

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:	17/01544/FUL
Description of Development:	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)
Applicant:	Redefine Arches Watford Limited
Date Received:	07.11.2017
Statutory Target Date	15.06.2018 (Extended by agreement)
Ward:	Central

1.0 Site and surroundings

- 1.1 The application site consists of the southern section of the Watford Arches Retail Park on Lower High Street. The retail park contains retail units occupied by B&Q, B&Q Trade and Mothercare. The application site currently contains car parking for the retail park.
- 1.2 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. The full retail park contains 410 car parking spaces however due to trolley parks etc, 374 of these are currently available for parking.
- 1.3 The site is located in Flood Zone 3 (3a) 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.

2.0 Proposed development

- 2.1 The application proposes a detached single storey building within the southern section of the retail park. The premises will be occupied as a coffee shop/café under a mix of use classes A1 and A3. A drive thru facility is included. The intended occupant is 'Costa'.

- 2.2 Amended plans were submitted on 26th January 2018 to relocate the building within the site to benefit surface water drainage.
- 2.3 The site results in a loss of 29 of the 374 available car parking spaces at the retail park.
- 2.4 Access and egress to the site are unchanged with the main retail park access remaining from Lower High Street to the east, retention of the access from Dalton Way from the south and egress via the existing exit of the retail park to Dalton Way to the west.

3.0 Relevant planning history

- 3.1 18/00449/FUL Proposed minor physical alterations to reconfigure the car park creating five additional spaces. 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 9 Responses were received, with 7 in objection and 2 in support. The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Objection	
Increased traffic generation and inconvenience to ambulances trying to access hospital via Thomas Sawyer Way.	As confirmed by the Transport Assessment and the response from the Highways Authority, there is no expected material increased traffic generation on the roads surrounding the site. It is reasonable to expect that the majority of customers will be those already visiting or passing by the retail park.
24 hour use would increase noise and disturbance to neighbours	The nearest neighbours are on the opposite side of the retail park, approximately 120m from the proposed building. It is noted that the west side access is behind residential properties however there is no expected increased use of this access with the main access for the unit being the southern end. It is not considered the proposal will result in any notable harm to the amenities of residential properties.
Increased flood risks to surrounding homes.	The site is within flood zone 3 at risk of fluvial flooding from the nearby river. As set out in section 6.19 of the report, this scale

	and type of use in this area is deemed as compatible and appropriate by the Environmental Agency. The development would not affect the river or increase the risk of river flooding. There is no identified risk of flooding from surface water drainage however an acceptable scheme for surface water drainage has been included and there is no increased flooding risk to the homes that are themselves also already at risk of river flooding.
Expected to be used or converted to a MacDonalds which will create increased noise, disturbance, rubbish and crime.	The application is for a coffee shop/café under use classes A1/A3 and proposed to be occupied by 'Costa'.
Neighbours have not been consulted on the MacDonalds application.	Consultation letters were sent to all surrounding addresses on 13 th November 2017 in relation to this application for the coffee shop/café with drive thru. The same addresses were also sent a consultation letter for 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 other A3/A5 use.
The application has failed to show the 15 homes within the retail park.	The site location plan shows the residential properties at Bridge Place and Lower High street. The presence of these is noted and duly considered.
Increased air pollution, dust on windows, impact to residents health.	The residential properties are located at the top end of the retail park, on a main road at the edge of the town centre. As discussed in the report, it is not foreseen that the development would create any new or increased impact to these properties.
Support	
Good addition to the retail park and better use of the under used car park	Noted and agreed.

5.3 Technical consultations

The following responses have been received from technical consultees:

5.3.1 Hertfordshire County Council (Highway Authority)

No objection to original or amended scheme and one condition and advisory notes included.

5.3.2 Hertfordshire County Council (Lead Local Flood Authority)

At the time of writing this report final comments have not been received approving of the drainage strategy, however given the site is currently largely covered in hardstanding officers consider a technical solution will be possible.

If further comments are received prior to the committee meeting these will be reported via the update sheet.

5.3.3 Hertfordshire County Council (Fire and Rescue Service)

Fire hydrants are required to support the development as set out within HCC's Planning Obligations Toolkit.

Case Officer comment- Fire Hydrants to be secured by condition.

5.3.4 Waste and recycling

No comments

6.0 Appraisal

6.1 Main issues

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

- (a) Principle of use
- (b) Design and layout
- (c) Access, parking and highway impacts
- (d) Impact on neighbouring properties
- (e) Flooding
- (f) Trees and landscaping

6.2 (a) Principle of use

The site is located within an identified 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 Core Strategy sets out in SPA4, TLC1, SS1 and the sequential test of chapter 7 that additional retail (A1) uses in this area are acceptable in principle where they complement the town centre and improve linkages, they do not significant adverse

impact on the vitality and viability of the town centre and are in accordance with the sequential test approach set out in SS1.

- 6.4 The proposed development would not be pure A1, being a mixed A1/A3 use however, being of a retail nature, it is assessed and considered fully in accordance with the aforementioned policy. It is noted that the size and nature of the development would not notably compete with town centre function. The premises would be complementary and to some degree incidental to the existing uses at the retail park. The proposed use is therefore acceptable in principle with regard to the retail function and hierarchy of the town.

6.5 (b) Design and layout

The size, position and design of the building would be entirely suited to the site, the nature of the use and the context. Indeed, the introduction of the premises in this isolated southern corner of the site would improve and enhance the appearance of the site and natural surveillance of the area.

6.6 (c) Access, parking and highway impacts

i) *Access*

The development does not include any alterations to the layout of the existing access and egress of the site. The northern access to the retail park from Lower High Street and the southern access from Dalton Way would be unchanged however some increased use of the southern access would be expected. The egress from the site via the car park and egress from the west to Dalton Way is also unchanged.

6.7 ii) *Parking*

The development would result in the loss of 29 car parking spaces on the site. This would represent 7.8% of the 374 available on site spaces.

- 6.8 The Watford District Plan 2000 identifies the application site within Zone 3 of the Car and Cycle Parking Zone Map with the northern section of the retail park being within Zone 2. As set by 'saved' Policy T22 and Appendix 2 of the plan, the maximum parking provision for the retail park, based on existing and proposed floor areas, would be 272 car parking spaces. The car parking is already beyond this maximum standard as existing and the reduction would not be contrary to the maximum standards.

- 6.9 The reduction of car parking spaces is fully supported. The Transport Statement indicates the high level of spare capacity of the car parking at the retail park, particularly in the application site area and this includes at peak weekend times. The transport statement clearly demonstrates that the loss of spaces (originally 22

and revised to 29) can be fully accommodated within the retail park.

6.10 It is also noted that the majority of customers are expected to be those already on site visiting the retail units and the use itself will not generate significant increase parking needs.

6.11 The loss of spaces and proposed development would be highly unlikely to increase road parking around the site or create any associated reduction to highway safety.

6.12 *iii) Traffic generation*

As detailed in the Transport Assessment and confirmed by HCC it is considered that there would be a minimal number of additional trips to the site and no material impact on the capacity of the local road network.

6.13 In general terms, it is not considered that the unit would be a destination in its own right that would generate trips. Again, the majority of customers are expected to be those already on site visiting B&Q and Mothercare or those already passing via Dalton Way making use of the drive thru facility via the southern access to the site. It is therefore logical and evidenced that the proposed premises will not create any notable increase in traffic generation to or from the site.

6.14 *iv) On-site queuing*

The premises includes a drive thru facility on the site. The position of this facility is however well within the site and allows for cars to queue without backing up on to the highway and without blocking the exit from the facility. This is not considered to create any harm or inconvenience to highway safety.

6.15 (d) impact on neighbouring properties

The immediate context of the site is the Retail Park which does not contain any residential properties. There are however residential properties located at the Eastern corner of the retail park, adjacent to the existing Eastern access from Lower High Street.

6.16 There are retail units and a distance of 120m between these properties and the proposed coffee shop/café and the use of the building itself is not expected to create any noise or disturbance to residential properties. The car park immediately around the premises and the area for cars to queue for the drive thru is also substantially away from the residential properties. Within the existing context of the residential properties, this will not create increased noise or disturbance.

6.17 The existing Eastern access of the retail park is however immediately adjacent to the residential properties and significant increase of the use of this access could

increase impact to residential properties. The eastern access would not however be the obvious or most convenient access to the premises and it is reasonably expected that vehicles accessing the coffee shop/café in isolation will use the southern access to the site, immediately adjacent to the premises. The increased use of this southern access will not affect residential properties.

6.18 As such, by virtue of the relative position of the premises to the residential properties and in the context of the ring road circling the retail park, it is not considered that the development would create any notable adverse impact to neighbours.

6.19 (e) Flooding

The site is within flood zone 3 (3a) demonstrating that it has a high probability of fluvial flooding. In accordance with the EA standing advice, the nature of the use is considered to be '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 compatible and appropriate development. No exception test is required.

6.20 The River Colne runs to the south of Dalton Way however the development is 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, consultation with the EA is not required.

6.21 In relation to surface water drainage, a response is awaited from the Lead Local Flood Authority, however given the existing condition of the site it is considered that there must be a technical solution to surface water drainage issues and these could be addressed by way of condition.

6.22 A Flood risk assessment has been submitted with the application and confirms the acceptability of the scheme in relation to flooding.

6.23 (f) Trees and landscaping

The loss of 5 Lime trees was proposed for the original scheme and was considered in the Arboricultural report. The amended location of the development would require the loss of 8 trees on site. These trees are not preserved and are of limited maturity. This is therefore considered to be acceptable, subject to a detailed scheme of trees works and replacement trees and landscape planting.

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 The contributions sought by the council are directly related to the proposed development as they mitigate impacts that will arise directly from it and are fairly and reasonably related in scale and kind to the development. They are also necessary to make the development acceptable in accordance with the council's planning policies. Accordingly, the contributions sought by council meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application. The council's approach to seeking a financial contribution by means of a planning obligation is also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

7.8 It is recommended that fire hydrants are secured by condition and there are no s106 contributions required to support the development,

8.0 Conclusion

8.1 The proposed development is fully in accordance with the retail use of the site and Lower High Street area. The coffee shop/café would complement the existing offer and would not undermine or harm the vitality or viability of the town centre.

- 8.2 The development would be of a nature, scale and design suited to its context and would indeed improve the amenity of the area from the existing situation. The development would not result in notable harm to residential or commercial neighbours.
- 8.3 The development is fully supported by the Flood Risk Assessment and Transport Assessment. The development is not considered to create any notable increase in traffic generation on highways around the site and is no harm to the safety and convenience of the highway is foreseen by the Highway Authority.
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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 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:
14492-11A - Location Plan

14492-111 – Existing Overall Site Plan
14492-112 – Existing Site Plan
14492-113G – ‘Proposed Overall Site Plan’;
14492-114J – ‘Proposed Site Plan’; and
14492-115B – ‘Proposed GA and Roof Plan’.
14492-116D – ‘Proposed Elevations’.
14492-117A - Proposed Cycle Details
Drive thru barrier details

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

3. Fire Hydrants

No works shall commence until a detailed scheme for the provision of mains water services to serve the development, including, where necessary, fire hydrants, has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved scheme has been provided in full.

Reason: This is a pre-commencement condition in order to ensure adequate mains water services, and in particular fire hydrants, are provided to serve the development.

4. Road signage/markings

No works shall commence until a scheme of detailed road sign/carriageway markings relating to the entrance of the site has been drawing leading to the entrance to the development has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved scheme has been installed in full.

Reason: To assist motorists to get in lane and in the interests of highway safety.

5. Tree and landscaping plan

No work shall commence until a detailed tree and landscaping scheme for the site, including details of trees to be retained, trees to be removed and replacement planting, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. Approved materials

All the external surfaces of the development shall be finished in the materials detailed in the material specification on drawing 14492-116 Rev D- Proposed Elevations. Details of any alternative or additional materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with details approved by this Condition.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan: Core Strategy 2006 - 31.

7. Cycle storage

Notwithstanding the information already submitted, details of the size, type, siting and finish of a cycle storage enclosure for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The storage approved under this condition shall be installed and made available for use prior to the use of the development and shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that secure and weatherproof cycle storage facilities are provided for staff/visitors in accordance with Policy T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. Surface Water

Prior to commencement of development a surface water drainage/flood mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed and maintained in accordance with the approved strategy.

Reason: To ensure that the development does not have detrimental impact on local flooding or safety.

9. Car Parking

Prior to occupation of the new development, the car parking provision shall be installed in accordance with approved drawing 14492-114 Rev J 'Proposed Site Plan' and retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient on site parking is provided for employees and visitors in accordance with Policy T22 of the Watford District Plan 2000 Policies T2 and SS1 of the Watford Local Plan Core Strategy 2006-31.

10. No Permitted Development Change of Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any subsequent legislation that amends or supersedes this Order, the floor space hereby approved shall only be used only as a coffee shop/café with eat in and takeaway facilities and for no other purpose , including any other uses within use Classes A1/A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To accord with the retail nature of the site and the details of the submitted application.

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

14492-11A Location Plan

14492-111 – Existing Overall Site Plan

14492-112 – Existing Site Plan

14492-113G – 'Proposed Overall Site Plan';

14492-114J – 'Proposed Site Plan'; and

14492-115B – 'Proposed GA and Roof Plan'.

14492-116D – 'Proposed Elevations'.

14492-117A Proposed Cycle Details

Drive thru barrier details

Mitsubishi Electric AC Systems, Specification PLA-RP125BA2

Flood Risk Assessment, ref 2775, dated October 2017, prepared by Ambiantal

Transport Statement, ref VN70753, dated October 2017, prepared by Vectos

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