

<b>PART A</b>	
Report of: <b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
Date of committee	<b>6<sup>th</sup> September 2017</b>
Site address:	<b>37, Bucks Avenue, Watford</b>
Reference Number:	<b>17/00873/FUL</b>
Description of Development:	<b>Demolition of 37 Bucks Avenue and equestrian facility, removal of hardstanding, ménages, buildings and structures and the redevelopment of the site to include 27 dwellings (including 9 affordable dwellings) comprising 1 x 1 bed and 4 x 2 bed apartments, 14 x 3 bed houses and 8 x 4 bed houses with associated parking, informal play area and open space, all to be served by the proposed modified access from Bucks Avenue/Sherwoods Road, as approved under ref. 16/01621/FUL. (Duplicate application to Hertsmere Borough Council)</b>
Applicant:	<b>Shanly Homes</b>
Date Received:	<b>22<sup>nd</sup> June 2017</b>
8 week date (minor):	<b>17<sup>th</sup> August 2017</b>
Ward:	<b>Oxhey</b>

## **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 ménages and paddocks. 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 proposal is an amended scheme following the approval of a scheme for 24 dwellings by both Watford and Hertsmere councils earlier in 2017. It involves the demolition of all existing buildings on the site and the erection of 27 dwellings, comprising 1 x 1 bed and 4 x 2 bed apartments, 14 x 3 bed houses and 8 x 4 bed houses with associated parking, informal play area and open space. The development is to be served by the proposed modified access from Bucks Avenue/Sherwoods Road, as approved under ref. 16/01621/FUL. 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 follows the same site layout as the recently approved scheme for 24 dwellings.
- 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 traditional suburban housing drawing on the character and appearance of 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 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 corner of 1 car parking space which just overlaps 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. A separate report on the committee agenda relates to a consultation from Hertsmere Council on a planning application for the development

of the site within their borough.

### **3.0 Relevant planning history**

3.1 The riding school has been established on the site since 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 use as a riding school ceased in early 2016.

3.2 There is an extensive planning history on the site, however, the 3 cases detailed below are considered the most relevant.

3.3 16/2272/FUL (Hertsmere) - This application was for the erection of 24 dwellings and was considered by Hertsmere Borough Council on 16th March 2017. Hertsmere resolved to grant planning permission for this application.

3.4 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.*

3.5 16/01621/FUL (Watford) - 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). Conditional planning permission was granted by the Council on 19<sup>th</sup> April 2017.

### **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 Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

#### 4.3 **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

## 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 applications.

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

Number of original notifications:	310
Number of objections:	30
Number in support:	0
Number of representations:	30

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 will need to be 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.
- Serious safety issues with the proposed access, situated on blind bend.
- Increased likelihood of accidents on Bucks Avenue and Sherwoods Road.
- Bushey Arches already heavily congested.
- Existing traffic problems will be exacerbated.
- Increased noise and pollution from traffic.
- Traffic survey carried out in February 2015 is out of date.
- Bucks Avenue/Sherwoods Road junction is a dangerous right-angled bend with parked cars.
- Existing junction too narrow to serve proposed development. Too narrow for emergency vehicles.
- Increased traffic flows on Bucks Avenue and Sherwoods Road at peak times.
- Increased hazards for pedestrians and cyclists.
- Increased parking on Bucks Avenue and Sherwoods Road.

5.5 **Statutory publicity**

No statutory advertisement was required for this application.

5.6 Hertsmere Borough Council was consulted as the adjoining authority and has raised no objection to the application.

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 and will include measures to prevent surface water being discharged onto the highway. 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.

3. Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been 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. The Construction Traffic Management Plan shall include details of: a) Construction vehicle numbers, type, routing; b) Traffic management requirements; c) Construction and storage compounds (including areas designated for car parking); d) Siting and details of wheel washing facilities; e) Cleaning of site entrances, site tracks and the adjacent public highway; f) Timing of construction activities to avoid school pick up/ drop-off times; g) Provision of sufficient on-site parking prior to commencement of construction activities; h) Post construction restoration/ reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

## **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 granting planning permission for the access junction serving the 24 dwelling scheme, the Committee gave significant weight to the comments and conclusions

of the appeal Inspector. The Committee also gave significant weight to the fact that the County Council as the Highway Authority had no objection to the proposed access junction in respect of highway safety matters.

- 6.3 The Inspector dealt with these issues and other related highways issues as a single consideration under 'Highways' in his decision letter. The appeal scheme was for 34 dwellings. For completeness, the Inspectors comments on highways are quoted in full 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.*

6.4 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.*

6.5 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.

6.6 As the Inspector considered the access junction to be acceptable to serve 34 dwellings (as proposed in the appeal scheme), it follows that it is acceptable to

serve the 27 dwellings now proposed. The County Council as the Highway Authority concur with this conclusion as they have raised no objection to 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. 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 27 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 approving the previous scheme for 24 dwellings, the committee had regard to all the previous transport and design assessments that had been undertaken, the advice of the County Council as the Highway Authority and the comments of the appeal Inspector in relation to the appeal scheme for 34 dwellings.

8.3 The design of the access junction remains as previously approved. The County Council has no objections to the access junction serving the proposed 27 dwellings, which remains less than the 34 dwellings considered by the appeal Inspector. The application is therefore considered acceptable.

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## **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:-

1334/Pln/100, 119 (Shanly Homes)  
4933/001A (Bellamy Roberts)

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 take place until the existing vehicular access to Bucks Avenue has been modified

and constructed in full, as shown on drawing number 4933/001A (Bellamy Roberts). 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

1334/Pln/100, 119 (Shanly Homes)

4933/001A (Bellamy Roberts)

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