applicant:	Clovercourt Fusion
Date Received:	8th December 2016
8 week date (minor):	2nd February 2017
Ward:	Oxhey

1.0 Site and surroundings

- 1.1 The site is located almost entirely within Hertsmere Borough with its access off Bucks Avenue, at the junction with Sherwoods Road, within Watford Borough. The overall area of the site is approximately 4.2 hectares and comprises a dwelling, the Bucks Meadow Riding School and outdoor manages and paddocks. It should be noted that the site area is significantly less than that of the previous application at the site (13 hectares) due to land to the east no longer being included. The site itself is located within the Metropolitan Green Belt. The riding school closed in September 2015.
- 1.2 The site comprises a large number of existing buildings in various states of repair. The largest building on the site is an indoor ménage (2 storey) with a number of other single storey buildings including stables, store buildings and other ancillary buildings. Various areas of parking and hardstanding also exist.

- 1.3 The site is adjoined to the north, west and south by the residential areas of Oxhey, with Talbot Avenue to the north, Bucks Avenue to the west and Sherwoods Road, Lowson Grove and Elm Avenue to the south. These roads are characterised by detached and semi-detached houses with detached bungalows on Lowson Grove on Elm Grove. Most of the dwellings were developed in the 1920s and 1930s as individual plots and are typical of their era. Consequently, designs and materials are very varied and include a number of mock-Tudor designs. Only those properties on Wilcot Avenue and Talbot Avenue are more uniform in their appearance. To the north-east, the site adjoins the Paddock Road Allotments site.

2.0 Proposed development

- 2.1 The amended proposal involves the demolition of all existing buildings on the site and the erection of 24 dwellings, comprising 4 flats (1 and 2 bed) and 20 houses (3 and 4 bed). The flats are provided in a single block and the houses provided as detached and semi-detached houses. The block of flats is sited at the entrance to the site with the houses and their associated parking arranged in an open horseshoe shape on the outside of the internal access road, with the central area occupied by landscaped open space. This development is located in the western corner of the overall site, adjacent to the access from Bucks Avenue and in the area of the existing buildings on the site.
- 2.2 All of the proposed buildings are two storey, with accommodation in the roofspace of some of the houses. The design approach is of suburban housing drawing on the Edwardian vernacular that is seen within the surrounding area.
- 2.3 The single access from Bucks Avenue splits into 2 spurs and serves the various parking areas serving the dwellings. Parking is provided in the form of frontage parking to the houses and small parking courts. Visitor parking is shown on the 2 spurs of the internal road.
- 2.4 The application as originally submitted in November 2016 was for 27 dwellings comprising 5 flats and 22 houses.
- 2.5 Due to the alignment of the borough boundary between Watford and Hertsmere, the main part of the development that falls within Watford Borough, and therefore the jurisdiction of Watford Council as the Local Planning Authority, is the modified access and the first 13m of the access road within the site. Also included is a small portion of 4 car parking spaces (P1-P4 on the site layout drawing) which just overlap the boundary. All other aspects of the proposal fall under the jurisdiction of Hertsmere Council. As such, only those matters relating to the access are relevant

planning considerations for the Committee to consider.

3.0 Relevant planning history

- 3.1 The riding school was established on the site in the 1950s (albeit with a break in use in the 1980s, recommencing in 1991) with the indoor ménage built in 1992. The existing house was built in the 1960s. The riding school closed in September 2015.
- 3.2 Hertsmere Borough Council consulted the Council on a previous application for the development of the site in November 2015:

15/1895/FUL - Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 34 dwellings (including 12 affordable dwellings) comprising 12 x 1 bed apartments, 4 x 2 bed apartments, 10 x 3 bed houses and 8 x 4 bed houses, parking, village green with pond and play area served by modifying existing access from Bucks Avenue/Sherwoods Road. Provision of public footpaths & cycleways connecting Bucks Avenue to footpath no. 17 and ecological enhancement of land to South East of dwellings to include biodiversity enhancement, landscaping, wildflower meadows, formation of ponds and communal orchard.

- 3.3 This was considered by the Committee on 19th November 2015 and the following comments were made to Hertsmere Council:

“The Committee resolved to object to the application for the following reasons:

- 1. Across the site, the buildings extend beyond the footprint of the existing buildings, particularly so for Plots 23-26 and 27-30. There is also a narrowing of the gaps between buildings, especially in the aforementioned plots and Plots 15-22 where the development is closest to the open area of the Green Belt. As such, the proposal compromises the openness of the Green Belt, contrary to the provisions of Section 9, paragraph 89 of the National Planning Policy Framework and Policy GI2 of the Watford Local Plan Core Strategy 2006-31.
- 2. Notwithstanding the similarity in volume of space in the new development compared to existing buildings, the layout, scale, height and bulk of the buildings compromises the openness of the Green Belt, contrary to the provisions of Section 9, paragraph 89 of the National Planning Policy Framework and Policy GI2 of the Watford Local Plan Core Strategy 2006-31.
- 3. The terraced effect of many of the buildings means that they are of a size

and scale that conflicts with the character of the adjacent residential streets, consisting as it does of mainly detached and semi-detached houses. As such, the proposal is contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Character of Area Study 2011.

“Watford Borough Council would also request that the remaining Green Belt land within the application site is secured for public access in perpetuity and that the restoration and enhancement of the land is undertaken before commencement of any development, by means of an appropriate condition or s.106 planning obligation.”

- 3.4 Hertsmere Council formally considered this application on 15 June 2016 and refused planning permission for the following reason:

The proposal would be inappropriate development in the Green Belt, for which the harm to its openness would be from its larger scale and greater height, than the existing low key equestrian buildings, that would be unsympathetic and incompatible to its landscape setting and inhibiting views across the site to more open land to the east. The development would consequently be contrary to policies CS22 of the Core Strategy 2013, H8 (i) of the Local Plan 2003, SADM12 and SADM 27(iv) of the draft Site Allocations and Development Management Strategy 2015.

- 3.5 This refusal was appealed (see decision below – paragraph 3.13).

- 3.6 15/01542/FUL - Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 34 dwellings (including 12 affordable dwellings) comprising 12 x 1 bed apartments, 4 x 2 bed apartments, 10 x 3 bed houses and 8 x 4 bed houses, parking, village green with pond and play area served by modifying existing access from Bucks Avenue/Sherwoods Road. Provision of public footpaths & cycleways connecting Bucks Avenue to footpath no. 17 and ecological enhancement of land to South East of dwellings to include biodiversity enhancement, landscaping, wildflower meadows, formation of ponds and communal orchard. (Duplicate application to Hertsmere Borough Council).

- 3.7 As with the current application, only the modified access and the first 13m of the access road within the site fell within the jurisdiction of the Council. This application was considered by the Committee on 18th February 2016 when it was resolved to refuse planning permission for the following reason:

The proposed access to the site, by reason of the narrow width of the roadway and the narrow width of the footpath, fails to accord with the recommended standards

in Roads in Hertfordshire and Manual for Streets. As such, the access is considered detrimental to vehicular and pedestrian safety, contrary to saved Policy T21 of the Watford District Plan 2000.

- 3.8 This refusal was appealed (see decision below – paragraph 3.14).
- 3.9 Hertsmere Borough Council consulted the Council on the current application for the development of the site in December 2016 and 6th February 2017 (in relation to the amended scheme):

16/2272/FUL (Hertsmere) - Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 24 dwellings (including 8 affordable dwellings) comprising 2 x 1 bed and 2 x 2 bed apartments, 16 x 3 bed houses and 4 x 4 bed houses with associated parking, informal play area and open space, all to be served by modifying the existing access from Bucks Avenue/Sherwoods Road (amended scheme).

- 3.10 This was considered by the Committee on 8th March 2017 and the following comments were made to Hertsmere Council:

“That Hertsmere Borough Council be advised that Watford Borough Council has no objection to the application but would wish to see conditions imposed on any grant of permission to cover the following matters:

1. That no part of the development shall be occupied until the existing access to Bucks Avenue has been modified and constructed in full, as shown in principle on drawing no. 16-P1329-11B (Ascot Design).

Reason: To ensure safe access to the site in the interests of vehicular and pedestrian users of the highway.

2. That the trees along the south-western boundary and along the north-western boundary are retained and measures installed to protect the trees during demolition and construction works.

Reason: These are an important visual amenity to adjoining residential occupiers and will help to mitigate the visual impact of the development.

3. The development shall provide at least 60 car parking spaces.

Reason: To prevent overspill parking on the adjoining highway on Bucks Avenue and Sherwoods Road.”

3.11 This current application was considered by Hertsmere Borough Council on 16th March 2017 prior to the issuing of the appeal decision on the previous application which was refused. Hertsmere resolved to grant planning permission for this application.

3.12 Appeal decisions – The appeal decisions for both the Watford and Hertsmere applications were issued on 22nd March 2017. Both appeals were dismissed.

3.13 15/1895/FUL (Hertsmere) (Appeal A) – The appeal Inspector concluded as follows:

31. The proposal would be inappropriate development in the Green Belt which is by definition harmful. The proposal would result in loss of openness and conflict with the purposes of the Green Belt. Additionally, there would be other harm arising from the adverse impact on the character and appearance of the area.

33. However, the Framework establishes that substantial weight should be given to any harm to the Green Belt and other considerations have to clearly outweigh that harm and other harms. For the reasons indicated, there are considerations in favour of the proposal, the weight of which has been detailed. However, the proposal would result in harm rather than a benefit in terms of the character and appearance of the area. On balance, the identified benefits of the proposal individually or in combination do not clearly outweigh the totality of harm. Consequently, very special circumstances do not exist.

34. In summary, proposal conflicts with HCS policy CS13 and HSADM policy SADM 26 in respect of the Green Belt. Additionally, the proposal would conflict with HCP policy CS22 and HSADM policies SADM3, SADM11 and SADM30. Under the Framework, the proposal would conflict with policy under Section 9 on the Green Belt.

3.14 15/01542/FUL (Appeal B) - The appeal Inspector concluded as follows:

35. The access and associated works would not be inappropriate development. The highway and transport impacts of the development would be acceptable in compliance with WDP policy T21 and the guidance of MfS [Manual for Streets] and RiH [Roads in Hertfordshire]. However, the acceptability of this proposal is directly linked to that under Appeal A because the access justification derives from the nature of the development on the larger site. For this reason, Appeal B fails.

4.0 Planning policies

Development plan

4.1 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
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

4.4 Watford District Plan 2000

- T21 Access and Servicing

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

No relevant policies.

4.6 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

4.7 Supplementary Planning Documents

None relevant.

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 4 Promoting sustainable transport

Decision taking

4.9 In January 2016 the Council received the South West Hertfordshire Strategic Housing Market Assessment and associated Economic Study 2016 (SHMA) which set out an Objectively Assessed Need (OAN) for housing in the Borough that exceeds the levels in the Core Strategy. At current the Council's allocations do not provide a five year supply of deliverable housing land based on the OAN contained within the SHMA. The SHMA forms only part of the evidence based for the next iteration of the local plan and further work is being undertaken in relation to capacity assessment and allocations, however it is a material consideration which needs to be taken into account.

4.10 Having regard to the SHMA the most recent evidence suggests that policies relating to targets for the delivery of housing within the Watford Local Plan Core Strategy 2006-31 are out of date. Accordingly, applications for housing should be considered against the second test for decision taking in paragraph 14 of the NPPF applications for housing should be granted permission unless any adverse consequences of doing so would demonstrably and significantly outweigh the benefits when assessed against the policies of the Framework.

5.0 CONSULTATIONS

5.1 Neighbour consultations

All properties in Bucks Avenue, Sherwoods Road, Wilcot Avenue, Wilcot Close, Talbot Avenue, Elm Avenue and Lawson Grove were notified, together with all properties from which a representation was received on the previous application.

5.2 The following is a summary of the representations that have been received:

Number of original notifications: 242

Number of objections:	59
Number in support:	27
Number of representations:	88

Of the 59 letters of objection, 47 were from the immediate area and 12 from elsewhere in Watford. For the 27 letters of support, 7 were from Watford and 20 from outside Watford.

5.3 The comments made in the representations received are wide ranging and many relate to the development within Hertsmere Borough, which are not relevant considerations in respect of the application being considered. These were considered by Hertsmere Council in the determination of their application.

5.4 The objections that have been raised and that are relevant to the current application are summarised below:

- Local roads are already gridlocked with traffic trying to turn right onto Pinner Road. Existing junctions already overloaded.
- Heavy traffic flows already on Pinner Road. Development will make this worse.
- Serious safety issues with the proposed access, situated on blind bend.
- Increased likelihood of accidents on Bucks Avenue and Sherwoods Road.
- Bushes Arches already heavily congested.
- Potential damage to roads from heavy construction vehicles.
- Existing traffic problems will be exacerbated.
- Increased noise and pollution from traffic.
- Bucks Avenue/Sherwoods Road junction is a dangerous right-angled bend with parked cars.
- Increased traffic flows on Bucks Avenue and Sherwoods Road at peak times.
- Increased hazards for pedestrians and cyclists.
- Proposed access will conflict with existing driveways either side and cause hazards.

5.5 The letters of support are all standard letters and raise 18 points in support of the application. Only 3 relate directly to the access junction:

- Would not cause any highway safety issues for vehicles or pedestrians.
- Would not result in a noticeable increase in vehicle movements.
- Would result in an improved point of access to/from the site.

5.6 **Statutory publicity**

The application was publicised by site notice posted on 19th December 2016 and by advertisement in the Watford Observer published on 23rd December 2016. The notice period for both expired on 13th January 2017.

5.7 Technical consultations

The following responses have been received from technical consultees:

5.7.1 Hertfordshire County Council (Highway Authority)

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

2. Prior to the commencement of the use hereby permitted the vehicular access shall be upgraded as indicated on drawing number 4933/001 revision A. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway. In addition the drainage system on the adjoining public highway will be adjusted so as to continue to operate to the satisfaction of the highway authority.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

The views of the Highway Authority have been sought on an application by Clovercourt Fusion to build 5 flats and 22 houses on the site of Bucks Meadow Riding School at 37 Bucks Avenue, Oxhey. Application with Watford ref 16/01621/FUL is matched by 16/2272/FUL in Hertsmeire.

The same developer made a similar pair of applications in November 2015 to build 16 flats and 18 houses on the site. The most significant change made to the scheme since then is the reduction in accommodation to be provided from 34 to 27 units in total. *[subsequently reduced to 24 dwellings]*

The application is supported by a 224-page Transport Statement (TS). An assessment report of this scale would not normally be required for development of less than 50 dwellings (HCC highway design guide: Roads in Hertfordshire section 1 chapter 7) but was requested following pre-application discussions with the highway authority. This submission meets the requirements of the County Council and the recently archived Government guidance on such reports.

Site description:

The site is located to the east of the intersection of Bucks Avenue and Sherwoods Road, Oxhey and comprises number 37 Bucks Avenue and the Bucks Meadow Stables and Riding School. The majority of the site lies in the borough of Hertsmere. The connecting road network and the first 15 metres or so of the site access lie in Watford.

Local road network:

Bucks Avenue and Sherwoods Road are Local Access roads in the HCC hierarchy which link to Wilcot Avenue, Wilcot Close, Talbot Avenue, Elm Avenue and Lawson Grove. These roads serve a total of 194 properties and are all (with the exception of the 90m long Wilcot Close) adopted highway maintained at public expense. In the vicinity of the site access Bucks Avenue and Sherwoods Road have carriageway widths of 8m with 2m footways each side. Both roads are fully lit and subject to a 30 mph speed limit.

Their connections to the wider road network are via junctions with the A4008 Pinner Road. These are laid out in the form of priority junctions with raised blockwork tables on the minor arm to reduce entry and exit speeds and assist crossing pedestrians. Both junctions benefit from right turn lanes on the A4008 to enable vehicles entering the side roads from the south to wait without disrupting northbound traffic. Visibility (and the pedestrian crossing route) at each junction is protected by the presence of double yellow lines which extend a short distance into the side roads.

Pinner Road is a Main Distributor and links Oxhey and Watford with Harrow. It is subject to a 30 mph speed limit which extends from approximately 340m to the south of Sherwoods Road. This is enforced by safety cameras close to both junctions. The A4008 is a busy link, particularly in the commuter rush ('peak') hours. HCC fixed traffic count site number 252 just north of Greenfield Avenue,

Carpenders Park indicate Annual Average Weekday flow of 16,448 vehicles in 2010. This is likely to have risen given the trends evident from the HCC Traffic and Transport data report.

Policy context:

Relevant transport and planning policy is discussed in TS section 4.0 in relation to Hertfordshire, Watford and Hertsmere as well as national policy. Pure policy implications and are discussed in section 2 of the Planning, Design & Access Statement.

Analysis:

Trip generation and distribution:

In the light of concerns expressed by local residents, analysis of the following local junctions was requested at the pre-application stage:

- Bucks Avenue with A4008 Pinner Road;
- Wilcot Avenue with Bucks Avenue;
- Site access with Bucks Avenue and Sherwoods Road;
- Elm Avenue with Sherwoods Road; and
- Sherwoods Road with A4008.

Baseline flows were established from traffic counts taken on 5 February 2015. These were taken over 2 hour periods (07:30 - 09:30 and 16:30 - 18:30) in order to identify the busiest ('peak') hours. These were found to be 07:30 - 08:30 and 17:15 - 18:15 and the flows during those periods are illustrated in figures 2 (morning) and 3 (evening) in the TS. These demonstrate the busy nature of Pinner Road with total two-way flows south of Sherwoods Roads of 1,737 in the morning and 1,541 in the evening. Corresponding figures north of Bucks Avenue were 1,264 and 1,220. The spatial reductions are explained by some traffic choosing to bypass the northern section by taking Watford Heath and the lower overall figures in the evening by the typically wider spread of this peak.

The greatest movements to/ from the side roads was 70 on exit via Bucks Avenue in the morning followed by 46 in the same direction and location in the evening.

Likely trip generation arising from the proposed development is covered in TS section 6. This was derived from a sample of 30 of the over 7,000 sites from industry-standard TRICS (Trip Rate Information Computer System) database. This methodology is acceptable to the highway authority particularly as no discount for the 5 flats proposed has been applied. These would normally generate lower numbers of trips and the overall assessment can therefore be considered to be a worst case.

Applying trip rates so derived to a scheme of 27 residential units gives peak hour and daytime arrival and departure flows as set out in paragraph 6.4 which I repeat for information:

	arrivals	departures	total
Morning peak (8-9)	4	10	14
Evening peak (5-6)	9	5	14
Daily (7-7)	62	65	127

The analysis makes no reference to the traffic generated by the Equestrian Centre as this use has effectively ceased and any information is, at best, anecdotal. Whilst it is accepted that little traffic would have been generated in the morning peak period, it is possible that some traffic would have been generated in the evening peak hour. The assessment of the traffic impact arising from the proposed development is therefore considered to be robust.

Impact on highway network:

The future impact of the proposed scheme has been assessed for a 'design year' of 2021 and traffic growth predicted using the industry-standard TEMPro (Trip End Model Presentation Program) software. This approach was deemed acceptable to the Highway Authority at preapplication stage and the results provided in the TS appear to be appropriate.

Key to an understanding of the likely future impact of the redevelopment of the stables is the picture of traffic likely to be generated and its flows at the local junctions as illustrated in figures 9 (morning) and 10 (evening peak). The highest figure is the 7 vehicles turning right out of Bucks Avenue in the morning. This equates to an average of one every 8.6 minutes and should be compared with the flows of 62 vehicles already making that manoeuvre and the 611 they would join. In the evening the greatest flow is 4 entering Bucks Avenue from the north (Watford) direction or an average of one every 15 minutes. This number should be seen in the context of the 32 already turning in and the 697 they were part of.

Highway layout:

Site access:

The first 2 responses to question 6 in the application form states that there would be new or altered pedestrian and vehicular access to the site. It would take the form of a 'gateway' feature at the location of the existing entrance to the stables and riding school and is shown on Bellamy Roberts drawing 4933/001A.

The principle of this kind of entrance was agreed by the Highway Authority during preapplication discussions. Factors taken into account in agreeing that this form of entrance could function safely are that:

1. The site is already accessed in this way
2. Bucks Avenue and Sherwoods Road are relatively quiet in traffic terms. A two-way flow of 37 vehicles was observed in the morning peak period (07:30 - 08:30) whilst the evening peak (17:15 - 18:15) figure was 40 vehicles.
3. Bucks Avenue and Sherwoods Road intersect at right angles so vehicle speeds are very low in the vicinity.
4. The County Council supports the pragmatic approach to road layout design set out in Manual for Streets based on a road's place and movement functions. This acknowledges that total separation of all modes is not always appropriate or necessary and encourages creative solutions rather than absolute adherence to overly conservative standards.
5. Until recently the entrance was gated with vehicular gates in the middle and pedestrian gates either side. This arrangement would have been likely to cause vehicles to block the public highway waiting for the gates to be opened. No gates are shown in the proposed scheme.

Circumstances in the vicinity of the site access have changed since the previous application. The owner of the property immediately to the north of the site entrance, 35 Bucks Avenue, has relocated their driveway and verge crossover about 3m southwards to abut the boundary line of their property and the application site. The design of the proposed site entrance has been changed to make it possible for it to operate safely in close proximity to the driveways to 35 Bucks Avenue and 1 Sherwoods Road. This is described in the Bellamy Roberts document Highway Assessment a copy of which is provided in appendix 7 of the Transport Statement. I support the view that the proposed site access to number 37 could operate safely in the presence of the relocated drive to number 35, particularly given that the proposed development is smaller than that proposed in the previous application and would generate lower numbers of trips.

Information has been provided to demonstrate that the new site access could accommodate larger vehicles likely to use the site. This information is provided in the form of computer-generated swept paths on Bellamy Roberts drawings 4933/201 A (Transit van), 4933/202 A (11.2m refuse vehicle), 4933/203 A (10m rigid truck), 4933/204 A (large car), 4933/205 (Transit van), 4933/206 (11.2m refuse vehicle), 4933/207 (10m rigid truck) and 4933/208 (large car). These demonstrate to my satisfaction that this access could function without creating a severe impact on the free and safe operation of the public highway.

Internal site roads:

The 3rd response to question 6 in the application form states that there would be new public roads within to the site. Whilst it is recommended that all roads and parking areas in the site are built to adoptable standards from the point of view of longevity the Highway Authority is unlikely to agree to adopt the roads within the site because of their low public utility. I would therefore suggest that alternative arrangements are made for their maintenance should the scheme gain planning permission and be implemented.

The 4th response to question 6 in the application form states that there would be no new public rights of way within to the site and the 5th that no rights of way would need to be diverted, extinguished or created.

Parking:

The response to question 10 in the application form states that there are currently 20 car spaces on the site and that 68 would be provided in the proposed development. It is proposed to provide 52 cycle parking spaces.

Parking is covered in TS paragraphs 3.9 - 3.11 in relation to Hertsmere Borough parking standards since the site itself lies in that borough. Hertsmere is the agent parking authority and is therefore responsible for setting standards and arranging enforcement on their roads. Unusually the roads linked to this site are in the adjoining borough of Watford. The proposed levels of provision for cars and cycles are in line with HBC standards. I am therefore content that the provision proposed is unlikely to cause there to be overspill parking to an extent that would create a severe impact on the free and safe flow of traffic on the adjoining public highway.

On the existing public highway outside the site parking against the kerb to facilitate access by vehicle to number 37 and properties either side of it around the outside of the bend (33, 35 and 1) is discouraged informally by an 'H-bar' marking in white thermoplastic paint.

Accessibility:

These aspects of the proposed scheme are adequately covered in section 5 of the Transport Statement (TS). Despite being quite well served in terms of education, retail and health facilities as well as transport the site is on the very edge of the settlement. An indication of its relatively poor accessibility is given by the fact that it lies in accessibility zone 4 on the WBC map Car and Cycle Parking Zones from its District Plan 2000.

Improvements to local bus stops on Pinner Road would encourage greater use of non-car modes by residents of and visitors to the development. These would be

funded via the Community Infrastructure Levy (CIL).

6.0 APPRAISAL

6.1 Main issues

The main issues to be considered in the determination of this application are:

- (a) Design of the new access junction.
- (b) Impact of traffic generation on the local highway network.

6.2 In respect of both issues, the comments of the appeal Inspector are material considerations that will need to be given significant weight. It is also important to note that the County Council as the Highway Authority has no objection to the proposed access junction in respect of highway safety matters.

6.3 The Inspector has dealt with these issues and other related highways issues as a single consideration under 'Highways' in his decision letter. For completeness, the Inspectors comments on highways are quoted in full in paragraph 6.6 below.

6.4 The existing access serving the riding school is sited on the outside corner of the right-angled bend where Bucks Avenue joins Sherwoods Road. It has no bell-mouth, restricted visibility and no footpaths, acting as a shared surface for vehicles and pedestrians. Its width is also limited by gates and a grassed verge. The application proposes modifications to improve this access including siting the kerblines further into the carriageway whilst still maintaining a consistent carriageway width, improving visibility, providing a pedestrian footpath on the southern side of the access and providing a ramped access to slow vehicle speeds. Due to the restrictions on the width of the access imposed by the boundaries of 1, Sherwoods Road and 35, Bucks Avenue adjoining the site, the access has been designed as a chicane to allow only one vehicle through at a time. A give way sign and markings on the exit from the site gives priority to vehicles entering the site.

6.5 Since the original application was submitted in October 2015, the access arrangements to 35, Bucks Avenue have been altered, with one of the crossovers to the property being relocated 3.2m closer to the junction. The proposed junction has been modified to accommodate this change by moving the raised surface further back into the site by 2.4m. It is this junction arrangement that has been considered by the Highway Authority and the appeal Inspector.

6.6 The comments of the Inspector on the highways issues are detailed below:

14. The existing access lies directly between two properties 1 Sherwoods Road

and 35 Bucks Avenue on a right angle bend where these two roads meet. The access into the site is shared with no clear demarcation between pedestrians and vehicles. There are two neighbouring properties with private accesses close to the revised access for the development.

- 15. The widths of the carriageway and footways within the 'raised gateway feature' would be less than that recommended in the Manual for Streets (MfS) and Roads in Hertfordshire (RiH). However, the MfS and RiH promote solutions to highway design rather than applying prescriptive requirements. In this regard, the 'gateway access feature' would slow down vehicles entering and leaving the site by reason of a raised platform with ramps, the narrow carriageway width and surface material construction contrasting with the main highway. Additionally the existing 'Give Way' highway position of the access would be repositioned out into the existing highway by reason of kerb build-outs. This would improve the visibility for drivers coming in and out of the site and adjacent properties because the distance between the site boundary and the highway would increase. There would also be demarcation between the footways and carriageway with the 'raised gateway feature'.*
- 16. In terms of vehicle movements, the Appellant's Transport Planning Statement (TPS) indicates that Bucks Avenue/Sherwoods Road is lightly trafficked based on traffic counts taken. I do not disagree with this given that both roads mainly serve residential properties.*
- 17. Nevertheless, it has been indicated that the future vehicle movements as detailed in a Trip Rate Information Computer System (TRICS) analysis within the TPS should be higher. Finding a TRICS analysis wholly representative of any particular proposal is difficult. Inevitably the empirical data informing the analysis will not relate to an exactly similar proposal and site. However, the TRICS analysis makes no downward adjustment for the proposed flats within the development or for the traffic movements generated by the equestrian use of the site. Therefore, even taking account of the criticism of the TRICS analysis by the Council and third parties, the projected vehicle movements would not be likely to be greater than indicated. In the absence of any contrary analysis, it represents the best available evidence before me. Given that Sherwoods Road/Bucks Avenue is lightly trafficked, the impact of the additional vehicle movements even as projected would not be significant for these reasons.*
- 18. The swept path analysis shows larger vehicles, such as refuse vehicles and fire engine appliances, crossing over the centre line of Bucks Avenue/Sherwoods Road in accessing/exiting the site. However, the highway*

is lightly trafficked and the highway authority has also confirmed that the forward visibility of vehicles on the highway exceeds required standards. Furthermore, the right hand bend configuration of Bucks Avenue and Sherwoods Road would ensure the slowing down of vehicles on the highway which is in any case a 30 mph zone. Turning to the 'raised gateway feature', even if wheels or bodies of the larger vehicles passed over kerblines onto footways, the narrowness and raised nature of the carriageway and material construction would significantly reduce traffic speeds. For this reason, pedestrians would be able to safely avoid the vehicles if such an eventuality occurred. Furthermore, these larger vehicles accessing the site would be infrequent compared to cars given the residential nature of the development.

19. *Turning to third party representations, Sherwoods Road and Bucks Avenue have junctions with a principle distributor road, the A4008 Pinner Road, which carries heavy volumes of traffic. For the reasons previously indicated, the projected traffic movements from this development have been found to be acceptable. Based on these traffic movements, the Appellant's TPS has further indicated that for the morning peak the worst scenario is one additional traffic movement every 6.66 minutes for access out of Bucks Avenue. For the evening peak, the worst scenario is one additional traffic movement every 12 minutes for access into Bucks Avenue from north. Such an analysis, involving survey work, is robust being based on accepted practice and professional judgement. Additionally, the highway authority has confirmed these junctions meet relevant highway standards. On this basis, I find the additional vehicle movements projected at these junctions to be realistic and not significant and for all these reasons, there would not be severe transport impacts on the wider highway network.*
20. *The proposed car parking for residents and visitors to the properties would comply with the Hertsmere Council Parking Standards Supplementary Planning Document 2014. Concerns have been expressed about the parking on the Bucks Avenue in order to gain access to the public land beyond the housing. Nevertheless, there will be other streets to park and routes to access the land. Consequently, any additional demand for car parking would not lead to significant overspill of parking on streets. The new access could result in changes to the lighting of the highway but these details could be resolved between the Appellant and the highway authority in any agreement if the scheme was to proceed.*
21. *For all these reasons, there would not be a significant risk to the safety of highway users, including drivers accessing neighbouring properties and pedestrians using the footways/shared surfaces into and out of the site.*

There has been only one recorded vehicle accident in the area in the last three years up to end of August 2015 which the highway authority considered was not due to highway deficiencies. Therefore, the transport impacts of the development would not be severe. Accordingly, the proposal would comply with policy T21 of the Watford District Plan 2000, which amongst other matters, requires adequate provision to be made for access/egress and servicing arrangements to meet necessary safety and capacity requirements. The proposal would also comply with the guidance of the MfS and RiH for the reasons indicated.

6.7 The Inspector concluded on the highways issue as follows:

35. *The access and associated works would not be inappropriate development. The highway and transport impacts of the development would be acceptable in compliance with WDP policy T21 and the guidance of MfS and RiH. However, the acceptability of this proposal is directly linked to that under Appeal A because the access justification derives from the nature of the development on the larger site. For this reason, Appeal B fails.*

6.8 It is important to note that the appeal Inspector had before him and considered in reaching his decision all of the transport assessments, transport statements, road safety audits and additional highways information submitted by the appellant, the Highway Authority, OVEG and local residents in respect of the appeal application. He also undertook a site visit to view the existing access arrangements and the site. It is clear from his comments that he considered the proposed access design to be acceptable, having regard to the alterations already made to the crossover at 35, Bucks Avenue. It is also clear that the only reason for refusal was because he had linked the application for the new access to the application for the development of the 34 dwellings in the Green Belt.

6.9 With regard to this latter point, the refusal of the appeal relating to the access could be challenged as there is no reason why the access could not be improved in this way to serve the existing riding school, irrespective of any future development of the land. Nevertheless, as is detailed at paragraph 3.11 of this report, Hertsmere Borough Council resolved on 16th March 2017 to grant planning permission for the proposed development of 24 dwellings on the site. As such, the Inspector's sole reason for refusing the appeal, that he had refused the appeal for the development of the main site, falls away. There is, therefore, now no reason to withhold the grant of planning permission for the current application.

7.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

7.1 Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

Liability to CIL does not arise in the case of a development where the increase in gross internal area is less than 100sqm, unless the development comprises one or more dwellings. Accordingly, no liability to CIL arises in the case of the development proposed in this application.

7.2 S.106 planning obligation

From 1 April 2015, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. There is no requirement for a planning obligation in this case.

8.0 CONCLUSION

8.1 The majority of the application site, including the proposed 24 dwellings comprising the development, is sited within Hertsmere Borough. The only part of the development falling within Watford Borough, and therefore within the jurisdiction of this committee, relates to the modified access junction and the first section of the access road before it becomes a shared surface.

8.2 In the consideration of the previous application, the design of the access was the subject of two road safety audits, one by the County Council and one by a consultant appointed by OVEG. The County Council were satisfied that the modified access junction was safe and adequate to serve the proposed development of 34 dwellings.

8.3 The appeal Inspector considered all of the transport and highways information, including the road safety audits, submitted with the previous application. He concluded unequivocally that the highway and transport impacts of the development, based on a development of 34 dwellings, would be acceptable.

8.4 The current proposal is for a development of 24 dwellings. Hertsmere Borough Council considers this proposal to be acceptable and has resolved to grant planning

permission. The application for the modified access should therefore be granted planning permission.

9.0 HUMAN RIGHTS IMPLICATIONS

- 9.1 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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10.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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:-

16-P1329-LP
16-P1329-01C, 11C, 16C
4933/001A

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

3. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has

been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

4. No occupation of any dwelling forming part of the development shall be occupied until the existing vehicular access on Bucks Avenue has been upgraded as indicated on drawing number 4933/001A. This shall include provision for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway, together with any necessary adjustments to the drainage system on the adjoining public highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Drawing numbers

16-P1329-LP

16-P1329-01C, 11C, 16C

4933/001A

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