

PART A	
Report of: Head of Development Management	
Date of committee:	13th June 2018
Site address:	Watford Arches Retail Park, Lower High Street
Reference Number:	18/00449/FUL
Description of Development:	Proposed minor physical alterations to reconfigure car park creating five additional spaces.
Applicant:	Redefine Arches Watford Limited
09	09.04.2018
Statutory Target Date	15.06.2018 (Extended by agreement)
Ward:	Central

1.0 Site and surroundings

- 1.1 The application sites are identified as three sections within the Watford Arches Retail Park on Lower High Street.
- 1.2 The retail park contains retail units occupied by B&Q, B&Q Trade and Mothercare. The retail park is located within a ring road of Lower High Street and Dalton Way. The site has two accesses, one from Lower High Street to the east and one from Dalton Way from the south and egress onto Dalton Way to the west.
- 1.3 The sites are located in Flood Zone 3 which has a high risk of fluvial flooding. The site is not located in a designated conservation area. No trees on site are protected by a tree preservation order.
- 1.4 The application states that the retail park currently provides approximately 400 spaces. It is known from application 17/01544/FUL that there are 410 spaces on site however due to trolley parks etc, 374 of these are available for parking.

2.0 Proposed development

- 2.1 The application proposes alterations to the car park layout to include the formation of new hardstanding for car parking spaces to facilitate the creation of a pedestrian link between the northern and southern ends of the retail park (under the viaduct). The works will result in a net increase of 5 car parking spaces.

3.0 Relevant planning history

- 3.1 17/01544/FUL Erection of a new building measuring 205 sq m for coffee shop/cafe use (Use Classes A1/A3) with 'drive thru' lane and associated physical works to site layout. (Amended plans and description) PENDING

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 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.

- Watford Character of Area Study

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 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Decision taking

5.0 Consultations

5.1 Neighbour consultations

22 addresses in the surrounding area were notified of the application including residential and commercial premises at Lower High Street, the retail park and Bridge Place.

5.2 7 objections were received. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
The period of consultation is rushed.	The statutory 21 days has been provided for the consultations for both applications.
Increased flooding to homes	The site and nearby homes are within flood zone 3 at risk of fluvial flooding from the nearby river. There is no identified surface water drainage risk and the proposed works will not affect the potential river flooding.
The distance of the site to the river should be checked.	This is confirmed as over 20m and consultation with the EA is not required.
Neighbours have not been consulted on the MacDonalds drive thru application. This is being done deceitfully.	Consultation letters were sent to all surrounding addresses on 13 th November 2017 in relation to the application for the coffee shop/café with drive thru (ref 17/01544/FUL). The same addresses were also sent a consultation letter for this application (ref 18/00449/FUL) on 10 th April 2018 in relation to the five car parking spaces. There is no application in relation to a MacDonalds or an A3/A5 use.
Existing pollution, noise and disturbance from the car park and peak time queues of cars accessing car park.	The position of the houses between the road and the car park is noted as is the position of the Bridge Place houses that back onto the eastern access road to the car park. As discussed in the report, it is not considered that the increase of 5 car spaces within the site would have any notable impact on this existing situation.
Objections in relation to the drive thru use.	Not relevant to this application and considered as part of application 17/01544/FUL.

5.3 **Technical consultations**

The following responses have been received from technical consultees:

5.3.1 Hertfordshire County Council (Highway Authority)

Concern that the increased parking provision is contrary to NPPF aims to encourage other transport measures however the provision of on site cycle parking provision would balance this by encourage cycle use.

6.0 **Appraisal**

6.1 **Main issues**

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

- (a) Design and Layout
- (b) Parking and highway impacts
- (c) Flooding
- (d) Impact on neighbouring properties

6.2 (a) Design and Layout

The site is located within the out of town retail park and in the Lower High Street Policy Area as identified in the Watford District Plan 2000 and Special Policy Area 4- (SPA4)- Lower High Street of the Local Plan Core Strategy.

- 6.3 The provision of parking spaces on the site would be fully in keeping with the nature and existing layout of the site. The works would facilitate improvements to the pedestrian linkages between the north and south sides of the retail park, separated by the viaduct. The improved pedestrian linkages within the site are welcomed pursuant to policies SPA4, TLC1 and SS1 of the Local Plan Core Strategy.

6.4 (b) Parking and highway impacts

As referred to in the application cover letter, there is a tandem application relating to the south of the site which proposes a loss of 29 car parking spaces in relation to the coffee shop/ café (A1/A3) unit proposed. This is however an independent application and, if granted, the two permissions could be implemented together or independently and neither development can rely on the other. This application proposes a net increase of 5 car parking spaces on the site and this must be assessed in its own right.

- 6.5 The Watford District Plan 2000 identifies the application sites in the northern section of the retail park as within Zone 2 of the Car and Cycle Parking Zone Map. As set by 'saved' Policy T22 and Appendix 2 of the plan, the maximum parking provision for the retail park, based on the existing retail floor space, would be 267

car parking spaces. The existing car parking provision is already beyond this maximum standard with 374 available spaces and potentially 410 spaces as originally laid out. The net increase of parking spaces would be further contrary to the maximum standards.

6.6 As such, the Highways Authority have identified that there is potential for the increase in car spaces to result in increased car movements to the site. However, this represents a minimal increase from the existing situation (1.3% increase of those available). It is considered that this increase is proportionally very minor and is unlikely to result in a significant impact to the site or surrounding roads.

6.7 Nonetheless, the increase of parking provision beyond the maximum standards is against the NPPF aims of encouraging sustainable transport methods. There is some general benefit as these works facilitate a better pedestrian line within the site. However the highways authority have requested that this impact could be further balanced with the provision of cycle parking on site. It is agreed that this would address any conflict with the NPPF and is recommended to be secured by condition.

6.8 (c) Flooding

The site is within flood zone 3 (3a) indicating that it has a high probability of fluvial flooding from the nearby river. In accordance with the EA standing advice, car parking for retail use is considered to be a use 'less vulnerable'. In accordance with the NPPF Sequential Test: Flood Risk Vulnerability and Flood Zone 'Compatibility Table', this 'less vulnerable' use within flood zone 3a is considered to be a compatible and appropriate development. No exception test is required.

6.9 The River Colne runs to the south of Dalton Way however the developments proposed are not within 20m of this main river. The development is within Flood Zone 3 however as this is not a major development, it is not within 20m of the main river and is not a vulnerable use. In accordance with standing advice and legislation, consultation with the EA is not required.

6.10 The proposed development does not relate to the river and so would not increase the already high risk of fluvial flooding. The increased hard surfacing has the potential to increase surface water however these areas are minimal and are all to remain bordered by soft landscaping areas meaning that water from these new can drain within the site. There is therefore no requirement for any further details in relation to surface water and no material increased risk of surface water flooding.

6.11 (d) Impact to neighbours

The proposed new car parking spaces would be set away from residential properties within the existing car park. The increase of 5 spaces would facilitate

there being further cars parked on site at any time however as this is an increase of 1.3% from the existing available spaces, this would have no notable impact on neighbours.

7.0 Community Infrastructure Levy and Planning Obligations

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.

7.2 The CIL charge applicable to the proposed development is:

Watford Charging Schedule

Type of Development	CIL Rate
Residential	£120 per sqm
Hotel	£120 per sqm
Specialist accommodations for the elderly and/or disabled including Sheltered and Retirement Housing and Nursing homes, Residential Care Homes and Extra Care Accommodation. (This does not include registered, not for profit care homes')(within Use Class C2 and C3).	£120 per sqm
Retail (Class A1 – A5)	£120 per sqm
Retail – Within the Primary Shopping Area (Class A1 – A5)	£55 per sqm
Office	£0 per sqm
Industrial	£0 per sqm
Other uses	£0 per sqm
Major Developed Areas (MDAs)	£0 per sqm

7.3 The charge is based on the net increase of the gross internal floor area of the proposed development. Exemptions can be sought for charities, social housing and self-build housing. If any of these exemptions is applied for and granted, the CIL liability can be reduced.

7.4 In accordance with s.70 of the Town and Country Planning Act 1990, as amended by s.143 of the Localism Act 2011, a local planning authority, in determining a planning application, must have regard to any local finance consideration, so far as material to the application. A local finance consideration is defined as including a CIL charge that the relevant authority has received, or will or could receive. Potential CIL liability can therefore be a material consideration and can be taken into account in the determination of the application.

7.5 **S.106 planning obligation**

The council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, 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. In this case, the implementation of the proposed Travel Plan, submission and implementation of a Car Parking Management Plan and a financial contribution towards the long term monitoring of the Plans is sought.

7.6 Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

7.7 No s106 contributions are required to support the development.

8.0 Conclusion

8.1 The development to create a net increase of 5 car parking spaces would be works of a nature, scale and design suited to its context and would indeed facilitate improvement of the pedestrian links within the site. The development would not result in notable harm to residential or commercial neighbours.

8.2 The increase of car parking provision above the maximum standards has the potential to increase traffic movements to the site however this is a minimal 1.3% increase. This impact is also successfully balanced with the provision of cycle storage secured by condition to facilitate other transport methods to the site.

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 conditional planning permission be **granted** subject to the conditions listed below:

Conditions

1. Time Limit

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. Drawing numbers

The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:

14492-120 - Location Plan

14492-121 - Existing Site Plan

14492-122 – Proposed Site Plan

Reason: For the avoidance of doubt as to what has been permitted and in the interests of proper planning.

3. Cycle storage

No development shall commence until the details of the type, design and location of staff and visitors' cycle parking, lighting and access lock(s) to the cycle store(s) have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed in accordance with the approve details and retained as such unless otherwise approved in

writing by the Local Planning Authority.

Reason : To ensure the provision of adequate cycle parking that meets the needs of staff and visitors to the site and in the interests of encouraging the use of sustainable modes of transport.

Informatives

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
2. You are advised that this permission does not dispense with the necessity of obtaining approval or consent under the Building Regulations, Building Acts and other relevant legislation or regulations. You should contact the Building Control Manager of this Authority if you require information.
3. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the council's website at:

https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise.

Drawing numbers

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