



DEVELOPMENT CONTROL COMMITTEE

Thursday, 21st November, 2013

7.30 pm

Town Hall, Watford

Publication date: 13 November 2013

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Rosy Wassell in Democracy and Governance on 01923 278375 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

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SPEAKING AT DEVELOPMENT CONTROL COMMITTEE

Only one person will be permitted to speak on behalf of objectors and one in support of a proposal. Precedence to speak in support of the proposal will be given to the applicant or their representative.

In order to speak, a person must register before 12 noon on the day of the meeting by contacting the Democratic Services Team. The contact details are available on the front of this agenda.

If a speaker wishes the Development Control Committee to consider any documentation at the meeting, then it must be submitted to the Democratic Services Team by 12 noon on the day of the meeting.

COMMITTEE MEMBERSHIP

Councillor R Martins (Chair)

Councillor G Derbyshire (Vice-Chair)

Councillors N Bell, I Brandon, S Johnson, A Joynes, I Sharpe, M Watkin and T Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the meeting held on 31 October 2013 to be submitted and signed.
(All minutes are available on the Council's website.)

CONDUCT OF THE MEETING

The Committee to take items in the following order:

1. All items where people wish to speak to the Committee and have registered to do so by telephoning the Democratic Services Team.
2. Any remaining items that the Committee agree can be determined without further debate.
3. Those applications where Members wish to discuss matters in detail.

4. **OUTSTANDING PLANNING APPLICATIONS**

A total of 3 application reports are included on this agenda for decision, of which 3 will be within the Government's target dates for determination of applications

On 13.11.13 there were 0 applications over 8 weeks not yet determined but under consideration by the Development Management Section Head.

5. RIVERSIDE RECREATION GROUND (Pages 1 - 26)

An application to remove the existing portable cabin, the youth shelters and the associated surfacing; the replacement of the existing junior play area and the installation of new senior play area, the installation of Multi Use Games Area (MUGA), outdoor gym and youth shelter; resurfacing of the path in Riverside Recreation Ground; the removal of the seating and the feature area on former landfill area, removal of play area, basketball and skate-park in Riverside Park; the creation of scrapes, mounds and extension of reed bed on Lairage Land.
(AMENDED PLANS)

6. 31 GLEN WAY (Pages 27 - 56)

Application for the erection of 2 No. detached dwellings and associated works following the demolition of the existing house and out buildings

7. CHARTER PLACE (Pages 57 - 126)

Application for the part demolition/reconfiguration/change of use of existing Charter Place Shopping Centre, demolition of 37-57 and 67-69 High Street, and part retention of 63-65, High Street.

Erection of new buildings within Classes A1(shops), A3 (restaurants) and D2 (including cinema), including provision of new covered market, together with associated plant and machinery, and ancillary facilities.

Provision of new public realm.

Alterations to existing pedestrian and cycle access and egress arrangements, highway alterations/ improvements and other ancillary works and operations.

PART A

Report of: **Development Management Section Head**

Date of Committee: **21st November 2013**
Site address: **Riverside Recreation Ground, Riverside Road**
Reference Number : **13/00671/FULM**
Description of Development: Removal of the existing portable cabin, the youth shelters and the associated surfacing; the replacement of the existing junior play area and the installation of new senior play area, the installation of Multi Use Game Area (MUGA), outdoor gym and youth shelter; resurfacing of the path in Riverside Recreation Ground; the removal of the seating and the feature area on former landfill area, removal of play area, basketball and skate-park in Riverside Park; the creation of scrapes, mounds and extension of reed bed on Lairage Land. (AMENDED PLANS)

Applicant **Watford Borough Council**
Date Received: **26th June 2013**
13 week date: **2nd December 2013**
Ward: **OXHEY**

Summary

The proposal relates to Riverside Recreation Ground which is a large area of open space located on the south west side of the town centre. The site is located to the north of Riverside Road and to the east it borders Wigenhall Road and extends to Caractus Cottage View to the West. The River Colne runs through the site and dissects it in roughly an east-west direction.

The open space currently comprises playing fields, a skate board park, a basketball court, a maze and a seating area and it provides for both informal and formal recreation.

The play areas currently suffer from a degree of anti-social behaviour. It also appears that the natural habitat suffers from a degree of environmental degradation, as the area has been subject to the incursion of non- native plant species and there has been unrestricted self seeded tree growth.

The proposal is to re-design the play facility areas as well as improving the natural habitat. It is also proposed to improve the water storage capacity of the area through the extension of reed-beds and the creation of scrapes. The proposal will provide high quality play facilities, including a new Multi Use Games Area (MUGA) with all weather surface. The MUGA, as well as other play facilities, have been carefully sited so as to be visible from the adjacent highway, whilst also being at a safe distance from road and the playing field areas. The proposed play areas will provide a range of sports activities and will cater for a variety of users and different age groups. Given the all-weather surfaces for the play areas they could be used in most weather conditions thereby improving the playing facilities in the area. All existing redundant play facilities (including the maze, the skate board park and the basket ball court) will be removed and the area will be made into wild flower beds or will be landscaped.

Various parts of the site are subject to different designation in the District Plan including Green Belt, Wildlife Site, Wildlife Corridor and a Local Nature Reserve. The area is also subject to flooding. However, the proposed siting of the play facilities will not impact on the Green Belt. Further, given the proposed nature of the development and considering the fact that the proposed play facilities will replace existing facilities within the same area, the impact of the proposed development on the designated public open space is considered acceptable.

The scheme has been revised to ensure that the materials generated from the creation of the scrapes will not be placed on the Nature Local Reserve as was originally envisaged.

The proposal is considered to improve play facilities in the area whilst reducing the opportunities for anti-social behaviour. Subject to appropriate conditions, the proposal will also improve the natural habitat and result in much improved landscaping and nature conservation.

Accordingly, the Development Management Section Head recommends that planning permission be granted, subject to appropriate conditions.

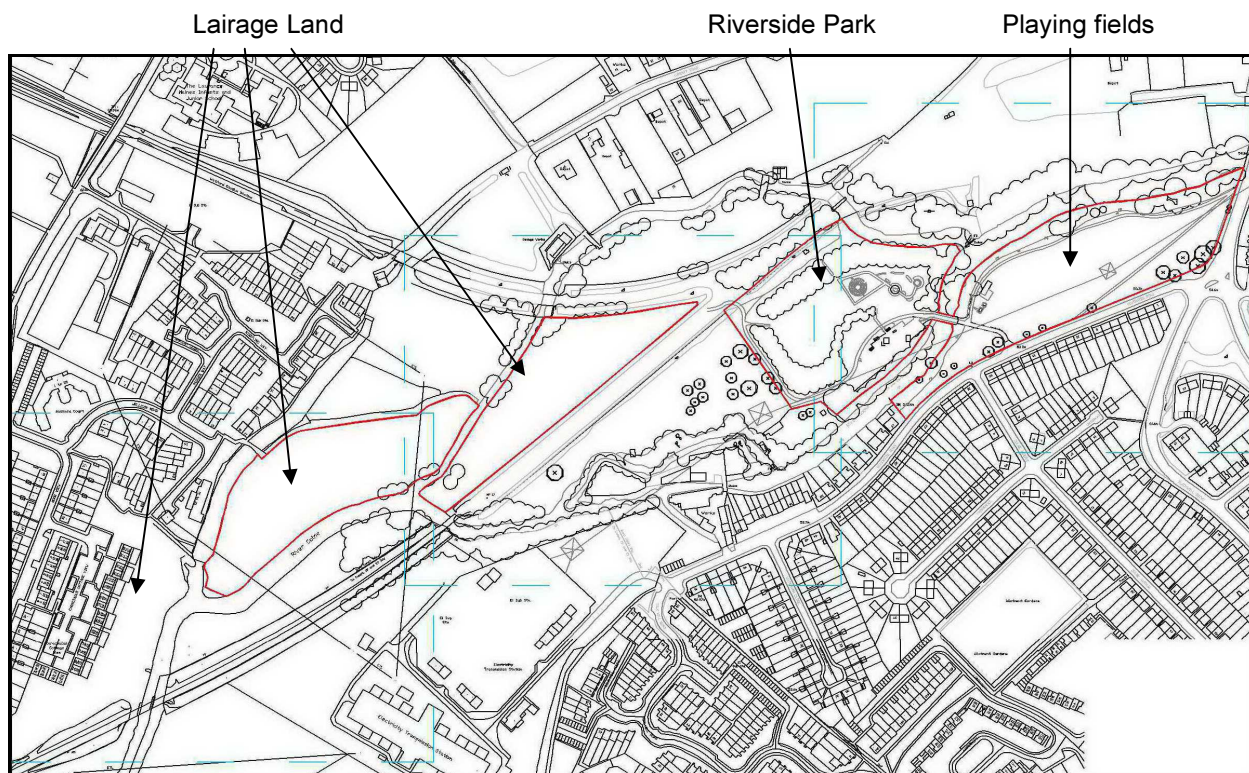
Site and surroundings

The proposal relates to a large area of open space to the southwest of the town centre. The site consist of Riverside Recreation Ground, and includes the playing fields, the former landfill site area and the Lairage Land. The River Colne runs through the area and dissects it in two. The application covers the following areas:

- a) playing fields;
- b) Riverside Park – landfill site;
- c) Riverside Park – skate park and play areas;
- d) Lairage Land.

Playing fields

The playing fields are an area of open space with River Colne to the north, Wiggshall Road to the east, and Riverside Road to the south. There are some trees within the area, the majority being along the river bank. There is a small toddler play area plus a portable cabin and two youth shelters as well as two footpaths. The majority of the area is in a flood zone. The land here is designated as public open space and is within Colne Valley Linear Park in the Watford District Plan 2000.



Location plan

Riverside Park – landfill site

This is a former landfill site area. The area comprises a crushed stone footpath network and some tarmac footpaths. It also includes a seating area and a maze.

Riverside Park – skate park

This area includes a play area skate area basketball court and car park. All these are hard surfaced and surrounded by fences or walls.

These two areas are designated as Wildlife Site and, public open space and are within Colne Valley Linear Park in the Watford District Plan 2000.

Lairage Land

There are no play facilities on this land, which generally comprises grass and trees. Part of the site is within the designated Green Belt and part is designated as a Local Nature Reserve.

Proposed development

The proposal is made up of the following elements:

Playing fields

This area has been designated for the location of the new play facilities. The existing portable cabin will be removed from the site and the location will be reinstated to grass. The play area will be refurbished and extended and in addition new facilities of an outdoor gym, a MUGA, a junior play area, a senior play area, including fencing around these areas, a youth shelter and fishing pews will be provided. This area is within Flood Zone 1, and the surface of the proposed play facilities will be porous and permeable.

It appears that the area along the river has been subject to the incursion of non-native plant species. These will be treated. The proposal will also include selective tree felling management to reduce the tree canopy above the river to allow more light in and to minimise the area of shade.

Riverside Park – landfill site

The feature seating area and the maze will be removed and the area will be seeded with a wildflower meadow mix.

Riverside Park – skate park

All the hard surfaced play areas, including the skate park area, the basketball court and the car park, and all the fences and walls will be removed. The materials arising from the creation of the scrapes will be deposited on this area creating a number of low mounds. This area will then be seeded with a wildflower meadow mix.

Lairage Land

The proposal here is to create scrapes and extend the reed-bed. The arisings are proposed to be retained on site and located in mounds on the area from where the skate park is to be removed. Improvements will be made to the habitat of the local nature reserve and this will involve selective felling of the trees.

Planning history

01/00613/DC Planning permission granted 12.10.2001 Erection of 6 floodlight columns and 2 street light columns

03/00148/FUL Planning permission granted 29.04.2003 Installation of two temporary steel buildings for use as a youth club and sports store

99/00770/DC Planning permission granted 18.07.2000 Removal of inert waste, regeneration and environmental enhancement including cycle route, wildlife study area, play areas and landscaping

09/00859/DISCON Approval granted 03.12.2009 Details submitted regarding condition 16 (land contamination survey) of planning reference 99/00175/FUL

09/00860/DISCON Approval granted 03.12.2009 Details submitted regarding condition 17 (drainage system) of planning reference 99/00175/FUL

84/00189/FUL Approval granted 17.05.1984 Erection of a 2 metre high chain link fence with lockable gates.

75/00423/DC Approval granted 20.01.1976 Use of land for tipping of road sweepings and non-organic and non-toxic materials

67/04023/FUL Planning permission granted 28.02.1967 Retention of Nissen Hut for storage

67/04022/FUL Planning permission granted 28.02.1967 Retention of storage shed

63/25639/FUL Planning permission granted 18.02.1963 Additional building within existing compound and enclosure of additional area as extension thereto

55/17644/FUL Planning permission granted 26.07.1960 Retention of two additional huts, Cadet Headquarters

54/01722/FUL Planning permission granted 23.02.1955 Use of land in connection with sea scout headquarters

Relevant policies

National Planning Policy Framework

Section 7 Requiring good design

Section 8 Promoting healthy communities

Section 11 Conserving and enhancing the natural environment

Hertfordshire Waste Core Strategy and Development Management Policies

Document 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford District Plan 2000

Policy SE7 Waste Storage, Recovery and Recycling

Policy SE22 Noise

Policy SE23 Light Pollution

Policy SE24 Unstable and Contaminated Land

Policy SE27 Flood Prevention

Policy SE36 Replacement Trees and Hedgerows

Policy SE37 Protection of Trees, Woodlands and Hedgerows

Policy SE39 Tree and Hedgerow Provision in New Development

Policy T10 Cycle Parking Standards

Policy T21 Access and Servicing

Policy T22 Car Parking Standards

Watford Local Plan Core Strategy 2006-2031

Policy SS1	Spatial Strategy
Policy SD1	Sustainable Design
Policy SD2	Water
Policy SD1	Sustainable Design
Policy SS1	Spatial Strategy
Policy UD1	Delivering High Quality Design
Policy SD3	Climate Change
Policy T2	Location of New Development
Policy T3	Improving Accessibility
Policy T4	Transport Assessments
Policy UD1	Delivering High Quality Design
Policy GI1	Green Infrastructure
Policy GI2	Biodiversity

CONSULTATIONS

Neighbour consultations

Letters were sent to 32 properties in Riverside Road and Wiggenhall Road. In addition, three site notices were displayed at locations around the site.

There has been no response to this publicity.

Statutory consultations

Sport England

No objection to the proposal.

Hertfordshire County Council (Highway Authority)

No objection to the proposal.

Environment Agency

No objection in principle, but recommends a number of conditions which are included in the recommendation part of this report.

Hertfordshire Constabulary

I am pleased to see the skate park being removed after so many years trying to do something about the anti-social behaviour etc. in the area. I have consulted local officers but to date have had no response, however as the deadline is approaching my comments are below:

- I am concerned over the lack of lighting around the MUGA and outdoor gym facility in view of the known criminality in the area and would like to see some light, but this could have the adverse effect of allowing people to play football late in to the evening causing more problems!
- The youth shelter will be hidden from view behind the MUGA and I would prefer it to be the other side of the MUGA and outdoor area and have low level solar lighting so that officers can at least see if anyone is in the shelter.
- Our criminality experience of this area is poor but at least the new facilities are out in the open so to speak, and not behind vegetation and walls. Let's hope the local residents who overlook the new facilities will keep an eye on anything untoward which may be going on in the area.
- If I get a response from local officers today I will let you know.

Arboricultural Consultant

There is no objection to the proposals for the Riverside Park improvements and no "in principle" objection to the proposed extension of the reed beds and scrapes on the Lairage Land. The main area of concern regarding the reed bed and scrapes relates to the placing of the spoil. The site has just had reptiles, and in particular slow worms, translocated from the Health Campus site and if the spoil is not placed without first checking for the presence of these creatures there are likely to be significant losses. Therefore I would wish to see the following condition added to any consent granted:

“No excavation or scraping of soil, nor the depositing of any spoil, on either the Lairage Land or Caractacus Cottage View land, shall be carried out unless supervised by an ecologist to ensure that no slow worms or any other wildlife is harmed or affected by such operations. These operations should not be carried out when such creatures are hibernating or dormant.”

I would also the following condition attached regarding trees:

“No spoil shall be deposited within the root protection area (as set out in BS 5837 Trees in Relation to design, demolition and construction – Recommendations) of any tree.”

Herts & Middlesex Wildlife Trust (HMWT)

The application involves removal of existing buildings and play areas, and construction of new play areas and facilities and other works at the Riverside Park, alongside habitat works within the Lairage Land LNR. The Lairage Land is also a Local Wildlife Site, ref. 84/025 (see information box below). The application site is adjacent to the River Colne.

Wildlife Sites Database – extract for The Lairage Land, ref. 84/025

Alluvial meadows on the floodplain of the River Colne supporting a mosaic of habitats including part damp semi-improved neutral grassland, a small area of secondary woodland planted with lime (Tilia sp.), Ash (Fraxinus excelsior) and conifers, an area of tall herbs and scrub, and a section of the River Colne and associated side channels. Species recorded in the grassland include Common Knapweed (Centaurea nigra), Common Bent (Agrostis capillaris), Crested Dog's-tail (Cynosurus cristatus), Meadow Buttercup (Ranunculus acris), Oxeye Daisy (Leucanthemum vulgare), Marsh Foxtail (Alopecurus geniculatus) and the uncommon Yellow-rattle (Rhinanthus minor). The river margins support a good diversity of flora and fauna and within the river Stream Water-crowfoot (Ranunculus penicillatus) and Yellow Water-lily (Nuphar lutea) have been recorded. Wildlife Site criteria: Mosaic; grassland indicators.

SOURCE: HMWT/HBRC

A Biodiversity Statement (Groundwork Hertfordshire) has been produced, which includes descriptions of the work proposed across four areas of the park (playing fields; Riverside Park – landfill site; Riverside Park – skate and play areas; Lairage Land). The document

also identifies the location of invasive species of plant across the site which will be treated as part of the work.

There is no indication that any ecological surveys (phase 1 habitat survey) or botanical surveys have been undertaken, including of the LNR/LWS site (although several of the documents on the Council's planning website could not be opened due to their size, which may have been ecology surveys).

HMWT has no objections to the proposed changes to the recreation facilities, footpaths, or the reseeded areas in the Riverside Park. However, due regard to potential impacts on protected and priority species is needed. If any habitat areas or features with potential to support any notable, protected or priority species are to be removed, then precautionary inspections/surveys should be undertaken and appropriate avoidance and mitigation measures implemented (on advice of appropriately experienced ecologist) to ensure no infringement of legislation. Please refer to appended information on wildlife legislation. Additionally, precautionary approaches during site works to avoid and minimise direct or indirect impacts on the River Colne and associated habitats should be followed, including pollution prevention measures.

It is presumed that no lighting will be installed within the site. As the River Colne and surrounding green space will act as a corridor for wildlife including bats and birds, use of artificial lights which could disrupt behaviour and reduce habitat connectivity should be avoided. If any lighting is needed for safety and security reasons, this should be kept to a minimum in quantity and intensity, and ensure no illumination or light spill onto trees, woodland, hedgerow, the river and marginal habitats, or any other habitat/feature which may be used as a corridor for wildlife.

I gather the habitat improvements in the Lairage Land have been recommended by the Environment Agency, and include the expansion of reedbed and the creation of scrapes, which will be sown with a wetland/wet grassland seedmix. HMWT welcomes the principle of habitat improvement works aiming to improve habitat and species diversity within the

site; however, we have a number of concerns with the current proposals which will need to be addressed.

- 1) As the site is recognised as a Local Wildlife Site, we would expect any habitat management and enhancement work to be based upon an up-to-date Wildlife Site Survey (preferably following the Hertfordshire Wildlife Sites Partnership methodology – see information box below). The most recent survey we have on record was carried out in 1996. An update survey is needed firstly to clarify whether the site continues to meet LWS criteria, and secondly to indicate what management and enhancement measures would be suitable to protect and enhance the quality and habitat interest of the site.
- 2) HMWT would object to the use of artificial seed mixes within a Local Wildlife Site. If the Lairage Land no longer meets LWS criteria as a result of the ecological interest having been lost or degraded (and unlikely to be restorable), then seeding with an artificial seed mix may not be an issue and could be positive in biodiversity terms, but we would require a Wildlife Site survey to confirm the status and condition of the site before accepting that conclusion.
- 3) HMWT would also object to any management or habitat creation proposals which are not appropriate for any particular Local Wildlife Site. Again, a survey of the Wildlife Site is needed to indicate whether the proposed habitat works are suitable (i.e. are consistent with and positively contribute towards the site's ecological interest and reason for selection).

In summary:

- Subject to suitable precautions and mitigation being implemented to avoid and reduce risks of harm to the river and its margins and any protected species which may be present within the site, we have no objection to the proposed works outside of the Local Wildlife Site area (including the new sport and recreation facilities, removal of the old play areas, maze etc and reseeded with wildflower seed mix).

- At present HMWT objects to the proposed habitat improvements for the Lairage Land LWS and LNR, as no survey of the Wildlife Site has been undertaken and no evidence provided that the proposed works will protect and improve the ecological interest and integrity of the LWS.
 - However, we support the objectives of the application and the principle of appropriate habitat management and improvement works within the LWS, so would strongly encourage the applicants to carry out a survey of the Wildlife Site, and draw up a habitat management/improvement plan based on the findings of that report, which should be agreed by the Council.
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APPRAISAL

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

- (a) the *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*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

Planning considerations

The main issues to be considered are:

- whether the proposal will have an acceptable impact on the Green Belt and the designated public open space and whether it would harm the openness of the area;
- whether the proposal will detract from the recreational and sport opportunity currently offered by the recreation ground;

- whether the proposal will have a detrimental impact on the designated wild life corridor, wildlife site, Local Nature Reserve or trees;
- whether the proposal will have an adverse impact on the amenities of local residents, in terms of noise, car parking and other activities associated with a playing field and anti-social behaviour.

The proposed play ground redesign has been subject to extensive consultation by the applicant prior to the submission of the application with residents and other stakeholders, including two public meetings. The applicant has taken the views of the residents into account and the play facilities have been designed in accordance with the wishes of the stakeholders. Local police officers have also been consulted over the location of the proposed games area. The applicant has noted that there has been overwhelming support for then proposals in general and clear guidance that the new play facilities should be sited in visible locations and where it can be easily accessed.

Impact on the Green Belt and the designated open space and the open character of the area

The NPPF explains that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. It is also emphasised that “the Government attaches great importance to Green Belts”. At paragraph 80, the NPPF makes it clear that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF further advises that a local planning authority should regard the construction of new buildings as inappropriate development in a Green Belt. There will be no play

facilities or any structure on the area designated as Green Belt. Hence, the proposal will have no adverse impact upon the openness of the Green Belt.

The proposed play facilities are considered to be an appropriate form of development in the designated public open space. The proposed play facilities and the associated railings and equipment will be used by the general public but generally by the local neighbourhood. Given that the existing structures and the associated hard surfaces which are in poor condition will be removed, the proposal will have a positive impact on the open character of the area, and hence it is to be welcomed.

Impact on sport opportunity

The proposed play facilities will provide all-weather surfaces that can be used for formal sport (i.e. organised matches/training booked by clubs and groups) as well as for informal sport and recreation. The proposal will cater for a range of sport to take place by a variety of users, in particular the younger members of the community. Given their all-weather surface they will be available for use in most weather conditions.

The location of the proposed play facilities has been subject to consultation with Hertfordshire Constabulary. Since the application has been submitted, in accordance with police advice, the youth shelter has been relocated to an area where it will also be overlooked from the public domain.

Therefore, the proposal will not reduce but will actually considerably increase the sporting opportunities provided on this site and is, therefore, to be welcomed.

Impact on trees and wildlife

Parts of the application site lies within a Wildlife Corridor, Wildlife Site and a Local Nature Reserve. Policy GI1 Green Infrastructure and Policy GI2 (Biodiversity) of the Watford Local Plan Core Strategy are therefore relevant. Given the status of the designation of the application site, it is therefore likely that it will host plant and animal species, including those which are protected by legislation. The applicant has provided a biodiversity report

which has been examined by the Herts & Middlesex Wildlife Trust. The Trust has no objection in principle to the proposed works. In particular they consider that the proposal to provide play facilities on the existing playing field will have no significant implications for the wildlife habitat. However, whilst the Trust supports the objectives of the application and the principle of appropriate habitat management and improvement works within the LWS, they would strongly encourage the applicant to carry out a survey of the Wildlife Site (in accordance with the Hertfordshire Wildlife Sites Partnership methodology) and draw up a habitat management/improvement plan based on the findings of that report, which should then be agreed by the Council and implemented as such thereafter.

The Council's Arboricultural Consultant has also commented that precautionary measures should be adopted to ensure that neither the trees nor any species are adversely affected by the proposals.

It should be noted that the original scheme involved the deposition of spoil from the scrapes on the Lairage Land. However, the scheme has now been revised and the spoil from the scrapes will be deposited on the area currently occupied by the skate park area, which is to be removed.

Appropriate conditions are recommended so that the impact on the trees will be safeguarded.

Subject to appropriate conditions and adoption of appropriate mitigating measures it is considered that the proposal will have a positive impact on the nature conservation of the area and therefore, the proposal will comply with Policies GI1 and GI2 of the adopted Core Strategy.

Impact on the amenities of local residents

The proposed MUGA will be located over 110m from the nearest dwelling and the nearest play facility will be sited about 50m from the nearest residential area. The National Play Fields Association recommends a minimum distance of 30 metres between

Neighbourhood Equipped Areas for Play and residential properties, and Sport England recommends that a MUGA should be placed a minimum of 12 metres, and ideally 30 metres, from residential properties. Consequently, the proposed location of the MUGA and play facilities considerably exceeds both NPFA and Sport England guidance.

Thus, given the distance between the play facilities and the nearest dwellings, noise associated with the use of the play areas is not likely to be a significant issue. Moreover, given the existing use of the playing fields and the presence of traffic on the adjacent highways, it is also very unlikely that the proposed play facilities would have a significant impact on the amenities of the occupiers of those nearest dwellings when compared to the noise levels already generated from existing activities associated with the playing fields and the traffic on the road.

As to parking, there is no proposal for additional parking facilities. The site is an existing playing field used for sport and recreation and for which no formal parking space is provided. There is no proposal to change the use of the site, and consequently no parking spaces are proposed to be provided. Much of the demand for the proposed play facilities will be drawn from the local community. Therefore it is not anticipated that the proposed MUGA would result in a significant increase in car journeys to the site. Hertfordshire County Council, as Highway Authority, has no objection to the proposal.

Human Rights Implications

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.

Conclusion

The proposal will increase the range of sporting activities that can take place on the playing fields, and the facilities will be available for use in most weather conditions. The proposal will not have any adverse impact on the open character of the playing fields.

The proposal will have no impact on the Green Belt. The proposed play facilities are considered appropriate for the designated open space and will protect the open character of the area. Careful consideration has been given to the siting of the proposed play facilities, in areas which have good natural surveillance. The facilities will also be located well away from the nearest residential area in order to ensure that living conditions of local residents are protected.

Subject to appropriate conditions, the proposed environmental improvements are acceptable and are supported.

The proposed development is in accordance with the policies of the development plan and National Planning Policy Framework.

RECOMMENDATION

That planning permission be granted, subject to the following 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. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved in writing by the Local Planning Authority:

(a) a preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site;

(b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) the results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the express written consent of the Local Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: The site is in close proximity to an historic landfill site. This has the potential to cause a risk of contamination to the groundwater. The site is located in Source Protection Zone 1, meaning that the groundwater beneath the site reaches a public drinking water abstraction point within 50 days. As such, it is vital to protect it from contamination, pursuant to Policies SE24 and SE28 of the Watford District Plan 2000.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has (i) submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and (ii) obtained written approval of that strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: Site investigations may not discover all existing contamination. If unexpected contamination is encountered it must be dealt with effectively. This is to protect groundwater which is vulnerable in this location, as described in reason one and pursuant to Policies SE24 and SE28 of the Watford District Plan 2000.

4. There shall be no infiltration of surface water drainage into the ground except with the express written permission of the Local Planning Authority, which will not be given unless it has been demonstrated that there would be no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with any such permission and any details approved as part of such permission.

Reason: Infiltration of surface water would provide potential pathway for contamination at the surface to migrate into the underlying Principal Aquifer in the chalk. The design of SUDS and other infiltration systems should include

appropriate pollution prevention measures, pursuant to Policies SE24 and SE28 of the Watford District Plan 2000.

5. No trees, shrubs or hedges shall be felled, uprooted or grubbed out between 1 March and 31 August inclusive in any year unless (a) it has been established that no nesting birds or protected species are present and (b) the Local Planning Authority has been provided with evidence that this is the case.

Reason: To ensure no adverse effects to any birdlife that may have a habitat within the area, pursuant to Policies GI1 and GI2 of the Watford Local Plan Core Strategy 2006-2031.

6. No external lighting shall be installed within the site or on any building except in accordance with a detailed scheme which shall have been previously submitted to and approved in writing by the Local planning Authority.

Reason: To ensure that any external lighting safeguards the amenities of surrounding and future properties and respects the character and appearance of the approved development and will have no impact upon the wildlife in accordance with Policy SE23 of the Watford District Plan 2000 and Policies UD1, GI1 and GI2 of the Watford Local Plan Core Strategy 2006-2031.

7. No excavation or scraping of soil shall take place on any part of the site which lies to the north west of the former railway line from Watford to Rickmansworth (now the line of the Ebury Way) unless it is supervised by an ecologist to ensure that no slow worms or any other wildlife is likely to be harmed or affected by such operations. In particular, these operations shall not be carried out at any time when such creatures are hibernating or dormant. In addition, in respect of any part of the site, no spoil shall be deposited within the root protection area of any tree (as determined in accordance with the guidance in B.S. 5837 Trees in Relation to design, demolition and construction – Recommendations).

Reason: To ensure that proposal will have no adverse affect upon the trees or natural habitat of the wildlife in accordance with Policies GI1 and GI2 of the Watford Local Plan Core Strategy 2006-2031.

8. No development shall commence on any part of the site which lies to the north west of the former railway line from Watford to Rickmansworth (now the line of the Ebury Way), and no work shall be carried out to any trees within this area, until a wildlife survey has been carried out. If the survey shows that there are any protected species in this area, no further works shall be carried out until a scheme of mitigation measures (i.e. a Method Statement as required for a European Protected Species licence) has been submitted to and approved in writing by the Local Planning Authority. In addition, no development shall commence on that part of the site to which this condition applies until a landscape and biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas and natural habitat, has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented as approved or in accordance with any subsequent variations which shall have been agreed in writing by the Local Planning Authority.

The management plan shall include the following elements:

- a management regime for the site;
- details of treatment of site boundaries and/or buffers around water bodies;
- detail extent and type of new planting;
- details of maintenance regimes;
- details of any new habitat created on site.

Reason: To ensure the protection of wildlife and supporting habitat and security opportunities for the enhancement of the nature conservation value of the site to

meet the requirements of Policies GI1 and GI2 of the Watford Local Plan Core Strategy 2006-2031.

9. Within two months of the date of this permission, a habitat management plan for the site shall be drawn up and submitted for the approval in writing of the Local Planning Authority. The habitat management plan shall be implemented as approved in accordance with the timescales provided for within the plan.

Reason: To protect the biodiversity of the site and meet the requirements of Policies GI1 and GI2 of the Watford Local Plan Core Strategy 2006-2031.

Informatives

1. Under the terms of the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Colne which is a designated a 'main river'.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

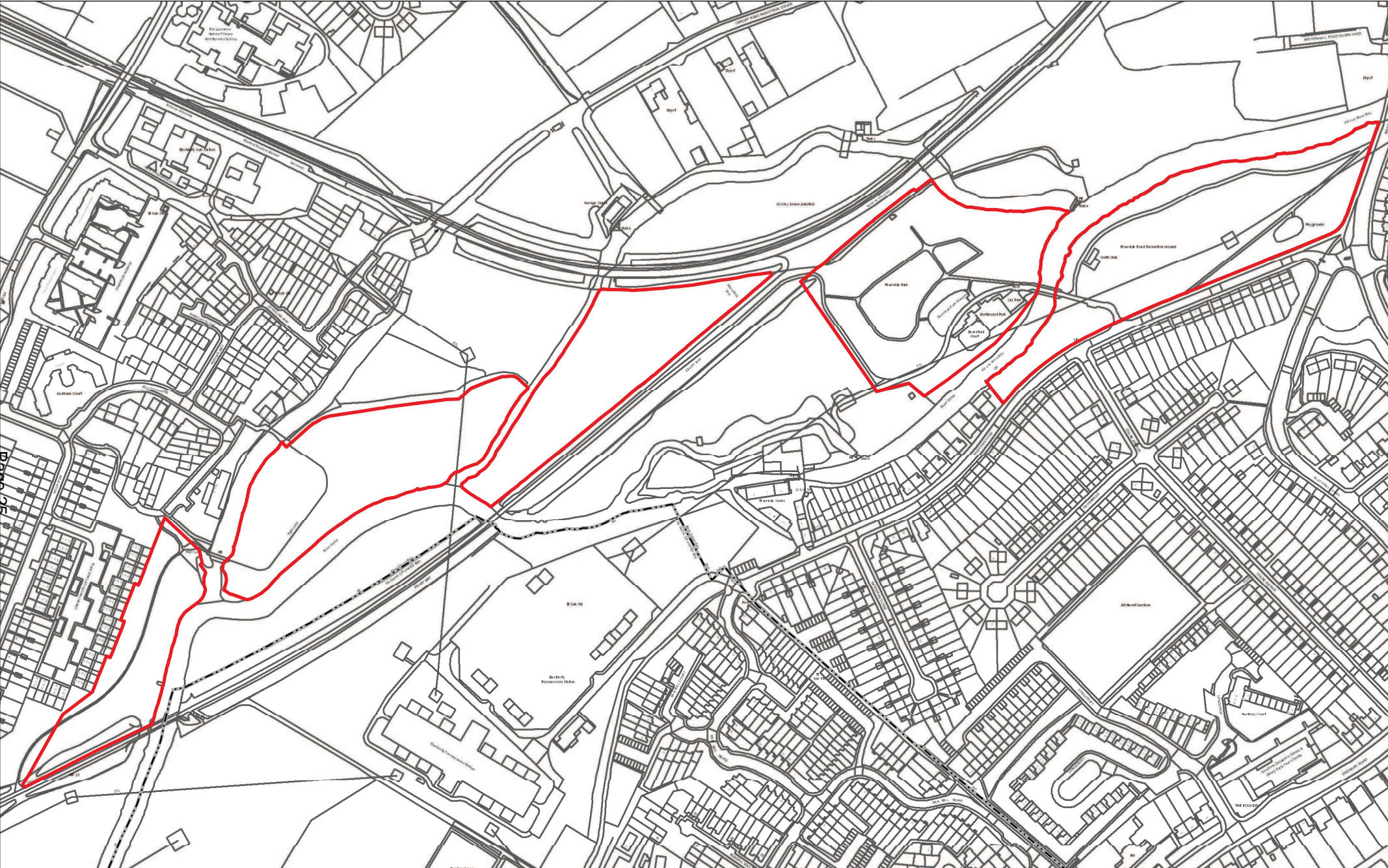
Drawing numbers

2608-01 rev A Clearance – sheet 1 of 3; 2608-02 rev A Clearance – sheet 2 of 3; 2608-03 rev A Clearance – sheet 3 of 3; 2608-04 rev A New works – sheet 1 of 3; 2608-05 rev A New works – sheet 2 of 3; 2608-06 rev B New works – sheet 3 of 3; 2608-07 Flood Risk Assessment; 2608-08 Site Location Plan; 2608-10 MUGA details; RETH130022-02 rev A

Indicative reed bed plan and sections; RETH130022-01 rev A Habitat creation & improvements

Case Officer: Habib Neshat
Email: habib.neshat@watford.gov.uk
Tel: 01923 278285

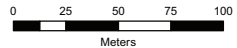
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Watford Borough Council
 Town Hall,
 Watford,
 Hertfordshire WD17 3EX
 Visit the Watford Borough Council website
www.watford.gov.uk

Riverside Rec

Map Produced by: ryanro
 Publication Date: 13/11/2013



Scale 1:3,600



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PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee	21st November 2013
Site address:	31 Glen Way
Reference Number :	13/01000/FUL
Description of Development:	Erection of 2 No. detached dwellings and associated works following the demolition of the existing house and out buildings
Applicant:	Mr Joe Moran
Date received:	20th September 2013
8 week date(minor):	2nd December 2013
Ward:	PARK

SUMMARY

The proposal is for the demolition of the existing house and its replacement by two detached, single family dwelling houses, which would stand side by side, facing the public footpath. The development is considered to be well designed and environmentally sustainable, it would provide a good standard of accommodation, and it would have no significant impact on the amenity of neighbours, nor on the street-scene. The owners have entered into a planning obligation to mitigate the impact of the additional house on local services.

The Development Management Section Head recommends that the application be approved as set out in the report, subject to conditions.

BACKGROUND

Site and surroundings

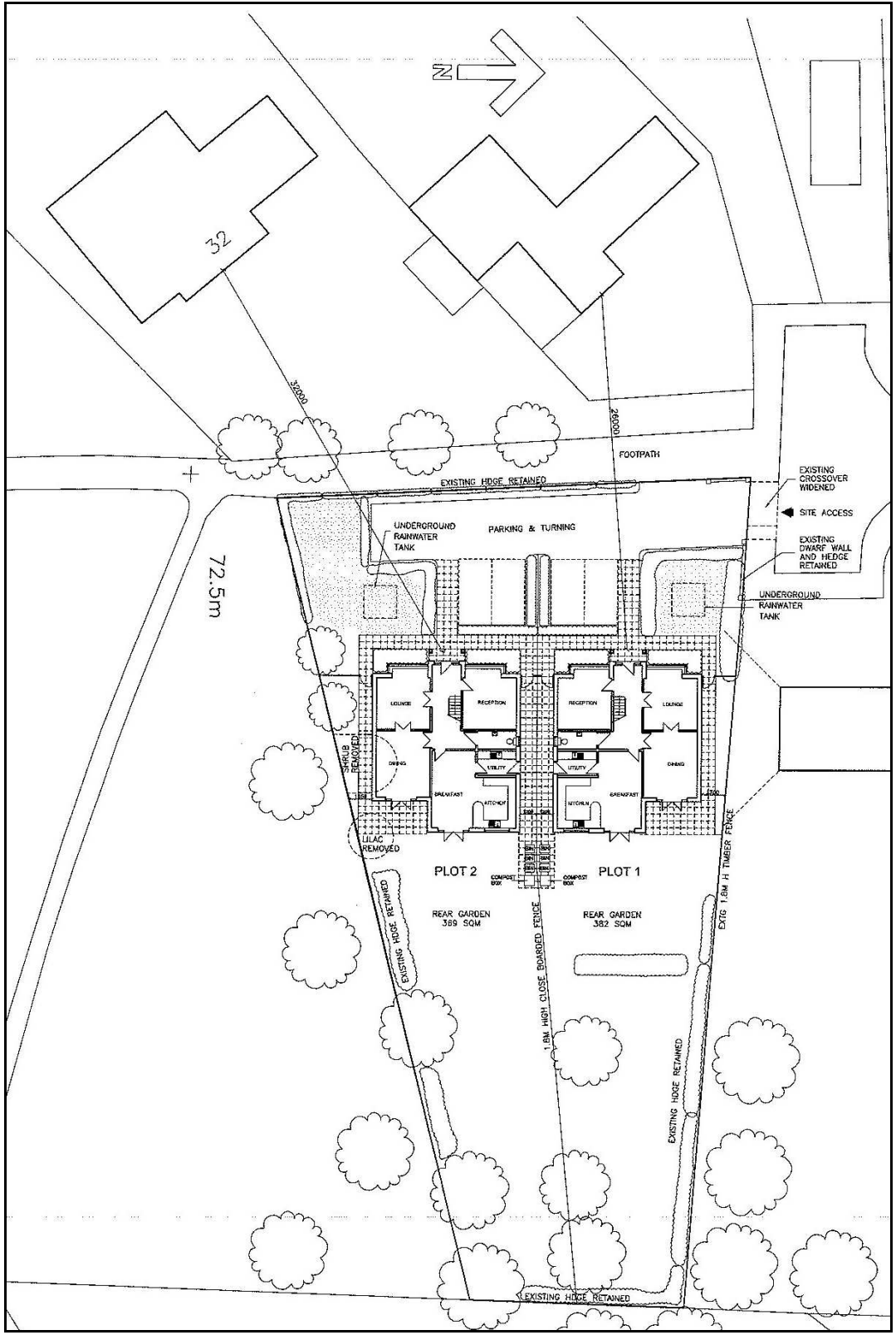
The site is currently occupied by a two storey, detached, single family dwelling house. It dates from 1954, and the current occupant has said that it was designed by her late husband, and that she has lived in it since it was new. It seems that this was originally a bungalow, but that dormer windows were added to make it a two storey house in the 1970s. A single storey extension at the rear was added in 1990. The house has white rendered walls and a tiled roof with dormer windows on all four sides. There is a conservatory at the rear.

There is a spacious front drive and a detached garage which has a covered car port attached to its side. There is a large timber shed in the rear garden. The rear garden is very large, with some mature trees and a long lawn.

The house is located at the end of Glen Way, where the road ends at a turning head, and a public footpath continues beyond the road's end to give access to a small park called Glen Way Open Space. The two houses at the end of Glen Way are this site at 31 and its neighbour at 30, and they are both angled to face the end of the street at angles of approximately 45 degrees. There are also some other houses located behind that neighbour at 30. The public footpath connecting the street with the park passes between the site (31) and 32. A hedge and a section of mesh fence and trellis and a short boundary wall separate the site from the public footpath. The hedge then wraps around the rear boundary of the site's garden to separate it from the park. It is a dense hedge which provides a good level of privacy.

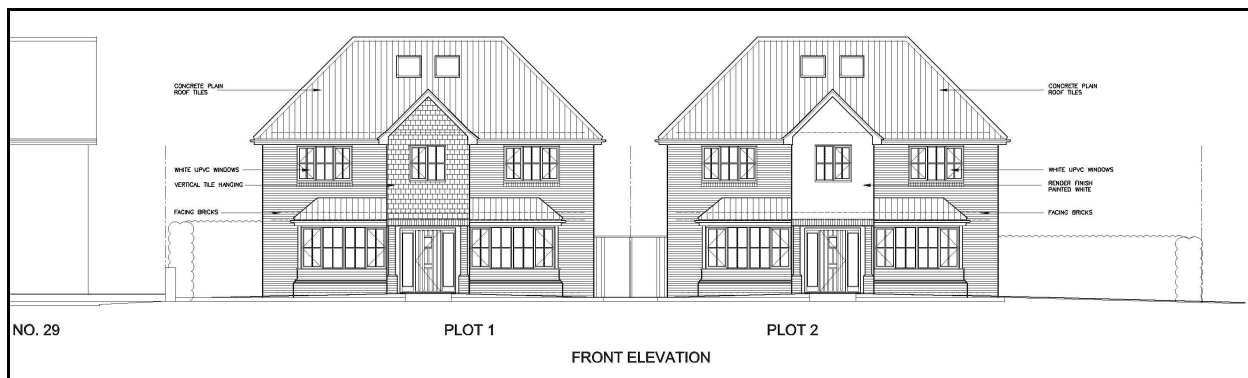
Proposed development

Full planning permission is sought for the demolition of the existing buildings and for the redevelopment of the site with two detached houses.



Site plan

They would have the character of two storey houses, but there would also be accommodation in the loft spaces, making them effectively three storeys. They would be “handed” (i.e. mirror images of each other), the only difference that is shown on the drawings being the finishing material for the first floor of the front bay, which would be tile hung on Plot 1 (the house on the left, as seen from the front) and white render on Plot 2.



Front elevation

The houses will stand side by side, with a gap of 2.4m between them (1.2m on each side of the boundary). Whereas the existing house is set at an angle to Glen Way, the two new houses will stand side on to it, directly facing the public footpath.

Each house would have five bedrooms (four on the first floor and one in the loft) and a playroom (in the loft). On the ground floor each house would have a lounge, a dining room, a third reception room, an open plan kitchen and breakfast room, a toilet and a utility room.

Each house will have two parking spaces on its front drive and a front lawn (beneath which a rainwater harvesting tank would be buried). There would also be a turning area shared by the two houses, which would stand between their front gardens and the public footpath. Each house would have a long rear garden (in excess of 30m).

Amendments

The application was amended, on advice from the Council, when the agent submitted some revised drawings and a revised Design and Access Statement on 1st October 2013. The changes were that rainwater harvesting tanks and solar panels are now proposed. Please refer to the section of this report entitled Environmental Sustainability for details.

The applicant does not currently own the site. In submitting the amended application form he has certified, by completing Certificate B in Section 25, that he has informed all three of the owners of the fact that he has applied for planning permission.

Planning History

54/16655/FUL – Planning permission was granted on 26.10.1954 - Erection of dwelling house.

76/00551/FUL – Planning permission was granted on 14.12.1976 - Construction of dormer window in the south-west elevation

77/00319/FUL – Conditional planning permission was granted on 17.08.1977 - Dormer window in roof.

90/00544/FUL – Approved with conditions on 14.01.1991 - Erection of single -storey rear extension to form shower room (retrospective application).

Relevant Building Control History

16655 – Bungalow – approved 1954

28638 – Covered way – approved 1965

868/76 – Structural alterations – approved 1976

90/0411 – Single storey rear extension

Relevant policies

National Planning Policy Framework

Section 7 Requiring Good Design

Watford Local Plan Core Strategy 2006-31

SD1 Sustainable Design

SD2 Water and Wastewater

SD3 Climate Change

SS1 Spatial Strategy

UD1 Delivering High Quality Design

INF1 Infrastructure Delivery and Planning Obligations

The Watford District Plan 2000

SE22 Noise

SE27 Flood Prevention

Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026

There are no policies that are relevant to this case.

Hertfordshire Minerals Local Plan Review 2002-2016

There are no policies that are relevant to this case.

Supplementary Planning Guidance

Residential Design Guide volume 1: Building New Homes (SPD adopted Nov 2008)

Watford Character Of The Area Study (SPD adopted Dec 2011)

SPG6: Internal Space Standards (SPG adopted October 2001)

CONSULTATIONS

Neighbour consultations

Eight properties in Glen Way and Farm Field were notified. Representations have been received from six members of the public, all of whom live in Glen Way or Roughwood Close. Some of them wrote more than once. The section of this report entitled *Consideration of Representations Received* contains a table summarising the points that were raised.

Arboricultural consultant

The proposed development does not affect any significant trees. However care will be required to ensure the retained existing hedging is not damaged or removed especially alongside the parking/turning area to the front of the two dwellings.

Hertfordshire County Council (Highway Authority)

The County Council as Highway Authority does not wish to restrict the grant of permission.

Informatives:

1) The development shall not begin until details of the disposal of surface water from the drive and parking area have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users.

2) Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

3). All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

Reason: In the interest of highway safety and the free and safe flow of traffic

Comments:

The proposal is for the demolition of the existing house and the construction of two new dwellings at 31 Glen Way, Watford.

Access

The site is at the end of a cul-de-sac known as Glen Way which is an unclassified road with a speed limit of 30mph. There is already a vehicle access to this site from Glen Way. In section 6 of the application form indicates the development will widen of the existing access to the highway.

Parking

Section 10 indicates there will be 4 parking spaces within the site to serve the proposed dwellings. Although not dimensioned, plan 13/111/2 Rev A appears to show insufficient space in front of the building to provide parking for 4 cars and manoeuvring within the site so that vehicles would not be able to enter and leave the highway in forward gear. However, Glen Way is an unclassified road and the site is located at the end of a cul-de-sac. Under these circumstances I do not consider I could substantiate a highway objection to this development.

I recommend the applicant should submit a dimensioned drawing showing details of the layout, size of the proposed scheme for parking and manoeuvring within the site has been submitted to and approved in writing by the Local Planning Authority.

The width needed to access perpendicular spaces conveniently, depends on the width of the bay and the angle of approach. The minimum width to access perpendicular spaces recommended by Manual for Streets is 6.0m width needed to for a 4.8mX2.4m parking

bay at 90 degrees(Para 8.3.51) which is in the interests of vehicles to get into the spaces in one movement .

The proposal results in an additional dwelling; therefore this development would attract a contribution towards but not limited to Sustainable Transport Measures identified in the South West Hertfordshire Transport Plan and subsequent transport plans. Under these circumstances I have no objection to this proposal and recommend permission is granted subject to the completion of an Agreement to secure a financial contribution of £1000.

The proposal is not considered to result in any severe adverse impact on the public highway and is considered acceptable to the Highway Authority.”

APPRAISAL

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

- (a) *Watford Local Plan Part 1: Core Strategy 2006-31 (adopted Jan 2013)*
- (b) the continuing “saved” policies of the *Watford District Plan 2000*
- (c) the *Hertfordshire Waste Core Strategy And Development Management Policies Document 2011-2026*
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

In addition, the National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was published on 27th March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF.

Design

The houses will be of a simple design. Neither traditional nor modernist, it could best be described as a contemporary interpretation of a traditional form. They will have the appearance from the front of being two storey houses, albeit with roof lights in the front roof slopes. In fact they will have three storeys, and this will be achieved by having crown roofs (i.e. pitched, but with a flat section rather than a ridge at the summit). When seen from the front, the roofs will appear to have a lateral ridge (see below "*Precedents*" for examples). It will be possible to see them obliquely, so the fact that they have crown roofs will be apparent, but it is not considered that this would amount to sufficient reason to justify the refusal of the application, given that this is not a conservation area and Glen Way's character is of ordinary detached houses in a variety of styles.

Each house will have a symmetrical frontage with a central front double storey bay to give it a strong presence and identity. The houses will be identical to each other (but handed) except for the finishing material for the first floor of the front bays. A condition will require the submission of further details regarding the bricks and the roof tiles, so that could be an opportunity to consider requiring different colours of bricks so as to differentiate the two houses from each other and prevent monotony.

Impact on the street scene

Glen Way is characterised by detached two storey houses, mainly in brick, and that is what is proposed here. It is true that there will be accommodation in the loft, but that is often the case on extended two storey houses as well. Providing loft accommodation in a house that previously had two storeys often does not require planning permission. Two storey houses with rooms in the loft are very common in Watford, but in this case the attic rooms would be purpose built, rather than conversions.

Whereas the existing house stands at an angle to the other houses on this side of Glen Way, the two new houses will stand beside them, facing the same direction (westward), so it could be argued that they will be more consistent with the pattern of development in the street than the existing house is. The site cannot be seen well from further down Glen

Way, so it is not considered that the development will have a significant impact on the street-scene.

Precedents

There are two precedents for pairs of new houses that would be somewhat similar to the proposed development. Both developments have been granted planning permission and have been built in the last few years, and both are on or close to the Hempstead Road. Both are considered to be successful developments that have caused no harm to the street scene.

A pair of new detached 2/3 storey houses has been built at 79 Hempstead Road, near the junction with Stratford Way. They replaced one older two storey house. Although not identical to the pair that are proposed in this case, they are similar in their size, general design, positioning, and in the use of crown roofs to conceal a third floor in what appears to be a two storey house. Although the Council initially refused planning permission for these houses (08/01053/FUL), they were subsequently allowed on appeal to the Planning Inspectorate. Planning permission was later granted by the Council for a revised scheme as a second application (08/01053/FUL). The development has now been completed.

A more recent precedent is on Kildonan Close, where a similar pair of houses has recently been completed on the site of a former bungalow at number 3. That development was granted planning permission by the Development Control Committee on 22nd November 2011 (11/00910/FUL).

Environmental sustainability

The scheme that was initially submitted did not include any particular measures to make the development environmentally sustainable; but, acting on advice from the Council, the applicant submitted some revised drawings on 1st October 2013. Those revised drawings propose that each house will have an underground rainwater harvesting tank beneath its front lawn, and each will have solar panels on the flat section at the crown of its roof. Neither the tanks nor the solar panels will be visible from the street or from neighbouring houses.

The tanks will reduce the amount of purified mains water that the houses will need to use. Some systems are used for water to irrigate gardens and wash cars etc, while some more sophisticated systems are available that can also be used for flushing toilets in the house. The application has not given full details but it is considered that, while the more sophisticated system would be preferable, the more basic system would be acceptable. There is therefore no need to request further details, but a condition should be applied to ensure that a system is installed and retained.

Such a condition should also be applied as regards the solar panels. The drawings do not specify whether the solar panels will be photovoltaic (i.e. generating electricity) or thermal (i.e. heating water) but either would be acceptable.

Impact on neighbouring properties

Each house will have three side windows that will face the other new house. At ground floor there will be a toilet window, at first floor a bathroom window, and in the loft a side roof light to the bedroom (which will also have a rear dormer window to provide its outlook). The only side window facing the existing neighbour at 29 Glen Way will be a roof light window of the playroom at Plot 1. A condition can ensure that these side windows are obscurely glazed so that neither of the new houses threatens the privacy of the other, and so that the playroom's side roof light does not threaten the privacy of 29 Glen Way.

Otherwise the windows will face forwards or they will overlook their own rear gardens, as is the case with the existing house.

There is only one immediately adjacent neighbour, which is the house at 29 Glen Way. The nearest new house to that will be Plot 1, but that house will be at least 1.7m away from the side boundary, with a further gap of approximately 3.5m on the other side, making a total separation of approximately 5.2m, which is considered a generous spacing. It is not considered likely that the new house will cause any significant obstruction to the levels of natural light reaching that neighbour from the south, given that there is already a two storey house in approximately the same location.

The house at No 29 has only one small secondary window at first floor in its flank elevation, so the development will not obstruct that neighbour's outlook.

Room sizes

The following minimum room size requirements are taken from Supplementary Planning Guidance Document 6 (SPG6): Internal Space Standards, which was adopted in October 2001. It is assumed that a main bedroom will accommodate a couple, with the other bedrooms being occupied by one person, so there will be one more occupant than the number of bedrooms; so in this case, as there would be 5 bedrooms, it is assumed that there will be 6 occupants. As the two proposed houses would be identical (but handed) it is only necessary to assess the room sizes of one of them.

Room	Required	Proposed	Acceptable?
Reception	No requirement	NA	NA
Lounge	16m ²	16.5m ²	Yes
Dining room	No requirement as there is also a kitchen / diner	NA	NA
Kitchen / diner	13m ²	30m ²	Yes
Utility room	No requirement		
Family bathroom	Bath, basin & WC	Bath, basin & WC	Yes
Bedroom 1	11m ²	19m ²	Yes
En suite to bedroom 1	No requirement	NA	NA
Bedroom 2	6.5m ²	15m ²	Yes
Bedroom 3	6.5m ²	13m ²	Yes
En suite to bedroom 3	No requirement	NA	NA
Bedroom 4	6.5m ²	11m ²	Yes
Bedroom 5	6.5m ²	15m ²	Yes
Playroom	No requirement	NA	NA
Study	No requirement	NA	NA

Gardens

This is a large and deep plot, so both of the new houses will be able to have large rear gardens. Plot 1's rear garden will be 382m², and Plot 2's will be 369m². The current guidance (which is likely to be revised soon) is that the minimum size for a garden for a new house should be at least 50m², so the proposed gardens would certainly be acceptable (see the Residential Design Guide, volume 1, section 7.6).

The proposal is to retain some parts of the existing boundary hedge, including the section that screens the front of the site from the public footpath. The Council's Arboricultural Consultant has recommended that a condition should be applied to ensure that hedges are retained where possible, and to control the landscaping of the development.

Traffic, transport and parking

The Council's parking standards are likely to be revised soon, but currently there are *maximum* parking standards (not minimum) so as to prevent excessive parking on forecourts and to encourage more sustainable means of transport such as walking, cycling or the use of public transport. Saved Policy T24 (Residential Development) of the Watford District Plan 2000 applies, and it is supported by Appendix 2, which states that the maximum number of parking spaces that should be permitted for a new house with four or more bedrooms in this part of Watford (Zone 4 of Map 7 of the appendix) is 3 spaces per dwelling.

In this location it is unrealistic to expect a family to have no cars or only one car, as it is not close to the Town Centre or local shops or services. So the proposal to provide two parking spaces per house seems reasonable as it will be below the permissible maximum, but still be a reasonable provision.

Many families have no more than two cars, so there is no reason to fear that the development will result in cars being parked on the street. A turning area is to be provided for the use of both houses, so that cars can manoeuvre off the street. The existing hedge is to be retained to ensure that no cars are able to drive on that part of the public footpath,

and a condition could be applied ensure that this is the case. A condition could also require further details to show what measures will be used to prevent cars from driving on the section of the footpath that is not covered by the hedge.

No bicycle stores have been proposed, but each house would have plenty of space to erect a shed in the rear garden if the occupiers wanted to (subject to the necessary approval, given that permitted development rights to erect sheds under Class E are recommended to be removed by a condition).

The representation received from the Hertfordshire Highways Service (see above) raises no objection to the proposal. Some conditions have been suggested, and versions of those conditions, or others with similar objectives, are recommended to be attached.

Section 106 planning obligation (unilateral undertaking)

The development proposed in this application is one where, in accordance with Policy INF1 of the Watford Local Plan Part 1 Core Strategy, the Council will normally require the applicant to enter into a planning obligation to provide contributions towards the provision or improvement of community facilities and infrastructure. 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.

Saved policies L8, L9, and H10 of the Watford District Plan 2000, together with *SPG 10: Open Space Provision* recognise that cumulative small developments within the urban area of Watford can produce significant additional demands for services and facilities in the same way that a smaller number of larger developments would. However, unlike larger developments which can often accommodate some provision of these services and

facilities within the site, smaller developments are clearly unable to do so and it would be unreasonable to expect them to. It is therefore reasonable to expect the applicant in such cases to make a financial contribution towards improved services and facilities within the Borough.

Most new residential developments within Watford comprise fewer than 50 dwellings. The Council seeks financial contributions on a per unit basis from all new residential developments. This is considered to be a reasonable approach as it ensures that all such developments make contributions on an equal basis, with actual payments determined by the number and, in some cases, the size of the units proposed. This approach therefore does not disadvantage applicants proposing larger developments within the Borough, but rather ensures that all applicants make payments in proportion to the additional demand on services and facilities that their development will generate.

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. In each case, the contributions received are pooled together in order to accumulate sufficient funds for the Council, the County Council and the Primary Care Trust to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the National Planning Policy Framework.

The contributions in the case of the development proposed in this application are set out below. As these contributions have been calculated in accordance with the Hertfordshire County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant policies of the Watford District Plan 2000, they are directly related to the proposed development, are fairly and reasonably related in scale and kind to that development and are necessary to make the development acceptable in relation to those policies. Accordingly, the requirement for such contributions meets 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.

Primary education:	£4,692
Secondary education:	£5,662
Nursery education:	£545
Childcare:	£244
Youth facilities:	£105
Library facilities:	£265
Sustainable transport:	£1,500
Total payable to Hertfordshire County Council:	£13,013

Open space provision:	£1,236
Children's play space:	£985
Monitoring fee:	£350
Total payable to Watford Borough Council:	£2,571

Provision of fire hydrants: As required by the Fire Service

The owners have agreed to make the contributions described above, and to that end they have submitted a unilateral undertaking, which applies to the current owners or to any future owners. In this case the applicant is not currently an owner, and therefore the applicant is not a signatory to the unilateral undertaking.

Consideration of representations received

Responses were received from six members of the public, all of whom live in Glen Way or Roughwood Close. Some of them wrote more than once. The following table contains a summary of the points that were raised.

One of the objectors visited the Town Hall after having submitted his objection and discussed the application with the case officer. On being shown the plans, he mentioned

that he had not seen them before, and that he had thought that the new houses would be built behind the existing one. However that objection has not been withdrawn.

Points Raised	Officer's Response
<p>Glen Way is a narrow road, so it is not suitable for infill development.</p>	<p>Glen Way is quite narrow, but as this end of it is a residential cul-de-sac it does not carry any through traffic. The road is broad enough for its purpose. The application site is at the end where the road widens for a turning head. There is no reason why the width of the road should make the site unsuitable for an infill development.</p>
<p>Access in and out of Glen Way is difficult because of the large number of vehicles using it. There is only one exit with no traffic lights.</p>	<p>It is difficult to turn right out of Glen Way onto the Hempstead Road, but that is because Hempstead Road is a busy main route into Watford carrying a lot of traffic. Adding one more house (with a maximum of two cars) will not make a noticeable difference to the amount of traffic on Glen Way. The highway authority is Hertfordshire County Council, and any decision as to whether traffic lights should be installed is a matter for them.</p>
<p>There is a lot of pedestrian activity on the public footpath. Vehicles using the site could endanger pedestrians or cyclists.</p>	<p>The vehicular access to the site will be the same as for the existing house (albeit slightly widened) and the development will be partly separated from the public footpath by the retention of the existing hedge. A condition will require details to show how the other part will be kept free from vehicles.</p>
<p>The playrooms could be used as bedrooms.</p>	<p>They are large enough to meet the Council's room size requirements for bedrooms.</p>

<p>The proposal would be over-development of the plot.</p>	<p>The plot is very large, and the existing house occupies only a small part of it. Currently this is not efficient use of the land. The Borough needs more housing, and it is considered that the proposed development would sit comfortably on this large plot.</p>
<p>The drawings seem to have been deliberately made difficult to understand.</p>	<p>The drawings are clear, and are typical of the type of drawings that are normally required with a planning application. The Duty Planning Officer is available at the Town Hall every weekday from 10:00am to 12:45 to explain applications; no appointment is needed. For a more detailed explanation an appointment can be made to meet the case officer who is dealing with a particular application.</p>
<p>The bedroom and playroom windows would overlook the gardens of 29, 27, 25 and perhaps other houses.</p>	<p>The only side-facing window that faces an existing neighbour would be the side roof light window of the playroom at Plot 1. A condition can ensure that it is obscurely glazed, and that the only parts that can be opened will be parts that are 1.7m above the floor so as to protect the neighbours' privacy. The playroom has front and rear roof light windows too, but those will only face forwards or over the property's own rear garden, as is normal in any house.</p>
<p>The new houses will not have enough parking space. This will lead to on-street parking congestion on the street, which is a problem that is already making it difficult for residents to get out of their drives.</p>	<p>The Council's policy is that a house of this size in this part of Watford should have a maximum of 3 parking spaces. Two spaces per house have been proposed, which is considered adequate provision for a single family dwelling. It is not considered likely that this will lead to parking</p>

	<p>congestion on the street. When the site visit was conducted on a Wednesday afternoon there was only one car parked on the street in this section of Glen Way.</p>
<p>The development will result in the loss of existing on street parking space in the head of the cul-de-sac.</p>	<p>This is a turning head, which is intended to enable vehicles to turn around at the end of the street. It was not meant to be used as parking space.</p>
<p>Builders working on other developments in the area have been working at unsociable hours.</p>	<p>A condition can be attached to ensure that working hours are at times that will minimise disturbance to neighbours. When violations of conditions are reported to the Council appropriate action is taken by the Planning Enforcement team.</p>
<p>Properties in this area sometimes have covenants limiting the number of dwellings to one per plot.</p>	<p>Covenants are a separate issue from the Planning system, and the Council is not involved in enforcing them. Planning permission does not over-ride a covenant, which would still apply. However in this case the title deed (HD400127) has been submitted in support of the application, and that does not include any covenant limiting the number of dwellings that may be erected on the site.</p>
<p>Some other developments in the area have been altered without the neighbours having been consulted.</p>	<p>Whether or not a development is altered subsequently is not a material consideration in the determination of an application for planning permission.</p>
<p>The development will overlook the Glen Way Open Space, and it will tower above that space.</p>	<p>These will be 2/3 storey houses that will look like 2 storey houses with rooms in the loft. Such houses are common, and the development is not considered to be unreasonably tall. The park is a</p>

	public space so there is no reason why the houses should not overlook it. Public spaces benefit from being overlooked because otherwise they can be vulnerable to crime or antisocial behaviour.
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Conclusion

The two new houses will make more efficient use of this broad plot than the existing house does, which occupies only a small part of a large plot. The new houses will be adequately spaced and their design is considered acceptable. The room sizes would be adequate, the amount of parking space would be adequate but not excessive, and the rear gardens would be ample. No significant harm will be caused to the amenity of any neighbours, nor to the street scene. The applicant has acted on advice from the Council by revising the design to make it more environmentally sustainable. The applicant has submitted a unilateral undertaking which will constitute a planning obligation to mitigate the impact of the development on local services and infrastructure.

Human rights implications

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.

RECOMMENDATION

That planning permission be granted, subject to the following 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 Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

- 3 No development shall commence on site, and no trees or hedges shall be removed or partially removed, until full details of all hard and soft landscaping works (including details of any changes to ground levels around the building), any fencing or other boundary treatments and any external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the site, in accordance with Policy UD1 of the Watford Local Plan (Part 1: Core Strategy) 2006-31.

- 4 No development shall commence on site until full details and physical samples of the bricks and the roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Part 1: Core Strategy) 2006-2031.

- 5 The proposed bathroom and toilet windows in both the flank elevations and the proposed side roof light bedroom windows of both houses shall be fitted with obscured glass at all times, and no part of those windows shall be capable of being opened other than parts that are at least 1.7m above the floor of the room in which the window is installed. This condition also applies to the side roof light window of the playroom at Plot 1 (but not at Plot 2).

Reason: To prevent overlooking of those parts of neighbouring premises in which the residents should have a reasonable expectation of privacy, pursuant to section 17 (point 4) of the National Planning Policy Framework and Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document (volume 2 Extending Your Home, section 3.3.1c) as referenced in paragraph 12.1.5 supporting Policy UD1.

- 6 Neither of the houses shall be occupied until the solar panels and the rainwater harvesting systems that are shown on the drawings hereby approved have been installed, and those systems shall be retained thereafter, as shown on those drawings, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is environmentally sustainable, as required by Policies SD1 (Sustainable Design), SD2 (Water and Wastewater) and SD3 (Climate Change) of the Watford Local Plan Part 1 Core Strategy, and in accordance with Chapter 10 of the National Planning Policy Framework.

- 7 No windows, doors or openings of any kind, other than those shown on the plans hereby approved, shall be inserted in the walls or roofs of this development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide supplementary planning document (volume 2 Extending Your Home, section 3.3.1c) as referenced in paragraph 12.1.5 supporting Policy UD1.

- 8 The hard standings at the front of both houses shall be constructed in such a way that any rain water falling on those surfaces shall either soak away into the soil within the site or else drain into a rainwater harvesting tank for reuse by the occupiers of the dwellings. The rainwater shall not run off onto land outside the site, nor enter public drains or sewers.

Reason: To avoid localised flooding of the highway, nuisance to neighbours, or overloading of public sewers and sewage treatment works during periods of heavy or prolonged rainfall, pursuant to saved Policy SE27 (Flood Prevention) of the Watford District Plan 2000.

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E or F of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development, and will not prove detrimental to the

amenities of adjoining occupiers, in accordance with Policy UD1 (Delivering High Quality Design) of the Watford Local Plan Part 1 Core Strategy.

- 10 No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of temporary access for construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period. No materials or equipment shall be stored outside the curtilage of the site unless otherwise agreed in writing by the Local Planning Authority (in consultation with the Highway Authority).

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed, pursuant to saved Policy SE22 of the Watford District Plan 2000.

- 11 No development shall commence on site until dimensioned drawings have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the parking spaces will be adequately sized to accommodate vehicles and that they will be positioned in such a way as to allow easy parking and manoeuvring. Those drawings shall include details of measures to be taken to prevent vehicles from driving over the public footpath.

Reason: To ensure that the width of the bays and the angle of approach will be sufficient to allow vehicles to enter and leave the site in forward gear, so as to prevent vehicle movements that might be hazardous to other road users or pedestrians using the adjacent public footpath.

Informatives

- 1 This planning permission is accompanied by a planning obligation in the form of a unilateral undertaking, which is binding upon the owners and their successors in title. It obliges the owners to make certain contributions to local services and infrastructure when work commences on implementing this permission. It includes an obligation to inform the Local Planning Authority when work commences by contacting the Section 106 Officer in the Planning department.

- 2 The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's website www.watford.gov.uk/planning where it is to be found as an appendix to the agenda of the Development Control Committee of 21 November 2013, or on request from the Regeneration and Development Department.

- 3 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

- 4 The development will involve the creation of addresses for new properties. The applicant must apply to the Council to allocate a street number or name. This is a requirement of the Public Health Act 1925. Applications for this purpose should be made to the Local Land and Property Gazetteer Officer at Watford Borough Council, Town Hall, Watford, WD17 3EX.

Drawing Numbers

Site location plan

Drawing number 13/111/1

Drawing number 13/111/2 revision A

Drawing number 13/111/3

Drawing number 13/111/4

Drawing number 13/111/5

Drawing number 13/111/6 revision A

Drawing number 13/111/7

Drawing number 13/111/8

Design and Access Statement

Case Officer: **Max Sanders**

Email: **max.sanders@watford.gov.uk**

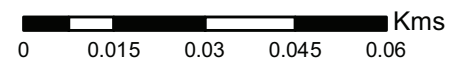
Tel: **01923 278288**

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31 Glen Way

Date: 12/11/2013



Scale 1:1,250



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Agenda Item 7

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee

21st November 2013

Site address:

Charter Place Shopping Centre

Reference Number :

13/00972/FULM

Description of Development:

Part demolition/reconfiguration/change of use of existing Charter Place Shopping Centre, demolition of 37-57 and 67-69 High Street, and part retention of 63-65, High Street. Erection of new buildings within Classes A1(shops), A3 (restaurants) and D2 (including cinema), including provision of new covered market, together with associated plant and machinery, and ancillary facilities. Provision of new public realm. Alterations to existing pedestrian and cycle access and egress arrangements, highway alterations/improvements and other ancillary works and operations.

Applicant:

WRP Management Ltd

Date received:

12th September 2013

13 week date(major):

12th December 2013

Ward:

CENTRAL

SUMMARY

This is an application for full planning permission for the redevelopment of the Charter Place Shopping Centre. The scheme secures many of the key objectives of the adopted Charter Place Planning Brief (2006) and will include new and refurbished retail units (providing an additional 10,000m² of floorspace), 10 new restaurant units, a 9 screen cinema (including an Imax screen), a leisure unit and a new indoor market, together with a high quality public realm. The proposal will enhance the vitality and viability of Watford as a regional shopping centre and will significantly enhance the character and appearance of this part of the town centre. The proposal accords with the policies of the adopted Core Strategy and the policies of the National Planning Policy Framework (NPPF). Following a formal design review of the scheme by the Shape East Design Panel, a number of amendments to the scheme have been requested to simplify and improve certain elements of the design. At the time of writing this report, the submission of amended drawings is still awaited.

The Development Management Section Head therefore recommends that the application be approved, subject to 1) the submission of acceptable amended drawings, 2) the completion of a section 106 planning obligation, and 3) the imposition of appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

Charter Place is located in the town centre and covers an area of approximately 2.1 hectares. It comprises the Charter Place Shopping Centre (including the indoor market), Palace Charter car park (755 spaces) and the YMCA tower. It is bordered by Beechen Grove to the north, *intu Watford* to the east, High Street to the south and properties fronting High Street and Clarendon Road to the west. Pedestrian access is from High Street (Meeting Alley and Charter Way (adjacent to HSBC Bank)), *intu Watford* and Beechen Grove (Grove Walk). Vehicular access is from Beechen Grove to a basement servicing area and to Palace Charter car park. Limited servicing access is also available from High Street.

Proposed development

This application is for full planning permission. A separate application has been submitted for listed building consent in respect of the proposed alterations to and demolition of part of 63-65 High Street. The proposal is a complex scheme that incorporates a number of different elements. These can be summarised as follows:-

- Demolition of nos. 37, 39, 41, 41a, 43-45, 47-51, 55, 57, 67 and 69, High Street together with the central and rear sections of 63-65, High Street (listed building) with the front façade and roof being retained.
- Demolition of all the internal units at ground and first floor level within Charter Place with the exception of those units sited underneath the Palace Charter car park, the YMCA and the Women's Centre. The public toilets on Grove Walk will also be demolished.
- Stopping up of Meeting Alley and Charter Way (adjacent to HSBC Bank) and formation of new single pedestrian access to the north-west of Meeting Alley leading to a new central public space. The new build elements of the development will be sited to the north-west (Block A) and the south-east (Block B) of this new access.
- Block A – A mixed-use, multi-storey building comprising 2 storey units fronting High Street rising to 4 storey behind. The 2 storey units comprise 4 restaurants (fronting High Street and the new pedestrian access) with the 4 storey element comprising 2 retail units at ground level, 2 retail units at first floor level (with mezzanines) and a leisure use above.
- Block B – A mixed-use, multi-storey building comprising 2 and 3 storey units fronting High Street rising to 6 storeys behind. The building comprises 6 restaurants at ground and first floor (fronting High Street and the new pedestrian access), with 3 retail units fronting the new public space at ground level and 3 retail units at first floor level (with mezzanines). Above these units is the cinema comprising an Imax screen and 8 other screens (total capacity approx. 1540 seats).

- The existing retail units and indoor Market located underneath Palace Charter car park will be refurbished and reconfigured to form 7 new retail units at ground and first floor levels.
- A new covered market will be constructed off Grove Walk where the existing public toilets and small car park are located.
- The basement service area will be reconfigured to incorporate new retail floorspace in connection with the ground floor retail units.
- The existing Palace Charter car park will be refurbished internally and the external elevations, including the circular exit ramp, will be clad with terracotta batons to screen the existing concrete structure. A new canopy will also be constructed on the Beechen Grove frontage which will support and screen new plant and equipment for the retail units.

The table below details the changes in floorspace between the existing shopping centre and the proposed development by Use Class in square metres (m²). Overall, 11,297m² of floorspace will be demolished and 30,481m² of new floorspace constructed.

	Existing	Proposed	Change
Class A1 Retail	17,407	27,698	+10,291
Class A2 Financial	1,012	0	-1,012
Class A3 Restaurant	769	4,821	+4,052
Class B1 Office	128	0	-128
Class D2 Leisure	0	9,897	+9,897
YMCA	8,078	8,078	0
Palace Charter car park	19,902	19,902	0
Other	16,651	11,597	-4,694
Total	63,947	82,353	+18,406

Change in floorspace by Use Class (square metres GIA)

Planning history

Charter Place Shopping Centre, including the indoor market, opened in 1976. A limited

scheme of improvements was undertaken by the Council in the early 1990s but the centre remains essentially as originally constructed.

Relevant policies

National Planning Policy Framework

- Section 1 Building a strong, competitive economy
- Section 2 Ensuring the vitality of town centres
- Section 4 Promoting sustainable transport
- Section 7 Requiring good design
- Section 8 Promoting healthy communities
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 12 Conserving and enhancing the historic environment

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

- 1 Strategy for the Provision for Waste Management Facilities
- 1a Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SPA1 Town Centre
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste

- TLC1 Retail and Commercial Leisure Development
- EMP1 Economic Development
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

Watford District Plan 2000

- SE7 Waste Storage and Recycling in New Development
- SE20 Air Quality
- SE22 Noise
- SE27 Flood Prevention
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards
- S5 Non-Retail Uses in Prime Retail Frontage
- S11 Use Class A3 Food and Drink
- U15 Buildings of Local Interest
- U17 Setting of Conservation Areas
- U24 Shopfronts

Supplementary Planning Documents

- Charter Place Planning Brief (2006)
 - Watford Character of Area Study (2011)
 - Shopfront Design Guide (2013)
 - Streetscape Design Guide (2013)
-

CONSULTATIONS

Neighbour consultations

Letters were sent to 167 properties in High Street, Market Street, Clarendon Road, Beechen Grove and Loates Lane. Four replies have been received from Mrs Forsyth (a local resident and historian), YMCA Watford, Central Town Residents Association and LCP Securities Limited (owners of 47-51, High Street). These are detailed below with brief comments from your officers:

i) Mrs Forsyth

- Several buildings on the High Street frontage may be of interest. A desk-based archaeological assessment should be carried out as a forerunner to possible excavation. *The Hertfordshire County Archaeologist has also requested a desk-based archaeological assessment and this has been included as a recommended condition.*
- Interested to know what English Heritage have to say about the removal of most of the listed building at 63-65, High Street. *English Heritage is not a statutory consultee so far as this planning application is concerned, but has been consulted in respect of the application for listed building consent; nevertheless, further information has been requested from the applicant.*
- Are the entry points from High Street adequate? The realigned Meeting Alley looks cluttered with seating outside the restaurants. *The extent of seating in the public realm, if this is to occur, will need to be the subject of a separate application by the future tenant.*

ii) YMCA Watford

- The YMCA welcomes intu's proposals to regenerate Charter Place.
- The application does not propose any improvements to Charter House [*the YMCA tower*]; as a result, it will be in stark contrast to the new development. The YMCA would welcome discussions with intu to improve the visual appearance of the Charter House structure. *Charter House is not part of the*

development nor is it within intu's ownership. Any discussions between the YMCA and intu are not relevant considerations for this application.

- *The proposed wall to the indoor market off Grove Walk will obscure office windows within the Charter House building that overlook this area. This was not the intention and the drawings have been amended accordingly.*
- *The proposed indoor market will be sited on land where scaffolding is erected for maintenance purposes. This is a property matter and is being discussed with the applicant.*

iii) Central Town Residents Association

- *Once demolition commences, will part of the High Street be closed to pedestrians and traffic (blue badge holders, buses, delivery lorries)? Full access for pedestrians, buses and deliveries will need to be maintained in the High Street. Whilst there will be some disruption, the preliminary demolition and construction plans show this to be kept to a minimum. Any significant closures or diversions will need to be agreed with Hertfordshire County Council as the Highway Authority and, where necessary, the bus companies, but this is not currently intended to occur.*
- *Once completed, will the existing infrastructure be able to cope with the increased demand? During the daytime, it is predicted that additional traffic will not be significant (less than 5%) but that the dwell time of visitors (how long they stay in the town centre) will increase. The cinema, leisure use and restaurants are predicted to generate additional traffic in the evenings when demand on the highway network and the car parks is at its lowest.*
- *Will the toilets at Church car park be re-opened? This is a decision for the Council and is separate from the consideration of this planning application, although the Council is not currently intending to re-open these toilets.*
- *Will the new Charter Place be washed down every day to keep it looking clean and tidy? The street cleaning regime is separate from the consideration of this planning application and is a matter for the Council and Veolia Environmental Services.*

- Will buses still be coming into the High Street? *The only potential change to the bus stops is the moving of Bus Stop E from the High Street to Beechen Grove, but this will need to be agreed with Hertfordshire County Council and the bus companies as a separate matter. Otherwise, there are no changes proposed.*

iv) LCP Securities Limited (LCP)

Do not object to the principle of the improvements to Charter Place but consider that:-

- There is no compelling need in the public interest for the premises at 47-51, High Street to be demolished to serve the wider regeneration of the area. *The site is included in the Charter Place Planning Brief 2006 for a comprehensive redevelopment of the existing Charter Place Shopping Centre. It is not a listed building and is of no architectural merit. It is necessary to include this building and all other buildings fronting the High Street in order to achieve the aims of the Planning Brief.*
- There is no documentation that appropriate and imaginative alternative proposals were considered that would have retained the premises.
- The process by which these premises have been selected for demolition has been arbitrary and unfair. *The site is included in the Charter Place Planning Brief 2006 for a comprehensive redevelopment of the existing Charter Place Shopping Centre. It is not a listed building and is of no architectural merit. It is necessary to include this building and all other buildings fronting the High Street in order to achieve the aims of the Planning Brief.*
- The subject premises are in good condition and beneficial use. LCP have firm proposals to continue to invest in the building and create further beneficial use. *The building is of no architectural merit and detracts from the streetscene. Whilst it is currently occupied, this does not outweigh the need to redevelop Charter Place. Although LCP submitted a planning application in 2004 to redevelop the site with a ground floor retail unit and 12 flats, this was refused. No appeal was submitted and no further application for the redevelopment of this site has been submitted subsequently.*

- LCP will vigorously defend any Compulsory Purchase Order that is served against the premises. *This is a separate matter and is not relevant to the determination of the planning application.*

Advertisements in local paper/ site notices

A public notice was published in the Watford Observer on 20th September 2013. Fifteen site notices were placed within Charter Place and on the roads surrounding Charter Place, also on 20th September 2013.

Consultations

Environment Agency

We object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to groundwater is acceptable.

There are two strands to this objection:

- We consider the level of risk posed by this proposal to be unacceptable.
- The application fails to provide assurance that the risks of pollution are understood, as a PRA [*preliminary risk assessment*] has not been provided.

Reason: The site is in source protection zone 2. This means that the groundwater beneath the site reaches a public drinking water abstraction point between 50-400 days. As such, it is vital to protect this groundwater from contamination.

In response to these comments, a preliminary risk assessment was submitted. At the time of preparing this report, the PRA was still under consideration by the Environment Agency.

Thames Water

Waste Comments - Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application.

Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence

until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.”

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

“No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.”

Supplementary Comments - A developer funded impact study will be required for this development, to assess the impact of the foul water flows on the network. A drainage strategy would then be produced in consultation with Thames Water to show that capacity exists in both the on and off site infrastructure or that it can be provided ahead of occupation. Where additional infrastructure is required the strategy would go on to identify what infrastructure is required, where and funded by who.

The applicant has challenged the request by Thames Water that they should fund the impact study and any mitigation measures required, arguing that recent case law confirms that it is the responsibility of Thames Water to ensure adequate capacity exists. Discussions between Thames Water and the applicant are on-going. However, it is a material planning consideration that adequate capacity exists to serve the development.

Hertfordshire County Council – Highway Authority

The County Council as Highway Authority has considered the detailed Transport Statement and has raised no objection to the application subject to the completion of the proposed off-site highway improvement works, environmental improvements along the High Street and Beechen Grove frontages, the Travel Plan, the Delivery and Servicing Plan and a contribution towards wider public realm improvements. It is considered that this package of measures is sufficient to mitigate any adverse impacts of the proposal.

Hertfordshire County Council - Archaeology

The site lies within the historic core of Watford. The Planning Statement submitted with this application does not appear to consider archaeology, rather it seems to be concerned with Listed buildings and impact to the conservation area. A Heritage Townscape and Visual Impact Assessment has some description of the interior of buildings, but again appears to be primarily concerned with Listed buildings and impact to the conservation area.

Information received from the South West Herts Archaeological and Historical Society (SWHAHS) notes the archaeological potential of the site, in particular from the medieval period and that there are some areas of open yard with archaeological potential. Many buildings on the High Street have been found to have surviving earlier and even medieval origins.

The proposed development is therefore likely to have an impact on heritage assets, and I recommend that the following provisions be made, should you be minded to grant consent:

1. A rapid archaeological desk based and impact assessment of the proposed development site before *any* development/demolition/site preparation commences.
2. A historic buildings assessment of the site before *any* development/demolition/site preparation commences.

I recommend that these reports are submitted for consideration and approval before *any* development/demolition/site preparation commences so that an appropriate programme of archaeological work can be implemented (if necessary).

3. Such appropriate mitigation measures indicated as necessary by those assessments.

The standard archaeological investigation condition is recommended.

Hertfordshire Constabulary Crime Prevention Officer

The Crime Prevention Design Advisor has confirmed that discussions are continuing regarding matters of security and design both with regard to local issues and wider counter terrorism measures that may need to be included with the design. Some detailed comments at this stage include:

- I will be looking for bollards or street furniture along the Parade/High Street positioned along the edge of the pavement so as to prevent vehicular movement on to the footpath. I will also be looking for bollards or something similar on the building line and entrance from the Parade/High Street in to the covered shopping area. The bollards etc. to be the subject of further discussion.
- I note the DAS [*Design and Access Statement*] talks about getting staff of the tenanted units to be able to cycle to work and therefore there is a need for secure cycle storage either near or within each unit. I would prefer not to have one large cycle storage area as this may well reduce security.
- There will be a need for CCTV to cover both the basement and the public areas and this could be linked to the existing system covering the current Harlequin

centre. *Intu have confirmed that there will be full CCTV coverage for Charter Place and the cameras will be linked to the existing intu Watford control centre.*

- I will be looking for a Lux Plan in due course.
- Further detailed discussions to be had around the security of the basement area. *Intu have confirmed a full security team will be employed for the basement with a manned entrance between 7am and 11pm.*
- I have spoken to the local CI and Inspector in view of the increase in the number of people in Watford [cinemas estimated to hold in the region of 2000 people] and they will be looking for S106 or even CIL monies for a couple more PCSOs. *Intu have confirmed a full 24 hour security team will be provided for Charter Place and that of Palace Charter car park and the cinema. They don't therefore anticipate any additional requirement for PCSO's over and above the current provision within the town centre.*

Environmental Health

Contaminated land

Charter Place has been placed on the Council's prioritisation list for further investigation as part of the Council's contaminated land strategy (forming part of the site known as 'Harlequin Centre, High Street'). The site has been ranked as a medium priority for further investigation. Potentially contaminative uses of the site include: coal, garages, textiles & dyes, timber and warehouses. A contaminated land investigation will be required via a planning condition as part of this redevelopment.

Noise

The proposal includes significant quantities of plant, some of which is to be installed in the proximity of noise sensitive premises. As part of the application an Environmental Noise Survey Report, reference 19403/ENS1 Revision 2 dated September 2013, was submitted. This report sets out the requirements for plant noise emissions as well as entertainment noise.

Conditions should be attached to the permission, if granted, which require all plant to comply with the requirements set out in the Noise Survey Report and additionally require full details of any such plant (including extraction systems) serving each unit, restaurant, common parts or similar to be provided to and agreed by Watford Borough Council prior to each unit, restaurant, common parts or similar being opened to the public.

A further condition covering the emission of entertainment noise should be attached requiring all entertainment units to comply with the requirements set out in the Noise Survey Report. This condition should require details of the building fabric of each entertainment unit to be provided to and agreed by Watford Borough Council prior to each entertainment unit opening to the public. This detail should include details of the noise generated in the entertainment units, the attenuation offered by the building fabric and a calculation showing the predicted levels, from the operation of the entertainment unit, at the 3 monitoring locations.

Odour

There is no detail provided as to the position or specification of the extraction systems to be provided to the restaurants. I am concerned that there is the possibility of odour nuisance being generated should the extraction systems discharge close to residential properties. A condition should be attached requiring full details of the extraction system for each restaurant, including noise and odour control, to be submitted to and approved by Watford Borough Council prior to each restaurant being opened to the public.

Sustainability

Watford Borough Council requires BREEAM 'Very good' for developments in Special Policy Areas. The BREEAM Pre-Assessment states that the contractor aims to achieve 'Very Good' where feasible; however, the Pre-Assessment scores the development at 55.29% which is lower end of the spectrum (55-70%). To allow the contractor some flexibility at later stages of construction I would suggest that more of the credits are targeted, such as:

- Man 05 Ensuring that Life Cycle Cost Analysis is carried out at the appropriate stage.
- Ene 01 Aim for better a EPR_{NC} (BREEAM Excellent rating would be appropriate here).
- Ene 04 Investigate other sources of renewables in developments in Watford. Can Charter Place benefit from other Low Carbon technologies being implemented in the borough?
- Wat 03 As the East of England is the driest region in the country and Hertfordshire uses 12 more litres per day per person water efficiency is a high priority for Hertfordshire, an appropriate leak detection system should be implemented.
- Mat 03 BREEAM Very good should be aimed for here.

Urban Design and Conservation

Generally the scheme is acceptable in terms of its scale and massing and design approach. It also delivers what the Council required in terms of additional retail floorspace and leisure based activities. A Design Review took place on 14th October 2013 and formal views were received in a letter dated 28th October. [See below]

The main issues highlighted in the Design Review are:

- quality of the pedestrian link through the scheme;
- quality and extent of improvements to public realm on High Street;
- architectural treatment of the High Street elevation.

I have some concerns regarding these issues as well:

Public realm

I would concur that more attention should be paid to the High Street public realm with a more holistic view regarding the role the High Street will play in the perception of *Intu Watford* as an attractive place to visit. All the messages regarding delivery of successful town centres refer to the role of the public realm in providing a high quality back drop against which all the activities take place. In addition, *Intu Watford* will have to rely heavily on public transport to convey customers to the town centre and the quality of the routes to the key public transport nodes.

Every effort should be made to secure a significant contribution to the cost of delivering an improved public realm for the High Street beyond the site boundary. Attention should be paid to the pedestrian crossing at Beechen Grove to wards the Watford Junction Station; and in the future the access to the High Street Station should be addressed.

Pedestrian link

I agree that it is important to make this as attractive as possible and to ensure that the new indoor market area functions well. It is suggested that we place conditions requiring that the elevation of the shop unit facing the market hall area is preferably active – i.e. has exits and entrances and, if not, is clear glass looking into the store and not used for display or blocked off with advertisements, etc. Also, the design and appearance of the market hall is important, particularly in relation to the methods proposed for security of the area once the stalls have ceased trading. I suggest that we use conditions requiring details concerning this to be submitted and agreed.

High Street elevation

This is the area where there is most concern and it is important to get the scheme right first time as it will not be possible to change it once constructed.

Key issues are:

- How the gables are used – can this be improved?
- Upper storeys – degree of set back for the cinema box
- Upper storeys – materials for cladding the cinema
- Ground floor glazing arrangements for restaurants 3,7 and 9.

Gables: the principle of this architectural device to link the new scheme with existing parts of the High Street and to house the plant needed for the restaurants is accepted.

However, there is one area where relatively minor changes would result in a much improved scheme:

- restaurant 9 has 3.5 gables which is a little odd - the gables themselves are attractive and, to my mind, work at roofline level but the half gable looks like the building is unfinished. It is suggested that the gables be reduced in number to 3 with the central one lining up with the centre of the elevation at lower levels. See comments below regarding possible changes to other parts of this unit.

The gables on restaurants 3 and 7 are bigger than that on the listed building – restaurant 8 - which may be an issue; however, if the back drop is simplified as suggested below, the need for change may be removed as the overall frontage will be less complex, with fewer elements competing for attention, which allows the gables to sit more comfortably in the street scene as a stronger design feature. This is the approach adopted for the relationship between the leisure box and the High Street elevation and results in a much cleaner and clearer appearance for that elevation.

Upper Storeys: the degree of set back is an issue; much work has been done in the pre-application period to reduce the scale and massing of the building and to set the cinema box as far back as possible. It is important that, as the scheme develops, this degree of set back is retained and, if possible, the cinema box is set further back.

Upper Storeys: cladding to cinema box – the method chosen to clad this section is different to that selected for the rest of the leisure box elevations. There are two issues to my mind:

- materials and colours chosen;
- the block pattern used.

The Design Review suggested that the approach to cladding should be simplified; after discussion the preferred route for this is:

- to use the same materials but to simplify the manner in which they are used;
- to limit the area of grey brick to that behind restaurant 7;
- the remainder should be treated as for the leisure box with copper colour mix cladding.

Another point is that the range of colours shown on the materials board for material 8 – the cladding - does not really match the copper colour shown on all the rendered drawings. It would be preferable to have a mix of colours which more closely match that shown on the rendered drawings; the range chosen is too muddy and will look very dull.

Glazing to restaurant units 3, 7 and 9: the issue here is whether the upper floors of the building should be rooted more directly to the ground, as for restaurant unit 10. There are two clear reasons for doing this:

- to allow the buildings to meet the ground with a solid material rather than appear to float above the glass ground floor;
- to allow some continuous vertical lines from the roof line down to the ground which would add some strength to the buildings and would emphasise the vertical rhythms set up by the strong gables along the roof line which has all but disappeared by the time the buildings meet the ground.

It is suggested that the solid areas be brought down on units 3 and 7 in line with the end of the first bay (end of the half gable) and that for restaurant unit 9 in line with the centre line of a revised 3 bay roofline or two verticals in line with the two points where the bays join.

Additional points: the off set blocks on restaurant unit 9 create a messy and cluttered elevation which has no vertical lines to speak of. It is suggested that the first and second floor elevations should be simplified and a vertical pattern reflecting the gables be adopted. This would allow the complex elevation of the listed building to be celebrated without competition from this poorly conceived elevation.

It would be preferable to go for a 'less is more' approach along the High Street; at the moment the buildings are all trying too hard to compete with one another and do not create a very coherent whole. A little simplification would remove some of the competing elements and still allow the variation needed to be retained.

Heritage Issues: the applicants were asked to provide additional justification for the loss of the locally listed buildings (Nos 37, 39, 41 and 41A High Street) and the loss of some fabric to the listed building (Nos 63-65 High Street) and the impact on its setting. Additional information has now been submitted and elaborates on the extent of the public benefit to be achieved from the scheme. The benefits set out show clear improvements in terms of social and economic areas but it is not so clear in terms of the environmental benefits, which includes the built environment. Generally it can be shown from the visual assessment that there is an overall improvement, but, as set out above, there are some areas where there could be further improvement. It is our view that the changes required would not impact on the viability of the scheme and would bring additional environmental benefits in terms of the quality of the new buildings. This would allow a stronger case to be made for the public benefit in terms of the loss and damage to designated and undesignated heritage assets.

If these changes can be made we will have a scheme to be proud of; at present the scheme falls short of the standards required in townscape terms to justify the impact on the townscape and heritage of the town and to provide a high quality development which will signal a new era for the town centre.

Community Involvement

A public exhibition of the proposed scheme was held in the *intu Watford* centre on 19th and 20th July 2013. This was preceded by the distribution of a leaflet/questionnaire to 5,666 households and 944 local businesses on 15th July 2013 in addition to key stakeholders including Charter Place and *intu Watford* tenants, amenity groups and elected officials. A website was also created to allow the proposals to be viewed and commented on online. The exhibition was attended by 632 members of the public. By 3rd August (the closing date for responses) a total of 427 completed questionnaires had been received (236 leaflets and 191 online).

In response to the question 'Do you think Charter Place needs to change?', 91% of respondents were in favour. In response to the question 'Are you in favour of our proposals for new shops and leisure facilities at Charter Place?', again 91% were in favour.

Shape East Design Panel Review

The proposed development was reviewed by the Shape East Design Panel on 14th October 2013. This review included a visit to the site and a presentation of the scheme by the applicant's architects. Extracts from the review are given below:

Summary

The existing Harlequin Centre [*Charter Place*] has a number of serious deficiencies and the Panel recognises the need for redevelopment with a more intensive scheme. We think the scale of the development is acceptable and that the proposed scheme is generally sound. We also support the strategy of mixed uses including leisure that will help the vitality of the town centre.

We have three main observations. We think the important pedestrian route between Beechen Grove and the High Street has been underplayed and more could be done to make this an inviting thoroughfare, both day and night. Secondly, we consider that the architectural treatment of the High Street frontage needs further thought and possibly simplification, reinforcing the intrinsic character of the street rather than copying some of its superficial attributes. Lastly, we would like to see the public realm being given more attention so that the new development seamlessly integrates with the High Street, helping to stimulate a wide range of outdoor uses and activities that can support the life of the town.

Design principles, uses, scale and massing

The principle of mixed use development in this location is sound The High Street is the most sensitive location but the stepping back of the upper floors will help assimilate the extra height. Whilst we acknowledge the development will change the urban form

adjacent to the High Street, we do not believe these changes will be detrimental to the form and function of the street. The plan is rational but we question whether the indoor market, much reduced from its present size and rather awkwardly shaped, will be able to operate satisfactorily in the allocated space.

Other considerations

We welcome the aspiration for high performance, adaptable units but we think the development overall could be more ambitious in its sustainability targets. We ... commend the proposed Green Building Guide for tenants. We are not persuaded by the architectural approach to the High Street, which at the moment draws heavily on various historicist motifs and risks appearing rather contrived. In this respect, we find the more cubic form of the southernmost building ("restaurant 10") more appropriate to its context than the more random cluster of gables that flank the main entrance."

Higher up, there is a case for treating the walls of the multiplex much more simply: the subdivision of the wall into multi-coloured panels creates an unduly restless appearance. The glazed canopy over the central space could be elegant and dramatic, as could the first floor walkways and balustrades, but in both cases they call for very well engineered and detailed designs with emphasis on how the structure and glazing are resolved.

In response to the Design Review, your officers have requested a number of design changes to the scheme, specifically relating to the design of restaurant units 3, 7 and 9 and the treatment of the high level façade of the cinema unit fronting High Street. At the time of writing this report, amended drawings incorporating these changes have not been received. The report has therefore been written on the basis that the requested amendments will be received by the time of the Committee meeting.

APPRAISAL

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

- (a) the *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*.

The East of England Plan 2008 and the “saved” policies of the Hertfordshire Structure Plan 1991-2011 were revoked on 3rd January 2013.

Environmental Impact Assessment Screening Opinion

Two screening opinions have been issued by the Council, dated 6th December 2012 and 4th September 2013. The latter opinion relates to the submitted scheme which differs from the scheme assessed in December 2012.

The development constitutes an urban infrastructure project within Schedule 2, Class 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and involves the development of a site exceeding 0.5 hectares within an urban area. The proposal therefore falls within Schedule 2 of the Regulations and was therefore considered against the criteria in Schedule 3.

Having regard to the criteria in Schedule 3 and the provisions of Circular 2/99 it was concluded that an Environmental Impact Assessment was required in this case. The Council’s reasoning for this conclusion was as follows:

- The proposal is of a nature and scale that is similar to the existing use of the land and is not considered to be of more than local significance.

- The proposal is not considered likely to have any significant environmental impacts in the vicinity of the site or the wider area.
- The proposal will not incorporate any industrial or potentially harmful processes.
- The site does not incorporate any environmentally sensitive land and is not considered likely to support any protected species.
- The site is not within a conservation area and is not considered likely to contain remains of archaeological interest.

Land allocation

On the Proposals Map of the Watford District Plan the site is located within the prime retail frontage of the town centre. In the Core Strategy it is located within the primary shopping area of the Town Centre Special Policy Area (SPA1). The objectives of the Town Centre SPA are to strengthen and consolidate Watford's position as a regional centre in the retail hierarchy; seek a more balanced provision of town centre facilities and infrastructure, including retail, leisure, entertainment and other town centre uses; seek access improvements for people of all ages, interest and backgrounds; redevelop the existing shopping centre at Charter Place to achieve a net gain in retail floorspace in the order of 10,000m and to create a modern, balanced retail offer for the town centre; and deliver around 3,300-4,200 additional jobs in the wider town centre area.

The Charter Place Planning Brief was adopted in 2006 and sets out key planning and development principles for the site. It should be noted that the Brief covers an area larger than the current application site (principally, the inclusion of properties at 27-35, High Street and 2-16, Clarendon Road which are not part of the application site). The key planning and development principles can be summarised as follows:

- New retail floorspace, re-provision of covered market, cinema, improved "town square" and public spaces.
- No additional car parking provision.
- Improved accessibility, new pedestrian access from Clarendon Road, enhance YMCA entrance, cycle and motorcycle parking provision, servicing from basement.

- Improved bus facilities, contribution to Urban Traffic Control and Information System, environmental improvements to Ring Road, promoting Green Travel Plan, contributing to achieving sustainable transport objectives.
- Retention of town centre CCTV control room facility.
- Full public access to Charter Place (not enclosed mall).
- Reprovision of public toilets.
- Retention of Women's Centre.
- Detailed design appraisal.

Principle of development

The proposed development, comprising new and improved Class A1 retail, Class A3 restaurant and Class D2 leisure uses, within the primary shopping area of the town centre is fully in accordance with the NPPF, the policies of the Core Strategy and the Charter Place Planning Brief.

All of the proposed uses are main town centre uses as defined in the NPPF and should, accordingly, be directed to town centre sites first. In the Core Strategy, Policy SPA1 states that the redevelopment of Charter Place is a key objective in order to strengthen and consolidate Watford's position as a regional shopping centre, which should deliver an additional 10,000m² of retail floorspace, as well as a multi-screen cinema, new restaurants, an indoor market and a refurbishment of Palace Charter car park. This also accords with the objectives of other policies, such as TLC1, to achieve a 'family friendly' town centre.

The development will make a very significant contribution to the identified needs for additional retail floorspace in the town, updated in 2012 to a figure of 18,035m² by 2020/21. The proposal will deliver 55% of this floorspace by 2017. It will also contribute significantly to meeting the identified need for additional leisure and restaurant floorspace set out in the Core Strategy; fully meeting the need for a new 9 screen cinema by 2025 (delivered by 2017); delivering a 1,973m² leisure unit (by 2017) towards meeting the strong sector growth forecast in leisure (30%) and health and fitness to 2025; and

delivering 10 new restaurants towards meeting the strong sector growth forecast in restaurants (43%) to 2025.

The proposal also achieves many of the key planning and development principles set out in the Charter Place Planning Brief:-

- i) *New retail floorspace, reprovision of covered market, cinema, improved “town square” and public spaces* – These objectives will be achieved. A new, smaller covered market will be provided off Grove Walk to complement the outdoor market the Council is proposing to provide to the rear of the TJ Hughes site.
- ii) *No additional car parking provision* – This objective is met.
- iii) *Improved accessibility, new pedestrian access from Clarendon Road, enhance YMCA entrance, cycle and motorcycle parking provision, servicing from basement* – Pedestrian access from Beechen Grove and the High Street will be improved as will cycle parking provision for employees and visitors. All servicing will continue from the basement. No pedestrian link from Clarendon Road has been provided as it would prove prohibitively expensive and not viable to acquire properties in third party ownership with no gain in new floorspace. As part of an earlier scheme the formation of a link to Clarendon Road adjacent to The Palace Theatre was proposed. However, on investigation it was found that the change in levels through this part of the site meant that this could not be achieved. No direct works are proposed to the YMCA (which does not form part of the scheme) although the approaches to the entrance through Charter Place and along Grove Walk will be significantly improved.
- iv) *Improved bus facilities, contribution to Urban Traffic Control and Information System, environmental improvements to Ring Road, promoting Green Travel Plan, contributing to achieving sustainable transport objectives* – A number of these improvements have already been undertaken by the County Council. There are no current proposals to undertake environmental improvements to Beechen Grove; however, the proposal does involve a re-cladding of Palace Charter car park which will significantly improve the street scene on Beechen Grove. The applicants will

revise and extend their current Travel Plan to include Charter Place and this will promote sustainable modes of travel to employees and visitors. The Borough Council is also currently working with the County on a review of subways within the Town Centre.

- v) *Retention of town centre CCTV control room facility* – The Council is currently in the process of relocating this facility to the Police Station on Shady Lane.
- vi) *Full public access to Charter Place (not enclosed mall)* – This will be achieved. The main public square in the centre of the development will have a high level glazed roof to give weather protection but the centre will not be enclosed. It will remain accessible 24 hours a day.
- vii) *Reprovision of public toilets* – The existing toilets on Grove Walk are not being reprovided. The *intu Watford* centre has public toilets open during shop trading hours and some of the larger retail units in the development are also likely to have customer toilets. During the evening period, the restaurants, cinema and leisure use will also be required to have customer toilets.
- viii) *Retention of Women's Centre* – This is being retained as existing.
- ix) *Detailed design appraisal* – The scheme has been subject to a formal design appraisal by the South East Regional Design Panel managed by the Kent Architecture Centre.

Impact on vitality and viability of the town centre

The NPPF and the Core Strategy recognise the need for town centres to accommodate a greater diversity of main town centre uses in order to remain vibrant places for people to visit. Although the focus of town centres will remain comparison goods shopping, it is increasingly recognised that the retail market is undergoing significant changes as a result of the growth of online shopping and other factors and that, in order to remain competitive, town centres need to offer a greater range of services and facilities. Prime amongst these are the growing leisure sectors and the increasing demand for restaurants. The recently completed 'Met Quarter' at the junction of High Street and King Street, incorporating 7 new restaurants, has proven to be highly successful and is a good example of the changing demands being placed upon the town centre.

The proposed development will strengthen the town centre's comparison goods offer by replacing the many outdated and poorly configured retail units with new retail units that will meet the demands of successful modern retailers in respect of their size, configuration and quality. The units have been designed using the applicant's extensive knowledge of, and experience in meeting, the needs of modern retailers both at *intu Watford* and their portfolio of shopping centres across the country. The units are aimed at comparison goods retailers who are not yet represented in Watford but who would normally be found in a regional centre such as Watford.

The new restaurant units will meet the growing demand for eating out that is evidenced at the 'Met Quarter' and where demand for the new units was high. As with the comparison goods retailers, there are many national restaurant chains that are not represented in Watford but which are normally found in other regional centres. These units, together with the cinema and the other leisure use (not yet defined), will create a new, family orientated evening economy in the centre of town that will complement the Palace Theatre and the 'Met Quarter' and offer a very real alternative to the nightclub culture that exists in the Café Quarter.

The proposed development will increase significantly the range and choice of retail, leisure and restaurant facilities in the town and will enhance the vitality and viability of Watford as a regional destination. This will help Watford to compete more effectively with other regional centres such as Milton Keynes, Brent Cross and Westfield Shepherd's Bush and improve its national ranking in the retail hierarchy. (Based on one ranking source, Javelin Venuescore, Watford has dropped from 37th in 2008 to 45th in 2013). The Council has recognised for many years the importance of redeveloping the increasingly outdated Charter Place. If the current redevelopment proposal does not take place, not only would Charter Place continue to decline and have an increasingly negative impact on the town centre but the town centre as a whole would not benefit from the investment needed for it to remain a vibrant and competitive centre able to meet the changing needs of the public.

In the context of the changing role of the town centre which the proposed development seeks to address, the proposal is not in accordance with some of the detailed 'saved' policies of the Watford District Plan, particularly Policy S5, which seeks to achieve a balance between retail and non-retail uses within the prime retail frontage and maintain the vitality and viability of the town centre. This policy is now outdated, does not reflect the significant changes that are occurring within the town centre and is not strictly applicable to a major redevelopment scheme of this nature, being designed to address changes to individual units. Notwithstanding this, as has been discussed above, it is considered that the proposed development will significantly enhance the vitality and viability of the town centre.

Watford Market

The existing market at Charter Place will be lost as part of the proposed development; the space currently occupied by the market will be refurbished and reconfigured to provide a new retail unit for an anchor store. The proposal will include a partial reprovision of the market in the form of a new indoor market alongside Grove Walk, where the current public toilets/small car park/cycle parking is located. It is anticipated that this will accommodate up to 24 stalls (depending on size) and will be aimed at attracting specialist, niche, independent traders to complement the new retail provision in the proposed development. The remainder of the market is proposed to be relocated to the T J Hughes site, to the side and rear of the existing building, in the form of a partially enclosed market comprising portable units under a roof canopy structure. This will be aimed at more traditional market traders. Together, these two markets will ensure the existing level of market provision is retained in the town centre. A planning application for the new market adjacent to T J Hughes is currently under consideration. This is scheduled to be reported to the Committee on 12th December 2013.

Other economic considerations

In addition to enhancing the vitality and viability of the town centre, the proposed development will generate a number of other direct and indirect economic benefits:-

- Investment of approximately £100 million over two years.
- Up to 500 temporary construction jobs over two years.
- Once completed, the proposed development will provide up to 1,125 additional new jobs in the retail, hospitality and leisure sectors.
- Including existing jobs on the site, the development will provide up to 2,150 jobs in total.
- It is estimated a further 830 “spin-off” jobs will be indirectly supported elsewhere in the region through wage and supplier spending.

Layout and design

A detailed Design and Access Statement has been submitted with the application analysing the context of the site, the constraints and opportunities of the site, its linkages to the town centre and surrounding areas, the requirements of the Planning Brief and how they can be accommodated on the site, and the evolution of the proposed design.

The site is located within the centre of the High Street and comprises the existing Charter Place Shopping Centre, YMCA tower and Palace Charter car park, all built in the 1970s. The predominant facing material is textured brown concrete although significant areas of the shopping centre have been painted white as part of a relatively recent refurbishment. The site is very much of its time and is now looking very outdated. There is a large variation in the scale of buildings both within and adjacent to the site. The YMCA tower is the tallest building in the town centre at 14 storeys, with the adjoining Palace Charter car park 6 storeys high. The shopping centre itself is predominantly 2 storey and the buildings fronting on to High Street are 2 and 3 storeys. These are of generally poor quality with the exception of the listed building at 63-65, High Street and, to a lesser extent, the locally listed buildings at 39-41a, High Street. To the south, the site is adjoined by the *intu Watford* centre which extends up to 8 storeys high with a particularly massive appearance to Beechen Grove.

The site is subject to a number of significant constraints, whilst the objectives of the Planning Brief are challenging. The YMCA tower and Palace Charter car park have to be retained as existing. The *intu Watford* centre adjoining the site along its southern boundary cannot be built over for structural reasons and the buildings to the north fronting High Street and Clarendon Road are in third party ownership and do not form part of the site. The development is also required to maintain the existing access to the YMCA. Although some of the existing rights of way and areas of public highway are to be stopped up, other rights of access need to be retained as does the link between High Street and Beechen Grove via Grove Walk. These constraints have had a significant influence on the layout of the site and, together with the requirements of the Planning Brief, the scale of buildings proposed.

In terms of layout, this is relatively simple. The link from the existing entrance to *intu Watford* across the site to Grove Walk has been maintained with the development focused around a new central public space in essentially the same location as the existing open space. The main change is the closure of the Charter Way access from High Street (although part of this at its western end has to be retained as a limited access to the BHS store) and the provision of only a single access into the site from High Street via a realigned Meeting Alley. This divides the new build elements into 2 blocks, a southern block and a northern block, either side of this new access. A new first floor level walkway will be included within the scheme around the new open space, similar to the existing. This will maintain the direct link at first floor level with the *intu Watford* centre, the Palace Charter car park, the YMCA and the Women's Centre. It will also provide direct access to the cinema and the leisure unit. New escalators will provide access to the new open space at ground floor level. All servicing will continue to take place from the retained basement servicing area.

The most significant changes arising from the proposal relate to the scale and quality of the proposed buildings and the quality of the public realm. The scale of buildings is largely dictated by the quantity of floorspace and range of uses required by the Planning Brief. In order to achieve the required increase in quantity (and quality, to meet modern retailer

requirements) of retail floorspace and the provision of new restaurants, the new development needs to be at least 2 storeys with the inclusion of some mezzanine floorspace and the creation of additional floorspace in the basement. The proposed new buildings fronting the High Street are 2 and 3 storeys, respecting the scale of the retained listed building at No. 63-65 and the adjoining building to the north and south. This means that the cinema can only be accommodated above the retail and restaurant uses, and this is located on the larger, southern block. This takes the development up to 7 storeys and significantly higher than the existing shopping centre and the retained Palace Charter car park. By its very nature, the cinema takes the form of a large solid box which sits above and slightly behind the new High Street buildings. The proposed leisure use is located on the northern block and is of a smaller scale, up to 5 storeys, and the same height as the Palace Charter car park. This also, by its nature, takes the form of a solid box sitting above the retail units.

The overall scale of the proposed buildings in both the southern and northern blocks marks a significant change for this part of the site and this part of the High Street where the existing buildings are no more than 3 storeys high. However, buildings of this scale are not inappropriate for a regional town centre; moreover, they would be in close proximity to the YMCA tower immediately to the rear of the northern block. Furthermore, buildings of a similar scale can already be found in the town centre. One example of a 5 storey building, located on the very edge of the highway, is at 26-34, High Street (with McDonalds and Santander at ground floor) sited opposite the large 4 storey, former TJ Hughes building. This building is a similar scale to the proposed northern block although in this case, the leisure unit which forms the highest part is set back significantly from the highway frontage. In the lower part of the High Street, the significant bulk of Kings car park sits above and behind the two and three storey listed buildings fronting the High Street at this point. This is not a dissimilar relationship to that of the cinema and the 3 storey buildings fronting the High Street in the proposed southern block. It is therefore considered that the overall scale of the proposed buildings in both the southern and northern blocks is not inappropriate, subject to a more detailed assessment of their impact on the wider townscape and on heritage assets.

The most sensitive element of the design is the High Street frontage and this is also where the greatest opportunity exists to make significant improvements to the High Street and the wider town centre. The design approach has been influenced by a number of historic buildings within the High Street that act as significant landmark buildings and are remnants of its historic character; buildings such as nos. 63-65 within the site, the former TJ Hughes building, Monmouth House in The Parade, and the concentration of locally listed buildings around the old market place opposite the site. In order to reflect and complement this historic character, the proposed buildings have been designed as 2 and 3 storey individual buildings with strong gabled features, with the exception to this being the 'pavilion' building sited opposite the listed HSBC bank building. These buildings are to use facing brick or reconstituted stone as their main facing material but will be modern interpretations of historic building forms rather than pastiche copies. The two 'gateway' buildings either side of the new Meeting Alley will also incorporate innovative roof forms comprising terracotta batons in place of traditional roof tiles. This will allow plant and equipment to be accommodated within the 'roof void' whilst still being naturally ventilated and screened from view. These buildings will add a new richness and variety to this part of the town centre but their success will be dependant on the quality of materials used, the patterning of brickwork and the detailed treatment of window reveals and parapets. These details can all be secured by conditions.

The main elements of the cinema and leisure unit will be treated in a different way. Given their scale and form, the approach taken is simply to clad the buildings in a high quality anodised metal cladding. This approach does not try to disguise or hide the scale of the buildings or give them a superficial and false elevation to make them appear as something they are not; instead, it is intended that they will be seen as distinct high quality elements in contrast to the richness and detail of the High Street buildings. The proposed anodised metal cladding will, through its arrangement and installation, create a variation of light across its surface. This approach to the cinema and leisure unit also gives a dramatic effect to the internal open space under the high level glazed roof.

Finally, the existing Palace Charter car park, including the spiral exit ramp, will be clad with the same terracotta batons used for the roof forms of the 'gateway' buildings. These batons will effectively screen the existing brown concrete structure from view whilst maintaining the natural ventilation required to the car park. This will significantly improve the appearance of the car park from the public realm in Beechen Grove and will also add to the visual quality and drama of the new open space within the development.

Overall, it is considered that the proposed development deals with the scale and design of the proposed buildings in an appropriate and positive way, using different design approaches and both traditional and innovative materials to achieve a high quality development that will make a significant contribution to the High Street and create a dramatic new public space in the heart of the town centre.

The proposal is in accordance with the various criteria set out in Policy UD1 including an appropriate response to its context, its legibility and connectivity, safety and inclusive design, and the quality of the buildings and the public realm.

Heritage assets

The site includes a number of designated heritage assets:

Listed building at 63-65, High Street

This is a grade II listed building built in 1889 for the Bucks and Oxon Bank which subsequently became part of Lloyd's Bank. This is a 3 storey building with 4 bay elevation and free Gothic detailing, now painted. The ground floor of the building is currently occupied by Poundworld with the upper two floors occupied by Lloyd's Bank. The listing description refers only to the front façade of the building, the roof and end wall chimneys. Internally, there is no evidence of any original features of architectural or historic interest other than the roof trusses, suggesting significant internal alterations and possible rebuilding in the past. The building is therefore considered to be of medium significance. The proposed development will retain the front façade, roof and end gable walls and chimneys of the building but the remainder of the building will be removed. In the absence

of any original internal features remaining, this will retain the architectural and historic interest of the building.

Locally listed buildings at 39, 41 and 41a, High Street

These properties form a small terrace of two storey buildings in retail use, albeit nos. 39 (formerly Poundland) and 41a (formerly Paperbox) are vacant. No. 41 is occupied by Greggs. These 3 properties form part of a single development constructed in 1922, each with a triple window range at first floor level. The building has been significantly extended and altered to the rear, particularly no.39. All three properties have modern shopfronts at ground floor and have been significantly altered internally, with no visible features of architectural or historic interest, although there is a potential for decorative covings to be concealed by the suspended ceilings. These buildings are therefore considered to be of low significance. The proposed development will result in the loss of these buildings which, given their low significance, is considered acceptable providing the replacement buildings are of a suitably high quality in terms of design and materials. As discussed in the previous section, it is considered that this can be achieved, subject to the final detailing of the buildings and materials being submitted for approval.

Other heritage assets

There are also other designated heritage assets adjacent to the site or in close proximity to the site:

- i) Listed buildings at 58 and 73, High Street, Palace Theatre and St Mary's Church;
- ii) Locally listed buildings at 2, Clarendon Road; 44, 46, 48, 50-52, 54-56, 62-70 and 84, High Street; The One Bell PH;
- iii) St Mary's Conservation Area.

These assets will not be directly affected by the proposed development but the impact on their setting will be assessed in the following section on townscape and visual impacts.

Townscape and visual impacts

In order to assess the impact of the proposed development on the local townscape and the setting of heritage assets a Heritage, Townscape and Visual Impact Assessment has been undertaken, based on objective and subjective assessment techniques. This assessment has considered three main character areas - Charter Place, High Street and St Mary's Conservation Area - and nine views along the High Street and Market Street and from within the St Mary's Conservation Area. Each character area and view has been assessed with regard to the sensitivity to and magnitude of change and whether in each case the proposal is considered to have a positive, negative or neutral effect.

Character Areas

i) Charter Place

Due to its overall poor design quality, the presence of the YMCA tower and Palace Charter car park, general lack of high quality buildings (other than the listed building and, to a lesser extent, the locally listed buildings) and poor public realm, this area is considered to have a low-medium sensitivity to change. The magnitude of change experienced will be high in respect of the extent of change, the scale and quality of new buildings and the quality of the public realm. The scale of buildings proposed is appropriate in the context of the site with a significant improvement in architectural quality and consistency through design and the use of materials. The public realm will also be significantly improved to create a dramatic new public space within the site. Overall, it is considered that the proposal will have a positive impact on this character area.

ii) High Street

The buildings are predominantly 2, 3 and 4 storeys with some remnants of the historic character surviving in the number of listed and locally listed buildings present. However, there are many modern buildings that make no positive contribution to the area and there is little consistency in the design, style or materials of buildings. This character area is considered to have a medium sensitivity to change. The magnitude of change experienced will be high in respect of the replacement of all the existing buildings fronting the High Street with the exception of the listed building at 63-65, High Street. The façade,

gable ends and roof of this building, considered to be the only original elements of significance, will be retained and the setting of the building improved. The locally listed buildings at 39-41a, High Street will be lost but they are considered to be of low significance. The proposed 'pavilion' building opposite HSBC bank steps down in scale and is sympathetic to this listed building, improving its setting. The proposed new buildings will add visual interest and richness to the High Street through their design, use of materials, architectural consistency and quality. Overall, it is considered that the proposal will have a positive impact on this character area.

iii) St Mary's Conservation Area

St Mary's Church is a Grade I listed building and the conservation area also contains two other listed buildings, the Elizabeth Fuller Free School (Grade II*) and the Bedford Almshouses (Grade II) together with 12 Grade II listed tombs. The conservation area also contains a number of locally listed buildings fronting the High Street. As such, this character area has a high sensitivity to change. The conservation area is located to the south of Charter Place on the opposite side of the High Street and no development will directly affect the conservation area. The magnitude of change is therefore low and the proposed development is considered to have a neutral impact on this character area.

Townscape views

Due to the linear nature of the High Street and the limited views towards Charter Place from adjacent roads (principally Market Street), the proposed development will not be widely visible. Views from the east will be screened by the existing YMCA and Palace Charter car park whilst views from the north and south along High Street will be largely screened by existing buildings. For the more significant of the nine views considered, accurate visual representations have been prepared to show the appearance of the proposed development superimposed on the existing view. These are the views where the magnitude of change is considered to be high.

In four of the views (1, 3, 4 and 9) the magnitude of change is low due to distance from the site and the effect of the development is considered to be neutral as a result. In two of the views (5 and 7) closer to the site, the magnitude of change is medium. In view 7, along Market Street, the view of the development will be narrow and largely obscured by existing trees sited in front of 63-65, High Street. The effect on this view is considered to be neutral. In view 5, from outside St Mary's Church, the cinema element will be visible in the middle distance sited above and behind the existing and proposed buildings fronting High Street. It will screen the existing YMCA tower from view and give greater enclosure to the High Street. This change is considered to be beneficial.

In three of the views closest to and directly opposite the site (2, 6 and 8) the magnitude of change is considered to be high. It is from these viewpoints that the extent of change can be more fully appreciated. In each case, the proposed development will transform the view of this part of the High Street adding interest, variety and richness. The 2 and 3 storey buildings will enhance the High Street with the larger cinema and leisure units stepping back behind them. The cinema will be seen at its full height adjacent to the new entrance along Meeting Alley and will form a strong visual landmark at the entrance to the development. The greatest increase in scale occurs at the widest part of the High Street, the former market place, where it can most easily be accommodated and gives a new sense of enclosure to this space. Overall, the change is considered to be beneficial.

Design Review

As paragraph 62 of the National Planning Policy Framework (NPPF) points out, "local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design". This paragraph concludes with the advice that "in assessing applications, local planning authorities should have regard to the recommendations from the design review panel".

As noted above, the scheme has had the benefit of an external design review, as a result of which a number of amendments to the scheme have been requested in order to simplify and improve certain elements of the design, principally affecting the High Street

elevations. At the time of writing this report, the applicants have not responded to the outcome of the design review, and the submission of amended drawings is still awaited.

Paragraph 64 of the NPPF says that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. Whilst it is not the case that the overall design of the Charter Place proposals is poor, it is clear (from the Urban Design and Conservation comments above) that significant improvements could be made to the High Street elevations by incorporating the suggested amendments.

Transport and highways

A Transport Assessment has been submitted with the application and has been agreed by Hertfordshire County Council as the Highway Authority.

The site, being situated in the middle of the town centre, is highly accessible by sustainable modes of travel. There are 13 bus stops, served by 27 bus routes, within a 5 minute walk of the site on High Street, Market Street, Clarendon Road and Beechen Grove. The applicants are currently undertaking a study with the County Council into the possibility of moving Bus Stop E from High Street but this will not result in any reduction to the accessibility of the town centre. Watford High Street station is located 500m to the south-east (6 minutes walk) and Watford Junction 750m to the north (10 minutes walk) giving access to the town centre via the Abbey Line, London Overground, London Midland, Southern and West Coast Mainline services. This provision will be improved in 2016 with the extension of the London Metropolitan Underground service to Watford High Street and Watford Junction stations.

The town centre is also highly accessible by foot and cycle from large parts of the Borough (acceptable distances being 2km for pedestrians and 5km for cyclists) and the town centre itself is pedestrian and cycle friendly with restricted vehicle access, vehicle free areas and flush surfacing. Public cycle racks are also located throughout the town centre. Pedestrian access to Charter Place will continue to be from Beechen Grove (via

Grove Walk), the *intu Watford* centre, and High Street (via a repositioned Meeting Alley) as existing, although the existing Charter Way route alongside HSBC bank will be closed off as a through route and will give access only to the BHS store. New cycle parking facilities will be provided on Beechen Grove (to replace those lost from Grove Walk) and 82 cycle spaces will also be provided in the basement for employees. These spaces will be monitored by CCTV and on-site management personnel to improve security and safety.

The existing *intu Watford* Travel Plan will be reviewed and extended to include Charter Place, to promote sustainable modes of travel to staff and visitors.

In addition to the potential relocation of Bus Stop E, to reduce clutter and congestion on the High Street, other highway improvements are also proposed. These include footpath resurfacing and de-cluttering on the High Street and Beechen Grove frontages in accordance with the Council's adopted Streetscape Design Guide, improvements to the pedestrian crossing on Beechen Grove, closure of the existing access to the small car park adjacent to Grove Walk (which will be lost to accommodate the new covered market) and minor improvements to the exit from Palace Charter car park. The latter two improvements will facilitate better pedestrian links between Charter Place and the new outdoor market proposed for the TJ Hughes site.

The Transport Assessment includes an assessment of the potential impact of the development on traffic flows on the adjoining highway network and the impact on the existing car park provision. Other than the minor highway improvements referred to above, no other changes to the highway will be undertaken. The existing car park provision will also remain unchanged. Palace Charter car park has 755 spaces forming part of the combined total of 2,811 spaces directly serving *intu Watford* and Charter Place (Kings, Queens, Palace *intu* and Palace Charter). The overall car park provision in the town centre will remain at approximately 5,100 spaces.

The proposed development will increase the Class A1 retail floorspace by 10,291m² as well as providing an increase of 4,052m² of Class A3 restaurant use and 1,973m² of Class D2 cinema/leisure use. Although this represents a 56% increase in retail floorspace compared to the existing Charter Place, it is less than 10% of the existing combined Charter Place and *intu Watford* floorspace of approximately 112,000m². The transport consultants refer to research by other retailers that suggests a 10% increase in floorspace is likely to result in a 2% increase in trips generated. This research suggests that the majority of the additional trade generated is from existing customers staying longer in store and consequently spending more per trip. This is considered to be the most likely outcome from the additional retail floorspace provision. This is supported by other research into the average length of time cars are parked in car parks. The length of time increases proportionately with the size of the shopping centre, with a 10% increase in floorspace equating to a 10% increase in duration of stay.

During the daytime, the additional restaurant provision will tend to result in more 'linked trips' (i.e. use by people who are already in the town centre shopping) and increased dwell time in the town centre rather than new 'primary trips' (i.e. specific journeys not linked to shopping) and the same is likely to be the case for the leisure uses. The restaurant and leisure uses are most likely to generate new 'primary trips' during the evening period when the *intu Watford* centre and most other shops in the town centre are closed. These uses will generate a new evening economy in the central part of the town centre to complement the evening economy of the Café Quarter, the Palace Theatre and existing restaurant provision.

The predicted 2% increase in traffic generation during the daytime, resulting from the increase in retail floorspace, will have no significant impact on the local highway network. Only increases of 5% or more are considered to be significant in highway terms, particularly so if this occurs at peak times. The predicted increased traffic generation during the evening period will occur when the traffic flows are lowest and will not impact on peak time traffic flows.

With regard to car park capacity, parking receipts and the number of parking transactions in the four centre car parks (Kings, Queens, Palace *intu* and Palace Charter) indicate that these car parks operate at well below capacity during a normal week. Only on a busy Saturday are the Kings, Queens and Palace *intu* car parks full or near capacity. Even at this time, Palace Charter retains significant capacity and tends to operate as an overflow car park for the other three. The new development of Charter Place will attract additional parking visits to Palace Charter as it becomes more of a destination and is likely to spread the parking demand more evenly across the four centre car parks. It is predicted that the current spare capacity at Palace Charter would be sufficient to accommodate a 10% increase in trips and a 10% increase in duration of stay. The existing car park capacity of the four centre car parks is therefore considered to be sufficient to meet the parking demand from the proposed Charter Place development.

The existing basement servicing area will be retained and modified as part of the development. Some of the space will be converted into basement level floorspace for the ground floor retail units above whilst retaining full delivery and servicing access to all units in Charter Place as well as some of the High Street units that are currently serviced from the basement. It is proposed that a Delivery and Servicing Plan will be implemented to ensure that all deliveries and servicing is undertaken efficiently and to avoid congestion within the basement area. This will be overseen by on-site management.

Sustainability, energy and waste

Policy SD1 of the Core Strategy expects all new development to comply with the updated national standards on sustainable development as set out in the Code for Sustainable Homes (residential) and BREEAM (non-residential). Policy SD3 requires all development within the Special Policy Areas to exceed the current national standards. These policies were written on the basis of the Government's stated intention that the national standards would become mandatory in its drive to achieve zero-carbon development by 2016. This has not materialised and, consequently, the Council's draft Development Management Policies document, which went out to public consultation on 4th November, now sets out the standards the Council will expect new development to achieve. For non-residential

development within SPAs, this is a BREEAM rating of 'Very Good' and this is the relevant standard that the proposed development of Charter Place should achieve.

The application is accompanied by a design stage BREEAM pre-assessment which sets out how the proposed development is intended to achieve a rating of 'Very Good'. It should be noted that the applicant will only have direct control over those elements of the scheme that comprise the shell and core structure of the development. The individual retail and restaurant units, cinema and leisure use will be fitted out by the individual tenants. This makes a definitive assessment very difficult. However, under the BREEAM assessment scheme there are different mechanisms that can be used for a Shell and Core development. The chosen route of the applicant is to produce a Green Building Guide for Tenants which will set out specific guidance on the measures that the tenants should endeavour to incorporate within their fit-out in order to achieve the credits sought under the assessment. Using this assessment method, the applicants' consultants consider a rating of 'Very Good' can be achieved for the completed development.

An Energy Strategy has also been produced to demonstrate how the proposed development can maximise the use of energy efficiency and energy conservation measures in its design to reduce overall energy demand. Again, this will largely be limited to the shell and core structure of the buildings. In this respect, it is intended that the shell and core structure will incorporate an energy efficient design ('Be Lean' approach) that will target a reduction in CO₂ emissions of approximately 9% below the Building Regulations Part L 2010 in order to comply with the proposed Part L 2014 regulations.

Waste management during the construction and operational phases form part of the BREEAM assessment. During the construction phase, a Site Waste Management Plan will be operated with the aims of reducing waste generation, maximising the levels of recycling both on-site, for re-use, and off-site at recycling centres, and minimising the amount of waste sent to landfill. Once the development is operational, all waste and recycling will be managed through a site wide Delivery and Servicing Management Plan. These measures will accord with the requirements of the County Council's Waste Core Strategy and Development Management Policies.

Flood risk and drainage

The site is located within Flood Zone 1, defined as an area which has a low probability of flooding from tidal, fluvial and groundwater sources. The site could be susceptible to surface water flooding along its southern edge (High Street) in extreme rainfall events to a depth of approximately 0.3m. In the northern part of the site (comprising the retained YMCA, Palace Charter car park and the retained retail units) surface water currently discharges northwards, unattenuated, to public sewers in Beechen Grove. This will remain as existing. The southern part of the site, to be redeveloped, discharges to public sewers in High Street. This discharge is currently unattenuated. As part of the redevelopment, a sustainable drainage system will be introduced to reduce these surface water flows. Measures will include a 1,000m² green roof on the roof of the leisure unit and an attenuation tank of approximately 200m³ located beneath the new Meeting Alley footpath. These measures will attenuate the flows from 50 litres per second to 25 litres per second. This sustainable drainage system has been agreed in principle with the Environment Agency, subject to final detailed design.

Noise impacts

The development is to be registered with the Considerate Constructors Scheme and will be managed in accordance with this Scheme. This, together with the normal restrictions on the hours of construction work, will help to minimise any adverse noise impacts on adjoining commercial properties and nearby residential properties within the town centre. An Environmental Noise Survey has been submitted with the application that establishes the background noise levels within the town centre. This will be used to inform the specification of externally mounted plant and equipment to ensure background noise levels do not increase significantly as a result of the proposal.

Planning obligation

The development proposed in this application is one where, in accordance with Policy INF1 of the Core Strategy, the Council will normally require the applicant to enter into a planning obligation to provide contributions towards the provision or improvement of

community facilities and infrastructure. 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.

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. In each case, the contributions received are pooled together in order to accumulate sufficient funds for the Council and/or the County Council to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the National Planning Policy Framework.

The contribution sought in the case of this application is £100,000 towards the improvement of the public realm in High Street. The Council is currently undertaking public realm improvement works in The Parade to the north of the site. The County Council are also due to undertake improvement works in Clarendon Road between Beechen Grove and High Street in the near future. As part of the application proposal, the footway on High Street adjoining the site will be improved. The proposed contribution will enable improvement works to be undertaken in High Street between the site and The Parade/Clarendon Road to the north, linking these works together, and also to enable improvement works on the opposite side of High Street. This will ensure a continuity of works and a consistent level of quality within this part of the High Street.

Conclusion

The existing Charter Place Shopping Centre is now outdated by modern retail standards and, as it is, will continue to decline. It will increasingly have a detrimental impact on the vitality and viability of the town centre and provide a poor quality visitor experience. The application comprises a comprehensive redevelopment of Charter Place to provide a modern centre with new retail floorspace and a mix of restaurant and leisure uses that will significantly enhance the vitality and viability of the town centre and the public realm. It secures many of the key objectives of the adopted Charter Place Planning Brief and accords with the policies of the Core Strategy and the National Planning Policy Framework. Following a formal design review of the scheme by the Shape East Design Panel, a number of amendments to the scheme have been requested to simplify and improve certain elements of the design. At the time of writing this report, the submission of amended drawings is still awaited.

HUMAN RIGHTS IMPLICATIONS

The grant of permission, subject to a planning obligation and conditions, will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to protect the human rights of third parties and to accord with the policies of the development plan. With appropriate conditions, it is not considered that any impacts on third parties will be sufficient to override the human rights of the applicant in this instance.

RECOMMENDATIONS

Three recommendations, (A), (B) and (C), are set out below, depending on whether or not satisfactory amended drawings and a completed planning obligation are received.

If satisfactory amended drawings are received by the date of the Committee meeting, then Recommendations (A) and (C) will apply. In the event that satisfactory amended drawings

have not been received by the date of the Committee meeting, then Recommendations (B) and (C) will apply.

- (A) That, subject to acceptable drawings having been received incorporating the requested design changes to the scheme, conditional planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure a financial payment to the Council of £100,000 towards the cost of environmental improvements in the public realm on High Street, in accordance with Policy SPA1 of the Watford Local Plan Core Strategy 2006-31.

Conditions

Time Limit

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.

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

AP (02) 0999 P02, 1000 P02, 1001 P02, 1002 P01, 1003 P01, 1004 P01,
1150 P01, 1151 P01, 1010 P01, 1011 P01, 1012 P01, 1015 P01

AP (04) 1152 P04, A0249 P04, 0250 P07, 0251 P06, 0252 P07, 0253 P08,
0254 P08, 0255 P08, 0256 P07, 0257 P07

AP (05) 1600 P09, 1601 P05, 1602 P07, 1603 P04

AP (06) 1700 P04, 1701 P01, 1702 P04, 1703 P04

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

Hours of Construction

3. No demolition works or construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority. This shall exclude any internal fit-out works of the individual units by tenants.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

Considerate Constructors Scheme

4. The construction of the development shall be registered with the Considerate Constructors Scheme and shall be carried out in accordance with the requirements of this Scheme at all times.

Reason: To minimise the impacts of construction on the amenities of neighbouring properties, the general public and the wider locality during the time that the development is being constructed.

Construction Method Statement and Phasing Plan

5. No development shall commence until a Construction Method Statement and Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include the phasing of the development and, for each phase, details of contractors' parking, the delivery and storage of materials, any temporary access/egress points to adjoining highways, and wheel washing facilities. The Plan as approved shall be implemented throughout the construction period.

Reason: To minimise the impacts of construction on the amenities of neighbouring properties, the general public and the wider locality and on the local highway network during the time that the development is being constructed.

Site Waste Management Plan

6. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan as approved shall be implemented throughout the construction period.

Reason: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

External Materials

7. No construction works shall commence until details of all the materials to be used for the external surfaces and finishes of each of the buildings within the development (new buildings and refurbished existing buildings), the existing Charter Palace car park elevations and the first floor walkways have been

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

Waste and Recycling Storage

8. No construction works shall commence until a basement level plan detailing the siting and size of storage facilities for waste and recycling for all of the proposed units within the development has been submitted to and approved in writing by the Local Planning Authority. No unit shall be occupied until these facilities have been provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the servicing of the development and the storage and collection of waste and recycling is carried out from the basement wherever possible and in a manner that does not impact on the highway network.

Delivery and Servicing Management Plan

9. No unit within the development shall be occupied until a Delivery and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Plan at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure all deliveries to the units and the servicing of the development is carried out from the basement wherever possible and in a manner that does not impact on the highway network.

BREEAM Assessment and Green Guide for Tenants

10. No construction works shall commence until an Interim (Design Stage) certificate issued by or on behalf of The Building Research Establishment has been submitted to the Local Planning Authority to demonstrate that the shell and core design of the development will achieve a BREEAM 'Very Good' Rating. This shall be supplemented by details of any measures that would need to be secured by the tenant fit out and a mechanism by which these will be secured. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development achieves high standards of sustainability in accordance with Policies SD1 and SD3 of the Watford Local Plan Core Strategy 2006-31.

Sustainable Drainage Scheme

11. No construction works shall commence until details of a sustainable urban drainage system for surface water has been submitted to and approved in writing by the Local Planning Authority. This shall be based upon the measures contained within Section 3 and Appendix F of the Flood Risk Assessment dated September 2013 by Waterman Transport and Development Limited. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that the development mitigates surface water discharges in accordance with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2006-31.

Foul Water Impact Assessment and Drainage Strategy

12. No construction works shall commence until an impact study to assess the impact of the development on foul water flows on the sewerage network has been undertaken and a drainage strategy, based upon the findings of this study and incorporating any additional on or off-site infrastructure necessary to provide the required capacity, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved drainage strategy has been undertaken in full.

Reason: To ensure adequate foul sewer capacity exists to serve the development and does not result in flooding from the sewerage network.

Impact Piling

13. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage and other infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. All piling shall be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and to avoid the potential to impact on local underground sewerage utility infrastructure.

Shop front Design

14. No shop front shall be installed on any retail unit within the development (new buildings or refurbished existing buildings), the cinema or the leisure unit until a detailed shop front design guide has been submitted to and approved in writing by the Local Planning Authority. The shop front design guide shall include details of materials, signage zones, lighting, windows and

doors. All shop fronts to the retail units, cinema and leisure unit shall be installed in accordance with the approved design guide and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

15. No shop front shall be installed on any restaurant unit within the development or any unit fronting on to High Street until the details of the design and materials of the shop front and the signage zone has been submitted to and approved in writing by the Local Planning Authority. The shop front shall only be installed in accordance with the approved details and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Hard Landscaping and Street Furniture

16. Within 12 months of the commencement of construction works, a hard landscaping and street furniture scheme for all areas within the public realm, based upon the Council's adopted Streetscape Design Guide, shall be submitted to the Local Planning Authority. This shall include samples of the materials to be used for all pedestrian routes, public squares and areas of public highway at ground and first floor level and details of all street furniture to be used. No hard landscaping works shall be carried out until a scheme has been approved in writing by the Local Planning Authority. The

development shall only be implemented in accordance with the approved scheme.

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

Lighting Scheme (buildings and spaces)

17. Within 12 months of the commencement of construction works, a comprehensive lighting scheme for the development (to include the new and existing buildings, the existing car park elevations, the pedestrian routes at ground and first floor levels and the new public spaces), shall be submitted to the Local Planning Authority. No lighting works shall be carried out until a scheme has been approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved scheme.

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

Detailed drawings of buildings

18. No construction works shall commence until detailed drawings of each of the proposed new buildings have been submitted to and approved in writing by the Local Planning Authority. These drawings shall show relevant extracts of each building at a scale of 1:20 of the detailing of the buildings (i.e. window reveals, treatment of gables and parapets, brickwork patterns, etc.). The development shall only be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the wider street scene, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Details of Grove Walk elevations

19. Within 12 months of the commencement of construction works, detailed drawings of the elevations to Grove Walk pedestrian walkway (to include details of shop fronts and all other treatments to the elevations, and materials) and the underside of the roof (to include any cladding, materials and lighting), shall be submitted to the Local Planning Authority. No works shall be carried out until details have been approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: To ensure this pedestrian walkway is of a high quality and provides a visually attractive and safe environment for pedestrians, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Details of glazed canopy

20. Within 12 months of the commencement of construction works, details of the design and materials of the high level glazed canopy and its supporting structures shall be submitted to the Local Planning Authority. No works relating to the glazed canopy shall be carried out until details have been approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Travel Plan

21. No part of the development shall be occupied until the existing intu Watford Travel Plan has been updated, submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved at all times.

Reason: To promote travel to the site by sustainable transport modes, in accordance with Policy T3 of the Watford Local Plan Core Strategy 2006-31.

Cycle Parking

22. No construction works shall commence until ground level and basement level plans detailing the siting of the proposed cycle parking provision for employees and visitors within the site has been submitted to and approved in writing by the Local Planning Authority. This provision shall comprise a minimum of 40 spaces at ground level for visitors and a minimum of 82 spaces at basement level for employees.

Reason: To encourage travel to the site by cycle for employees and visitors, in accordance with Policy T10 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31.

23. No unit within the development shall be occupied until details of the design of the cycle parking facilities for employees and visitors have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed in accordance with the details approved pursuant to Condition 22.

Reason: To encourage travel to the site by cycle for employees and visitors, in accordance with Policy T10 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31.

Off-site highways improvement works

24. No part of the development shall be occupied until the following highway improvement works, as shown in principle on drawing nos. 2013-1325-DWG-205B and 210A (ttp consulting), have been completed:-

- i) Realignment of pedestrian crossing across bus lane on Beechen Grove.
- ii) Improvements to pedestrian crossing on Beechen Grove.
- iii) Improvements to exits from basement and Charter Palace car park.

Reason: To improve pedestrian access and safety to the development and in the interests of highway safety and the free flow of traffic.

Archaeology

25. (a) No works of demolition or construction shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions and the following details:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

- (b) Works of demolition or construction shall only take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under (a) above.
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (a) above and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains and the buildings of local interest to be demolished are properly recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

External plant noise levels

26. No unit within the development shall be occupied until details of all externally mounted air handling plant serving that unit, including its acoustic performance, have been submitted to and approved in writing by the Local Planning Authority. All such plant, including any associated mitigation measures, shall achieve the noise levels set out in the Environmental Noise Survey Report, reference 19403/ENS1 Revision 2 dated September 2013, unless otherwise agreed in writing by the Local Planning Authority. Before any unit is opened to the public, the plant and any associated mitigation measures shall be installed, and thereafter shall be maintained, in accordance with the details approved by the Local Planning Authority. For the purposes of this condition, a unit shall be construed as including any part of any building to which the public are admitted and that is capable of being occupied independently of any other part and, for the avoidance of doubt, shall include any part used as a restaurant, shop or for leisure purposes.

Reason: To safeguard the amenities and quiet enjoyment of the residential occupiers in the vicinity the development, pursuant to Policy SE22 of the Watford District Plan 2000.

27. No common parts of the development shall be occupied until details of all externally mounted air handling plant serving those parts, including its acoustic performance, have been submitted to and approved in writing by the Local Planning Authority. All such plant, including any associated mitigation measures, shall achieve the noise levels set out in the Environmental Noise Survey Report, reference 19403/ENS1 Revision 2 dated September 2013, unless otherwise agreed in writing by the Local Planning Authority. Before any of the common parts of the development are opened to the public, the plant and any associated mitigation measures relating to that part shall be installed, and thereafter shall be maintained, in accordance with the details approved by the Local Planning Authority. For the purposes of this condition, the common parts of the development shall be construed as including any part of the development to which the public are admitted which do not fall within the definition of "unit" in Condition 26.

Reason: To safeguard the amenities and quiet enjoyment of the residential occupiers in the vicinity the development, pursuant to Policy SE22 of the Watford District Plan 2000.

Noise emission from leisure uses

28. No construction works shall commence until details of the acoustic performance of the building fabric of the cinema and leisure units, demonstrating compliance with the requirements set out in the Environmental Noise Survey Report, reference 19403/ENS1 Revision 2 dated September 2013, have been submitted to and approved in writing by

the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To safeguard the amenities and quiet enjoyment of residential occupiers in the vicinity the development, pursuant to Policy SE22 of the Watford District Plan 2000.

Fume extraction from restaurant uses

29. Before any restaurant unit is occupied, details of the equipment to be provided for the extraction and filtration of fumes and/or odours produced by cooking and food preparation shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no fume extraction equipment shall be externally mounted on the vertical facades of any part of the development. Before any restaurant unit is opened to the public, such equipment shall be installed as approved, and thereafter maintained in full working order at all times, in accordance with the details approved by the Local Planning Authority.

Reason: To ensure the equipment is not detrimental to the appearance of the development and to safeguard the amenities of residential occupiers in the vicinity the development, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and Policy S12 of the Watford District Plan 2000.

Palace Charter car park opening hours

30. Palace Charter car park shall open for use by the public at all times during which any retail unit, restaurant unit, the cinema or the leisure unit are open and it shall not be closed to the public until at least one hour after the closure of the last unit within the development.

Reason: To ensure adequate and convenient car parking is available for visitors to the development.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards environmental improvements in the public realm on High Street.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

Drawing numbers

AP (02) 0999 P02, 1000 P02, 1001 P02, 1002 P01, 1003 P01, 1004 P01, 1150 P01, 1151 P01, 1010 P01, 1011 P01, 1012 P01, 1015 P01

AP (04) 1152 P04, A0249 P04, 0250 P07, 0251 P06, 0252 P07, 0253 P08, 0254 P08, 0255 P08, 0256 P07, 0257 P07

AP (05) 1600 P09, 1601 P05, 1602 P07, 1603 P04

AP (06) 1700 P04, 1701 P01, 1702 P04, 1703 P04

-
- (B)** In the event that no acceptable drawings incorporating the requested design changes to the scheme have been received by the date of the committee meeting, and subject to 1) acceptable drawings being received by 10th December 2013 and,

2) a section 106 planning obligation being completed by 10th December 2013 in respect of the Heads of Terms set out in Recommendation (A), the Development Management Section Head, in consultation with the Chair of the Committee, be authorised to grant planning permission for this application, in accordance with Recommendation (A).

(C) In the event that 1) no acceptable amended drawings incorporating the requested design changes to the scheme have been received by 10th December 2013 and/or, 2) no section 106 planning obligation has been completed by 10th December 2013 in respect of the Heads of Terms set out in Recommendation (A), the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposed design of the buildings fronting the High Street, when viewed in conjunction with the treatment of the high level façade of the cinema unit fronting the High Street, is considered to be overly complicated, to lack appropriate rhythm at ground level and to result in a cluttered composition that fails to achieve an appropriate level of design quality for a scheme of this size and importance. As such, the proposal is considered to be contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and to the provisions of paragraphs 56-58 of the National Planning Policy Framework.

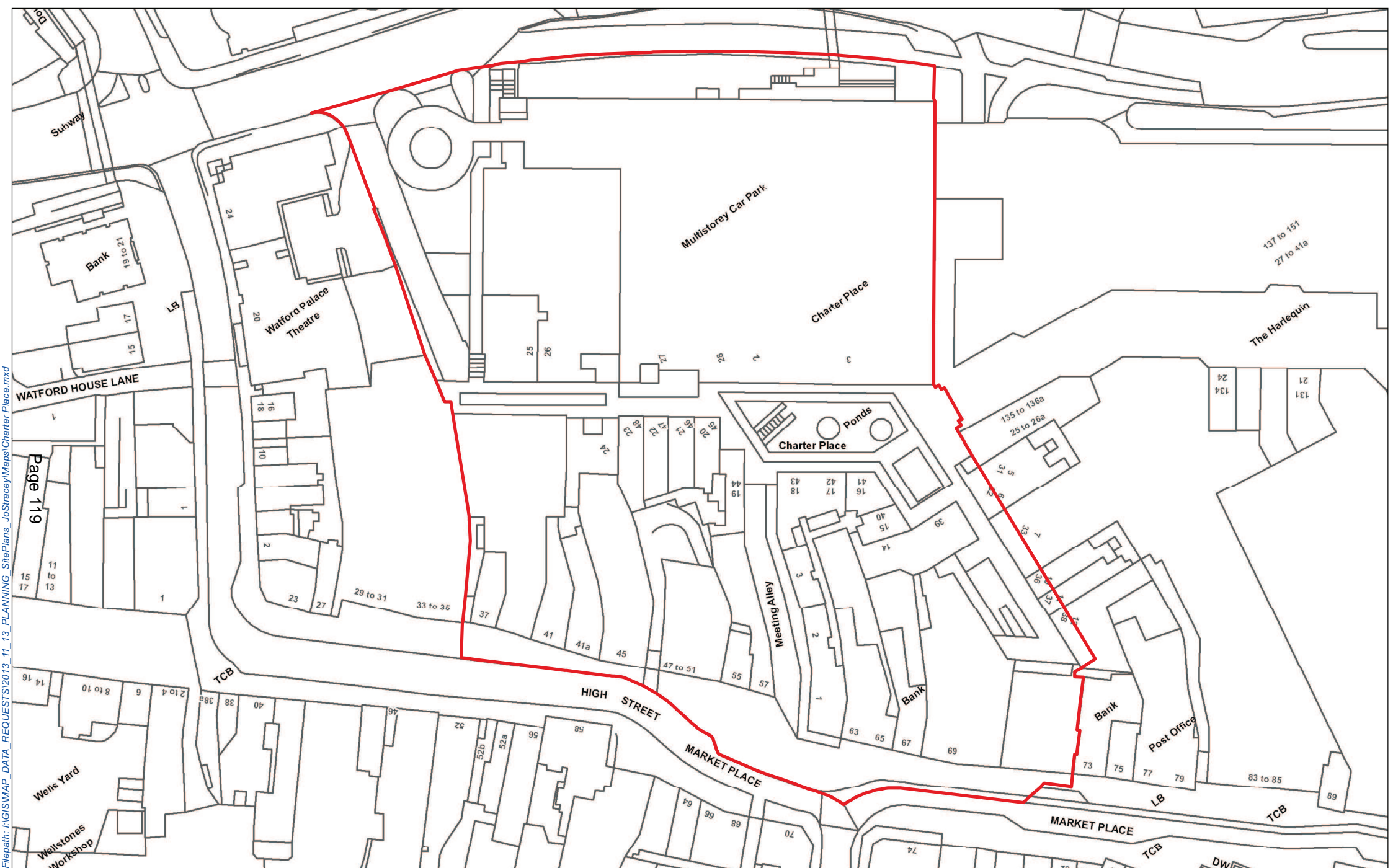
and/or

2. The proposal fails to secure environmental improvements in the public realm on the High Street, in accordance with Policy SPA1 of the Watford Local Plan Core Strategy 2006-31.

Case Officer: **Paul Baxter**

Email: **paul.baxter@watford.gov.uk**

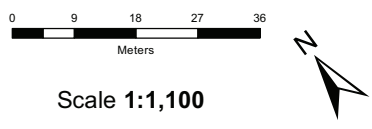
Tel: **01923 278284**



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Charter Place Redevelopment

Map Produced by: ryanro
Publication Date: 13/11/2013



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DEVELOPMENT CONTROL COMMITTEE

21st November 2013

UPDATE SHEET

Item 7

13/00972/FULM – Charter Place

REQUEST TO DEFER DETERMINATION OF APPLICATION

The applicant has submitted to the Local Planning Authority two applications: one is for planning permission and the other is for listed building consent. The application for listed building consent relates to the demolition of a substantial part of the listed building at 63-65, High Street.

The applicant has requested that the determination of the planning application by the Committee be deferred in order that the planning application and application for listed building consent can be determined at the same time. The applicant has formally agreed to an extension of time for the determination of the planning application to 12th February 2014. If the request is agreed, the application will be re-presented to the Committee in January 2014.

AMENDED DRAWINGS

The committee report refers to a number of amendments having been requested to the design of the proposal in response to the comments of the Shape East Design Panel. These amendments have now been made to the design of the proposal and are acceptable. The amended drawings are on display. The complete set of drawings for the planning application are as follows:

AP (02) 0999 P02, 1000 P02, 1001 P02, 1002 P01, 1003 P01, 1004 P01, 1150 P01, 1151 P01, 1010 P01, 1011 P01, 1012 P01, 1015 P01
AP (04) 1152 P05, A0249 P04, 0250 P07, 0251 P06, 0252 P08, 0253 P09, 0254 P09, 0255 P09, 0256 P08, 0257 P08
AP (05) 1600 P10, 1601 P05, 1602 P07, 1603 P04
AP (06) 1700 P04, 1701 P01, 1702 P04, 1703 P04

CONSULTATION RESPONSE FROM ENVIRONMENT AGENCY

A further consultation response has been received from the Environment Agency following their consideration of the preliminary risk assessment

requested in their initial response. They have now removed their objection subject to 6 conditions being imposed on any grant of planning permission:

1. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (Issue 03, prepared by Waterman dated 5 September) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

[This can be substituted for Condition 11]

2. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

[This will need to be included as a new condition. The EA have confirmed the standard wording can be amended to reflect the preliminary risk assessment already submitted]

3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

[This will need to be included as a new condition]

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

[This will need to be included as a new condition]

5. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

[This will need to be included as a new condition]

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

[This can be substituted for Condition 13]

LETTER OF OBJECTION

A letter of objection has been received from the Open Spaces Society. The objection relates to the concurrent application for a stopping up order to stop up the various rights of way that exist within the site (principally Charter Way, Meeting Alley, the open space at ground level and the first floor walkways).

The main objection centres on the use of s.35 of the Highways Act for the creation of new walkways rather than s.25 for the creation of new public footpaths. The objection to the use of s.35 is that walkways can be closed temporarily or at will, which they do not consider acceptable. They have requested that the new link between High Street and Beechen Grove via Meeting Alley and Grove Walk be kept open at all times.

It is worth noting that the planning application does not propose the closure of the link between High Street and Beechen Grove. Although a high level glazed roof is proposed over the new open space, it is not proposed that the development would be enclosed in the way that the intu Watford centre is. Furthermore, according to the Hertfordshire County Council web site, there are no recorded public rights of way through, or affecting, the application site. It is, therefore, the opinion of your officers that the stopping up order is not a material consideration in the determination of the planning application. However, it would be relevant, from a planning point of view, to consider the imposition of a planning condition preventing the means of access from the High Street to Beechen Grove being closed off at any time.

AMENDMENT TO REPORT

Under the section titled 'Environmental Impact Assessment Screening Opinion' on page 79 of the agenda, in the third paragraph, the first sentence should read:

"Having regard to the criteria in Schedule 3 and the provisions of Circular 2/99 it was concluded that an Environmental Impact Assessment was not required in this case."

AMENDED AND ADDITIONAL CONDITIONS

Condition 1 - The applicant has requested that the standard 3 year time period for commencement be extended to 4 or 5 years in this case. This is in recognition of the fact that the Council will need to go through a compulsory purchase order procedure to acquire all of the land necessary to enable the development to be undertaken. This may lead to unforeseen delays in commencing the development. It is the applicant's current intention to commence development in May 2015. Your officers consider that a 4 year time period would be appropriate in this case. Condition 1 can therefore be amended to read as follows:

1. The development to which this permission relates shall be begun within a period of four years commencing on the date of this permission.

The conditions requested by the Environment Agency can be incorporated as follows:

11. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (Issue 03, prepared by Waterman dated 5 September) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.
13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
31. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i) A site investigation scheme, based on the submitted Preliminary Environmental Risk Assessment (by Watermans, reference EED14097-100-R.1.2.2-NS, dated October 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of the site investigation and detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
32. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification

plan. The long-term monitoring and maintenance plan shall be implemented as approved.

33. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
34. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

The additional condition below is proposed to address the objection from the Open Spaces Society:

35. The pedestrian link between High Street and Beechen Grove, via the realigned Meeting Alley and Grove Walk, shall be kept open at all times and shall not be gated or closed off by any means, either temporarily or permanently, to prevent the passage of pedestrians.