



DEVELOPMENT CONTROL COMMITTEE

Thursday, 24th April, 2014

7.30 pm

Town Hall, Watford

Publication date: 16 April 2014

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.

ACCESS

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Visitors may park in the staff car park after 4.00 p.m. and before 7.00 a.m. This is a Pay and Display car park; the current charge is £1.50 per visit.

The Committee Rooms are on the first floor of the Town Hall and a lift is available. Induction loops are available in the Committee Rooms and the Council Chamber.

FIRE/EMERGENCY INSTRUCTIONS

In the event of a fire alarm sounding, vacate the building immediately following the instructions given by the Democratic Services Officer.

- Do not use the lifts
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- Go to the assembly point at the Pond and wait for further instructions
- Do not re-enter the building until authorised to do so.

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MINUTES

Copies of the minutes of this meeting are usually available seven working days following the meeting and can be found on the Council's website www.watford.gov.uk/meetings

RECORDING OF MEETINGS

An audio recording may be taken at this meeting for administrative purposes only.

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 3 April 2014 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 2 will be within the Government's target dates for determination of applications

On 14 April 2014 there were no applications over 8 weeks not yet determined but under consideration by the Development Management Section Head.

5. **10 GREYCAINE ROAD** (Pages 1 - 24)

An application for the demolition of the existing factory and the erection of a new building for warehousing/light industrial use

6. GARAGE COMPOUND, TOLPITS LANE (Pages 25 - 50)

An application to demolish the existing garages and to erect a three storey building with accommodation in the roof comprising 6 no. one bedroom flats and 4 no. two bedroom flats with car parking and amenity space and access from existing access road off Tolpits Lane

7. J SAINSBURY PLC, NORTH WESTERN AVENUE (Pages 51 - 82)

An application for an extension and for alterations to the existing store including amendment to condition 15 of planning permission 9/447/94, varied by condition 1 of planning permission 02/00588, to increase retail (Class A1) sales floorspace, relocation of ATMs and customer restaurant, ancillary concession units, alterations to car parking layout, alterations to rear service yard including new canopy to goods online parking area, new sprinkler tank and associated works and change of use from highways land to private land.

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee	24th April 2014
Site address:	10 Greycaine Road Watford
Reference Number :	13/01259/FULM
Description of Development:	Demolition of existing factory and erection of new building for warehousing/light industrial use
Applicant:	Barr Mason Ltd
Date received:	11th February 2014
13 week date (major):	13th May 2014
Ward:	Tudor

SUMMARY

Full planning permission is sought for the demolition of the existing factory and the erection of a new building for warehousing/light industrial use.

The proposed development will remain compatible with the surrounding industrial and commercial uses and will cause no harm to neighbouring uses or the character of the area. The site is located a sufficient distance from the nearest residential properties so as not to cause any harm to the amenities of residents. It is considered that the scheme will also not result in any significant increase to traffic or congestion on the surrounding highway network and will cause no obstruction to users of the adjacent highway.

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 subject property comprises an industrial unit which is located within the Greycaine Industrial Estate in North Watford. The premises is currently used for plastic injection moulding.

The site lies on the western side of the eastern arm of Greycaine Road and is located approximately 240m north of the junction with Bushey Mill Lane.

Greycaine Road Industrial Estate is designated as an 'Employment Area' (Employment Area E6b) by the Watford District Plan 2000 Proposals Map. The area in which the site is located is characterised by other warehouses, industrial units and offices.

The property is not listed and is not located within a Conservation Area.

The premises does not benefit from any on-site parking provision at present.

Proposed Development

Full planning permission is sought for the demolition of the existing factory and the erection of a new building for warehousing/light industrial use.

The proposed building will provide approximately 1100m² of floor area. It will be constructed around a steel frame with profiled steel cladding with the exception of some brickwork which is to be incorporated on the lower parts of the eastern elevation. The roof of the building will be dual-pitched with gables on its eastern and western elevations.

The proposed eastern elevation will feature a roller shutter door.

To the east of the building, on-site parking provision will be created through the laying of a new leveled, hard surfaced area which will be accessed off Greycaine Road.

Planning History

For 10-12 Greycaine Road:

Ref. 11/00431/FUL – Demolition of existing rear store, alteration, extension, re-cladding and refurbishment of front section of building. Installation of new boundary fence and gate – Conditional Planning Permission granted in July 2011.

Ref. 11/00768/VAR - Variation of Condition 3 of planning permission 9/262/94 to allow the building to be used for Storage and Distribution (class B8) – Variation of condition granted in August 2011.

For 12 Greycaine Road:

Ref. 11/01080/FUL – Demolition of existing rear store, alteration, extension, re-cladding and refurbishment of front section of building including raising of parapet height.

Installation of new boundary fence and gates – Conditional Planning Permission granted in November 2011.

Ref. 9/0098/95 – Use of part of new warehouse for purposes within Class B2 (general industrial) – Conditional Planning Permission granted in April 1995.

For 10 Greycaine Road:

Ref. 94/0262/9 – Erection of new warehouse building – Conditional Planning Permission granted in September 1994.

Relevant policies

The National Planning Policy Framework (NPPF)

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

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

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

There are no policies contained within the Hertfordshire Waste Local Plan that are relevant to this case.

Hertfordshire Minerals Local Plan (saved policies)

There are no policies contained within the Hertfordshire Minerals Local Plan that are relevant to this case.

Watford District Plan 2000 (saved policies)

SE7	Waste Storage, Recovery and Recycling in New Development
SE22	Noise
SE24	Unstable and Contaminated Land
SE28	Groundwater Quality
T21	Access and Servicing
T22	Car Parking Standards
E1	Employment Areas
E5	Environmental Considerations

Watford Local Plan Core Strategy 2006-31

WBC1	Presumption in favour of Sustainable Development
SD1	Sustainable Design
SD2	Waste and Wastewater
SD3	Climate Change
SD4	Waste
EMP1	Economic Development
EMP2	Employment Land
T2	Location of New Development
T3	Improving Accessibility
T4	Transport Assessments
SS1	Spatial Strategy
UD1	Delivering High Quality Design

CONSULTATIONS

Neighbour consultations

Letters were sent to a total of 6 addresses in Greycaine Road. No objections have been received.

Site Notices

A site notice was placed outside the site on 18th February 2014. No responses received.

Press Advertisement

An advertisement was published in the Watford Observer on 21st February 2014. No responses received.

Statutory Consultations

Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Conditions

1. The proposed parking spaces shall measure a minimum 2.4mx4.8m each and shall be maintained for this use as an ancillary to the development.

Reason: Such that adequate parking provision is made to meet to needs of the development both now and in the future.

2. 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.

Comments

The proposal is to demolish the existing factory and construct a new building for warehousing/light industrial use at 10 Greycaine Road.

ACCESS

The site is located on Greycaine Road, it is an unclassified road and with a speed limit of 30 mph.

The applicant states that there is a new or altered vehicle access proposed development.

PARKING

The applicant states that the proposed would result in 10 additional parking spaces being provided in association with the proposed development.

CONCLUSION The proposals are not considered to significantly impact upon the highway safety or capacity. Therefore, the proposed is considered acceptable to the Highway Authority.

Contaminated Land Officer

In reference to the above planning consultation, the current use of the site represents a potentially contaminative use, therefore I recommend that the standard contamination condition be applied should planning permission be granted.

Thames Water

Waste Comments:

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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Crime Prevention Design Advisor

My only concerns are the security of the premises and I therefore recommend:

- The main reception door have a door tested to LPS1175-SR3
- The shutters to the front to be to a similar standard and have internal bolts to provide additional security.
- The kitchen and other fire doors to be to LPS1175-SR3 with no external door furniture so as to prevent a forced entry.

Unfortunately I don't know the proposed occupation of the building otherwise I might be suggesting both Intruder Alarm to the latest British and European standards and externally monitored at an alarm receiving centre. Similarly if the occupation warranted it, perhaps a CCTV system which could again be externally monitored.

Environment Agency

Thank you for consulting us on this application. We object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are two strands to this objection. These are that:

- 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 preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

Reasons - To prevent the pollution of groundwater. The historic land uses of the site are industrial and could have lead to contamination. The redevelopment of this site could lead to the release of these contaminants into groundwater.

It is important to protect groundwater in this location from pollution. This is because the site is in source protection zone 2, meaning that any contaminants entering the groundwater will reach a public drinking water abstraction between 50-400 days. It is also in an EU Water Framework Directive drinking water protection area (the mid-Chilterns Chalk) meaning that the groundwater must be protected to a potable standard. This is in line with your Local Plan policy SE28 "Groundwater quality".

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Overcoming our objection - The applicant should submit a preliminary risk assessment (PRA - including a desk study, conceptual model and initial assessment of risk). I have attached a copy of our GPLC3 reporting checklists, which have the PRA checklist on page three, to help the applicant.

The above concerns were raised with the applicant during the course of the application. The applicant subsequently submitted a Geo Environmental Desk Study (Ref: 2108 14 03 28 RPT 01 REV 01 GD SH). This has been forwarded to the Environment Agency. The Environment Agency has confirmed verbally that the submission of the desktop report will allow the removal of their objection, subject to the imposition of appropriate conditions. Formal comments will be reported at the committee meeting.

APPRAISAL

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

- (a) *Watford Local Plan: Core Strategy 2006-31 (adopted January 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*; and
- (d) the Hertfordshire Minerals Local Plan Review 2002-2016.

Land allocation

The site lies within the Greycaine Industrial Estate. This is designated as Employment Area E6b as detailed on the Proposals Map of the Watford District Plan 2000. Saved Policy E1 of the Watford District Plan 2000 advises that within this employment area, proposals for research and development, light industry, general industry and storage and distribution would be acceptable, in principle.

The proposed building will be used for warehousing/light industrial use. This use will accord with the objectives of Policy E1 of the Watford District Plan 2000 and will remain compatible with the other surrounding uses within this industrial estate.

It is considered that the proposal will have no significant environmental impacts in accordance with the provisions of Policy E5 of the Watford District Plan 2000.

Design and layout

The proposal will result in the removal of the existing building and its replacement with a modern warehouse type building. The existing building has no significant historical or architectural merit and its loss will result in no harm to the character of the area.

It is considered that the height and massing of the proposed building will be appropriate in this environment given its surroundings. Suitable distances will be maintained between the new building and the nearest neighbouring buildings to ensure that the development does not appear overbearing or unduly prominent. It is considered that the development will have a suitable relationship with the neighbouring units.

The surrounding buildings within the estate are not of a particularly high quality of design. The new building will achieve a suitable standard of design for a building of this type, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Character of the area and streetscene

The proposal is felt to integrate to an acceptable standard with the surrounding buildings and the character of this industrial area.

Impact on neighbouring properties

It is considered that the proposed development will result in no significant harm to the amenities of neighbouring occupiers. In addition, it is felt that the development will not prevent neighbouring occupiers from continuing to carry out their business functions.

The proposed building will be sited a sufficient distance from the nearest neighbouring buildings so as not to cause any significant loss of light or outlook.

The site is surrounded by non-residential uses. The nearest residential property is located over 70m from the site. It is considered that given that the site is adequately separated from nearby residential properties, and also taking into account the levels of activity

surrounding the existing uses, the development will cause no noise disturbance or any other harm to the amenities of residents.

Transportation, access and parking

The Highway Authority (Hertfordshire County Council) has confirmed no objection to the proposal. It is considered that the development will not result in a material increase to traffic or congestion on the surrounding highway network, in accordance with Policy E5 of the Watford District Plan 2000. The proposed building will cover less floorspace than the building which exists at present and will not create any significant increase in traffic generation. In addition, on-site parking will be introduced where there is currently no provision for this. In this respect, the proposal has the potential to reduce the number of vehicles parked on the highway.

At present, delivery vehicles do not have space to wait on site clear of the highway. The proposed development will enhance the access arrangement and on-site parking and manoeuvring space will be introduced.

The Highway Authority has advised that car parking spaces are required to measure a minimum of 2.4m in width and 4.8m in depth and this is in order for them to be accessed and egressed with ease and convenience. The submitted plans detail a total of 10 car parking spaces which meet the minimum space standards. Details of the disposal of surface water from the new hardstanding can be secured by condition in the interests of highway safety.

Conclusion

The proposed development will remain compatible with the surrounding industrial and commercial uses and will cause no harm to neighbouring uses or the character of the area. The site is located a sufficient distance from the nearest residential properties so as not to cause any harm to the amenities of residents. It is considered that the scheme will also not result in any significant increase to traffic or congestion on the surrounding highway network and will cause no obstruction to users of the adjacent highway.

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:

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. Notwithstanding the information already submitted, no development shall commence until details of the materials to be used for all the external finishes of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.

Reason: To ensure that the development applies high quality materials that respond to the site's context and makes a positive contribution to the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

4. The parking and manoeuvring area shall be laid out in accordance with the drawings hereby approved and shall be made available for use prior to the occupation of the building. The parking spaces and manoeuvring area shall be maintained as such at all times and shall not be used for any other purpose.

Reason: To ensure that a suitable and practical means of parking provision is achieved, without compromising the safety and freeflow of the adjoining highway, in accordance with Policies T21 and T22 of the Watford District Plan 2000.

5. No development shall commence until details of the disposal of surface water from the parking and manoeuvring area have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the details approved under this condition.

Reason: To minimise danger, obstruction and inconvenience to highway users, in accordance with Policy T21 of the Watford District Plan 2000 and Policy T3 of the Watford Local Plan Core Strategy 2006-31.

6. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in

accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification/validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To prevent pollution of controlled waters (the site is within a Source Protection Zone) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

7. Notwithstanding the information already submitted, no development shall commence until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the access has been laid out and constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access in accordance with Policy T21 of the Watford District Plan 2000.

Informatives

1. 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. During the application process, amendments were requested to secure an acceptable scheme.

2. All materials and equipment to be used during the construction of the development shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority (Hertfordshire County Council Highways) prior to commencement of the development.
3. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
4. 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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
5. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Drawing Numbers

Site Location Plan (unnumbered)

Existing Floor Plan (unnumbered) – plan received 11.02.14

Existing Front Elevation (unnumbered) – plan received 11.02.14

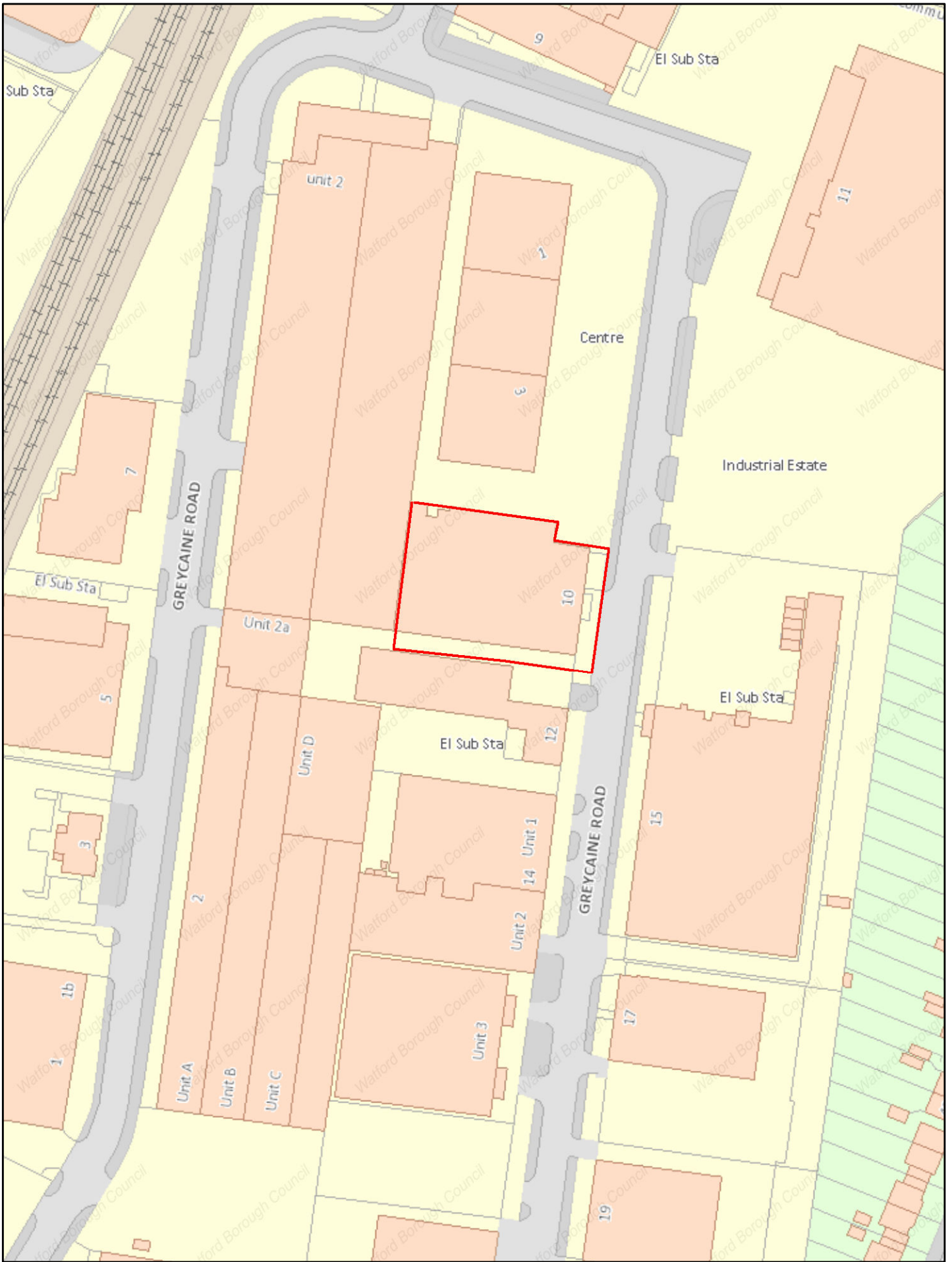
Layout Plan (unnumbered) – amended plan received 17.02.14

GJC/384/PE – amended plan received 11.02.14

Case Officer: **Simon Hoskin**

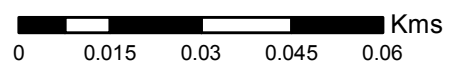
Email: **simon.hoskin@watford.gov.uk**

Tel: **01923 278598**



10 Greycaine Road

Date: 14/04/2014



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DEVELOPMENT CONTROL COMMITTEE

24th APRIL 2014

UPDATE SHEET

Item 5

13/01259/FULM – 10 Greycaine Road

ADDITIONAL CONSULTEE RESPONSE

Additional comments from the Environment Agency were received on 10th April 2014 following their review of the contamination assessment desktop study. In their response, the Environment Agency has confirmed the removal of their original objection to the application subject to conditions being applied to the grant of any planning permission to cover contamination and groundwater quality matters.

In light of the comments received from the Environment Agency, it is considered that Condition 6 be amended to include additional wording as set out below. Additional conditions are also recommended to ensure the protection of groundwater.

AMENDED CONDITION

Condition 6 be amended to read as follows (additional wording highlighted in bold):

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification/validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with

Condition (c). **The report shall include results of sampling and monitoring carried out 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 report. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: To prevent pollution of controlled waters (the site is within a Source Protection Zone) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

ADDITIONAL CONDITIONS

Condition 8:

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.

Reason: To protect groundwater in accordance with the provisions of Policies SE24 and SE28 of the Watford District Plan 2000. Soakaways and infiltration features through contaminated soils are unacceptable as they create new pathways for pollutants to migrate into groundwater, mobilising contaminants already in the subsurface and causing further pollution.

Condition 9:

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.

Reason: To protect groundwater in accordance with the provisions of Policies SE24 and SE28 of the Watford District Plan 2000. Piling can create new pathways for pollutants and introduce new contaminants into the subsurface.

ADDITIONAL INFORMATIVE

Informative 6:

Advice for applicant: Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Further information can be obtained using the following website: <https://www.gov.uk/government/organisations/environment-agency>.

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Site address: **Garage compound, Tolpits Lane**

Reference Number: **14/00176/FULM**

Description of Development: **Demolition of existing garages and erection of a three storey building with accommodation in the roof comprising 6 no. one bedroom flats and 4 no. two bedroom flats with car parking and amenity space and access from existing access road off Tolpits Lane**

Applicant: **Watford Community Housing Trust**

Date received: **3rd February 2014**

13 week date (major): **5th May 2014**

Ward: **Holywell**

SUMMARY

This application is for the demolition of the existing lock-up garages on the site and the erection of a 3 storey building comprising 10 self-contained flats. The provision of new residential flats on this site is acceptable in principle within this residential area. The development will provide a significant, high quality building on this site that will enhance the wider street scene. The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties. All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. The scheme includes the provision of 11 on-site parking spaces for the 10 flats

proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the development plan and is considered to be acceptable.

The Development Management Section Head therefore recommends the application be approved, subject to the completion of a planning obligation and appropriate conditions, as set out in the report.

BACKGROUND

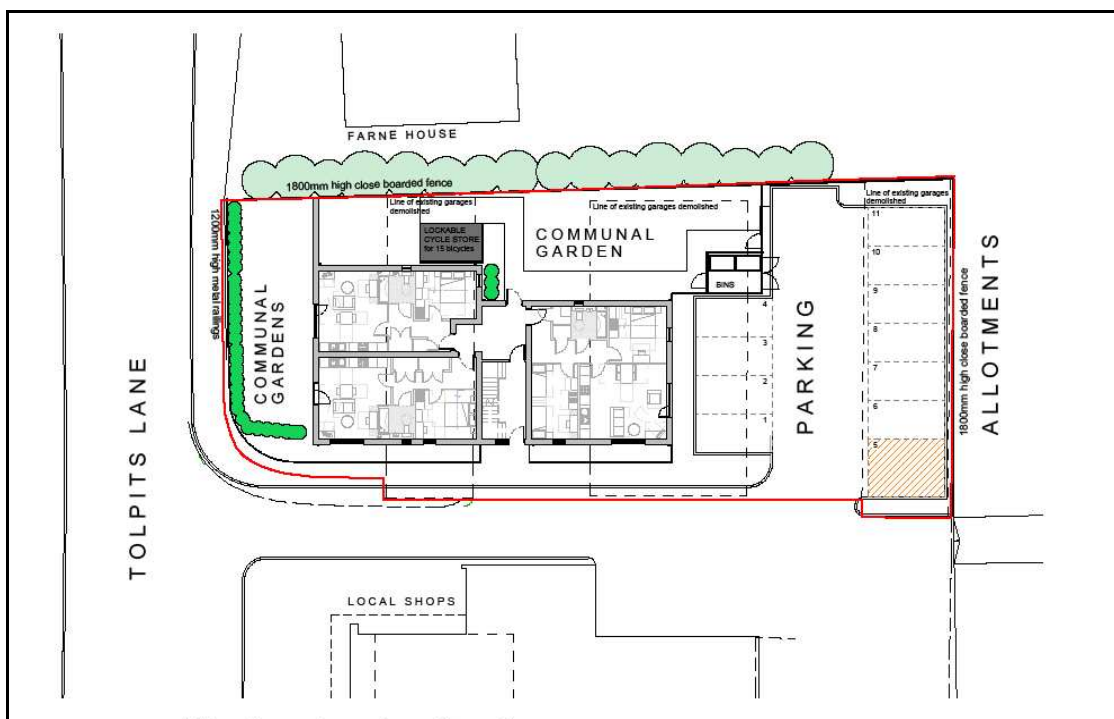
Site and surroundings

The site is located on the eastern side of Tolpits Lane adjacent to the local shopping parade and opposite the Westfield Academy. The site is rectangular in shape and has an area of 850m². It currently contains four rows of lock-up garages, comprising 29 garages, occupying the majority of the site. The western part of the site fronting Tolpits Lane is occupied by a 10m deep grassed verge which currently accommodates the Council's communal recycling bins. Along the southern boundary of the site is an existing service road which leads to the rear of the shopping parade and also gives access to allotments to the east. The site is not situated within a conservation area and has no land use designation.

To the north of the site is Farne House, a 3 storey block of flats forming part of the Scammell Way development. The eastern boundary abuts the Holywell allotments site. The local shopping parade to the south comprises ground level retail and commercial units with 2 storeys of flats above. The Westfield Academy is located opposite the site.

Proposed development

Full planning permission is sought to demolish the existing lock-up garages and erect a three storey building with accommodation in the roof sited within the central and western parts of the site. This will provide 10 one and two bedroom flats. The ground, first and second floors will each contain 2 no. one bed and 1 no. two bed flats. The third floor, within the roofspace, will contain a single 2 bed flat.



Site plan

The eastern part of the site will be used to provide 11 car parking spaces and a bin store. Communal amenity space will be provided to the north and west of the building. Vehicular and pedestrian access will be via the existing access off Tolpits Lane. A cycle store will also be provided on the site.

Planning history

None.

Relevant Policies

National Planning Policy Framework

- Section 1 Building a strong, competitive economy
- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design

Hertfordshire Waste Core Strategy 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- HS1 Housing Supply
- HS2 Housing Mix
- HS3 Affordable Housing
- T2 Location of New Development
- T3 Improving Accessibility
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

Watford District Plan 2000

- SE7 Waste Storage and Recycling in New Development
- T10 Cycle Parking Standards
- T21 Access and Servicing

T22	Car Parking Standards
T24	Residential Development
H10	Educational and Community Facilities
L8	Public Open Space
L9	Children's Play Space

Supplementary Planning Documents and Supplementary Planning Guidance Notes

Residential design Guide Volume 1: Building New Homes

SPG6 Internal Space Standards

SPG10 Open Space Provision

CONSULTATIONS

Neighbour consultations

Letters were sent to 31 properties in Tolpits Lane. No replies have been received.

Advertisements in local paper/site notices

One site notice was put up outside the site on 7th February 2014. A public notice also appeared in the Watford Observer on 28th February 2014.

Consultations

Environmental Health

[Comments in relation to the hot food takeaway premises in the nearby shopping parade] I have reviewed the information provided against the Department for Environment, Food and Rural Affairs guidance on commercial kitchen extracts. From the information provided, the existing flue would be within 12 metres of the proposed building. Unfortunately, the guidance requires a minimum distance of 20 metres, and where this cannot be achieved, there will need to be an increase

in the mitigation measures used to deal with odour, smoke and fumes. However, from experience such systems are not especially effective where there is a heavy greasy type premise within close proximity. Therefore, it is highly likely that if this proposal is given permission, the new residents are likely to be affected by smells of grease. In the likely event of complaints being received, the legal remedial measures available to us would be limited as there is a likelihood that the existing premise already has the best, practicable means in situ.

As an alternative, if sealed windows were provided, with mechanical ventilation or the height of the proposed building was the same as the existing neighbouring property then that could be sufficient. Ideally, the china mans hat on the existing flue ought to be removed as its presence hinders dispersal.

Overall, the proposal is not acceptable as there will be issues around odour, smoke and fumes from the existing flue.

APPRAISAL

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

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) *the continuing “saved” policies of the Watford District Plan 2000;*
- (c) *the Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026; and*
- (d) *the Hertfordshire Minerals Local Plan Review 2002-2016.*

Land allocation

The site is located within a primarily residential area on the Proposals Map of the Watford District Plan 2000. There is no objection in principle to the introduction of residential development on this site subject to satisfying the relevant policies.

There is no objection in principle to the loss of the lock-up garages on the site.

Housing policies

The principle of new residential development within a primarily residential area is acceptable. There are a number of constraints on the site which have led to a flatted development being the most appropriate form of development for this particular site. The site only has a frontage of 17m to Tolpits Lane and it is not acceptable to provide frontage parking due to the proximity of the existing access road along the southern boundary of the site, leading to the rear of the shopping parade and the allotments. This leaves only the existing access road as suitable to access the site, subject to appropriate modification. The depth of the site at 46m combined with its relatively narrow width and the presence of existing residential properties at Farne House to the north further constrain the form of development. The combination of these factors means that it would not be practicable to develop the site with houses. As such, there is no objection to the provision of flats in this case. The proposal will provide a mix of one and two bedroom flats suitable for 2 and 4 persons which is acceptable.

All of the proposed flats exceed the Council's internal space guidelines and have acceptable internal layouts. The table below compares the proposed development with the minimum requirements:-

Number of bedrooms (and persons)	Minimum floor area (exc. bathrooms and circulation) (SPG6)	Total floor area provided in scheme
1 bed (2 persons)	29m ²	46-49m ²
2 bed (4 persons)	44m ²	69-73m ²

The two bedroom flats are all dual aspect and the one bedroom flats are either dual aspect or west facing. As such, all of the flats will provide a good level of residential amenity in terms of outlook, privacy and natural light for future occupiers. A private communal amenity area has been provided to the north of

the building with an area of approx. 136m², which is significantly in excess of the minimum requirement set out in the Residential Design Guide. A semi-private area of approx. 75m² is also provided on the frontage of the site.

One factor that has the potential to have an adverse impact on the amenities of future occupiers is the presence of the Viking Fish and Chip Shop in the northern unit of the shopping parade, closest to the site, and its associated fume extraction flues. These are sited to the rear of the unit at the north-western corner of the building and discharge 1m above the eaves level. These flues are only 12m from the bedroom windows of the proposed third floor flat within the roofspace which is at the same level. The national guidance from the Department of Environment, Food and Rural Affairs requires a minimum distance of 20m between commercial kitchen extracts and residential windows to avoid the possibility of nuisance being caused by smells and odours. As this distance cannot be achieved, the third floor bedroom window on the elevation facing the shopping parade will need to be sealed and non-opening and the room mechanically ventilated. Whilst this is not ideal, the flat's main habitable room window to the living/kitchen room faces west towards Tolpits Lane and is over 20m away from the flues, so that it can be opening in the normal way. Overall, as only one bedroom window in one flat is affected, it is considered that this is acceptable for this flat, subject to details of the mechanical ventilation being submitted for approval.

As the proposal is for 10 dwellings, there is a requirement to provide 35% affordable housing, which can be secured by a Section 106 planning obligation. In this case, however, it is the applicant's intention that all of the flats would be for affordable rent.

Character of the area

The northern section of Tolpits Lane between Hagden Lane and Croxley View, which includes the application site, has a very varied character. Buildings include

Westfield Academy, 3 storey blocks of flats, two church halls, a specialist school, a support centre and the adjacent local shopping parade. The age, design and materials of these buildings is equally varied and there is no predominant or consistent building style in evidence, although brick is the most common material. In this context, the proposed 3 storey building in facing brick with contemporary design will complement the range of buildings within the street. Overall, it is considered the building will enhance the street scene and be a positive addition to the local area.

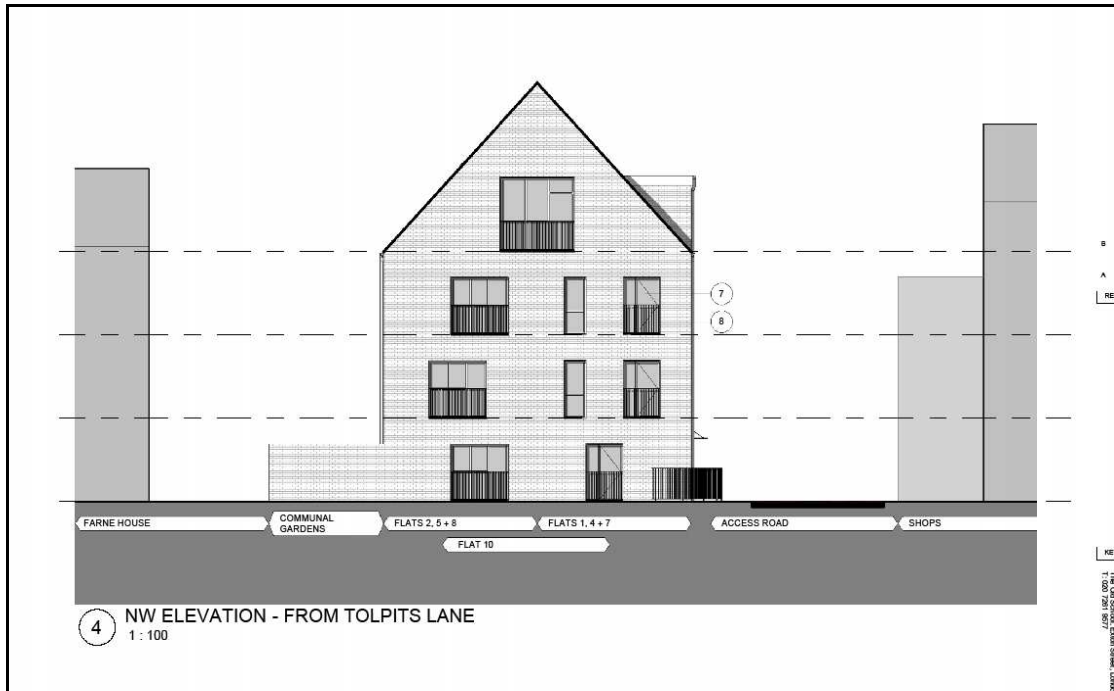


South west elevation

Design and appearance

The building has a rectangular form (measuring 22.5m by 11m), which is largely informed by the shape and constraints of the site, with a pitched roof and gabled ends. The 3 storey height of the building reflects the height of the adjoining buildings to the north and south although it has a steeper roof pitch. The gable end facing Tolpits Lane will give the building a strong presence within the street scene.

The design of the elevations is restrained but with a strong vertical rhythm in the fenestration on all elevations to give a modern appearance that complements the surrounding buildings. The proposed materials are brown facing brick and grey concrete roof tiles with white windows, which compliment the variety of materials found in the locality.



Elevation to Tolpits Lane

Impact on neighbouring properties

The adjoining building to the north, Farne House, is a flatted block. This has its main habitable room windows facing east and west with secondary windows on the southern flank elevation facing the site, at a distance of 4.2m from the boundary. The proposed building has been sited 8.5m from the flank elevation of Farne House to minimise the adverse impacts on these windows. As these are secondary windows, it is not considered that the proposal will have a significant adverse impact on the amenities currently enjoyed by the occupiers of these flats.

A similar situation exists to the south with the local shopping parade. The flats on the upper floors have their main habitable windows facing east and west but there are secondary windows on the north elevation facing the site. The proposed building is sited 10.5m from these windows to minimise any adverse impacts. Again, as these are secondary windows, it is not considered that the proposal will have a significant adverse impact on the amenities currently enjoyed by the occupiers of these flats.

Transportation, access and parking

The existing 29 lock-up garages on the site are to be replaced by 11 parking spaces to serve the proposed 10 flats. Although only 10 of the garages are currently occupied this will not result in any significant increase in vehicle movements. Compared to the potential number of vehicle movements that could occur if all the garages were occupied, the proposal would likely result in a significant reduction.

The existing access road off Tolpits Lane is to be retained and widened to serve the development and a new footpath is to be created along the southern boundary of the site.

The provision of 11 parking spaces for the scheme accords with the Council's maximum standards, which would allow a maximum of 13 spaces to be provided.

The proposal incorporates a secure, communal cycle store for 15 cycles which will further encourage sustainable, non-car travel. The applicant has also agreed to a contribution of £6,750 towards wider sustainable transport measures in Watford.

Sustainable development

The scheme is to be built to code level 4 of the Code for Sustainable Homes, in accordance with the applicant's normal requirements for all new development.

This will significantly exceed the current minimum requirements under the Building Regulations. A sustainable drainage scheme for surface water can be secured by condition.

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.

Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy and 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 and 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 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 County Council's Planning Obligations Toolkit (adopted January 2008) and the relevant saved 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.

i) Community facilities

- Secondary education £2,058
- Primary education £3,822
- Nursery education £972
- Childcare £276
- Youth £70
- Libraries £978

ii) Open space and children's playspace

As the site is located in an area where there is no deficit in open space a 50% reduction in the normal contribution set out in SPG10 is applicable.

- Open space £12,360
- Children's playspace £3,940

iii) Sustainable transport

- Sustainable transport £6,750

A planning obligation is being prepared to secure these financial contributions towards the provision or improvement of facilities within the Borough of Watford. The agreement will also secure the provision of any necessary fire hydrants to serve the development.

Conclusion

The provision of new residential flats on this site is acceptable in principle within this residential area. The development will provide a significant, high quality building on this site that will enhance the wider street scene. The siting and design of the proposed building will ensure that it will have no adverse impact on surrounding residential properties. All of the proposed flats will have acceptable internal areas and layouts and will provide a good level of amenity for future occupiers. The scheme includes the provision of 11 on-site parking spaces for

the 10 flats proposed, which is in accordance with the Council's current maximum parking standards. Overall, the proposal will accord with the policies of the local development plan and is considered to be acceptable.

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

- (A) That planning permission be granted subject to the completion of a planning obligation under s.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 financial payments to the Council of:
 - a) £12,360 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
 - b) £3,940 (index linked) towards the provision and improvement of children's playspace in the Borough in accordance with Policy L9 of the Watford District Plan 2000;

- ii) To secure financial payments to the County Council of:
 - a) £6,750 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3 and T5 of the Watford Local Plan Core Strategy 2006-31;
 - b) £2,058 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £3,822 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £972 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £276 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £70 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £978 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- iii) To secure 4 of the units as affordable housing for affordable rent.
- iv) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

Conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

003A and 004A

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

3. No demolition or construction of the development hereby permitted shall take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays or at any time 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 saved Policy SE22 of the Watford District Plan 2000.

4. No demolition or construction works shall commence within the 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.

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.

5. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roofs, doors, windows, canopy and balcony railings, 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.

6. No construction works shall commence until details of a sustainable surface water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.

Reason: To ensure the surface water drainage is designed to minimise the likelihood of flooding downstream, to reduce the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to reduce the impact of flooding on the proposed development in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

7. No part of the building shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

8. No part of the building shall be occupied until full details of a hard landscaping scheme, including details of the railings to the site boundary, have been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the character and appearance of the conservation area, in accordance with Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

9. No part of the building shall be occupied until details of the bin store and the cycle store (sufficient to accommodate a minimum of 10 cycles) as shown in principle on drawing nos. 003A and 004A, have been submitted to and approved in writing by the Local Planning Authority and the bin store and cycle store have been constructed in accordance with the approved details.

Reason: To ensure adequate facilities are provided for the future occupiers and in the interests of the visual appearance of the site, in accordance with saved Policies SE7 and T10 of the Watford District Plan 2000 and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the development shall be occupied until the 11 car parking spaces shown on drawing no. 003A, have been laid out and constructed in full. These spaces shall be retained for parking cars at all times.

Reason: To ensure adequate parking facilities are provided on the site and to minimise any additional on-street car parking, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000.

11. The bedroom window at third floor level in the south elevation shall be sealed and non-opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent nuisance being caused by smells and odours from the commercial extract flues from the adjacent fish and chip shop within the local shopping parade.

12. No development shall commence until details of the mechanical ventilation system for the bedroom of the flat at third floor level that is served by the window referred to in Condition 11 above have been submitted to and approved in writing by the Local Planning Authority. These details shall include the location of the system within the flat, the noise levels of the system and the location of the air intake and extract vents. The flat shall not be occupied until the mechanical ventilation system has been installed as approved. The system shall be retained at all times.

Reason: To ensure the system does not have an adverse impact on the amenities of the occupiers of the flat or the other flats in the building.

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 the provision or improvement of public open space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. The agreement also requires the provision of necessary fire hydrants to serve the development.
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. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the demolition of the existing building; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

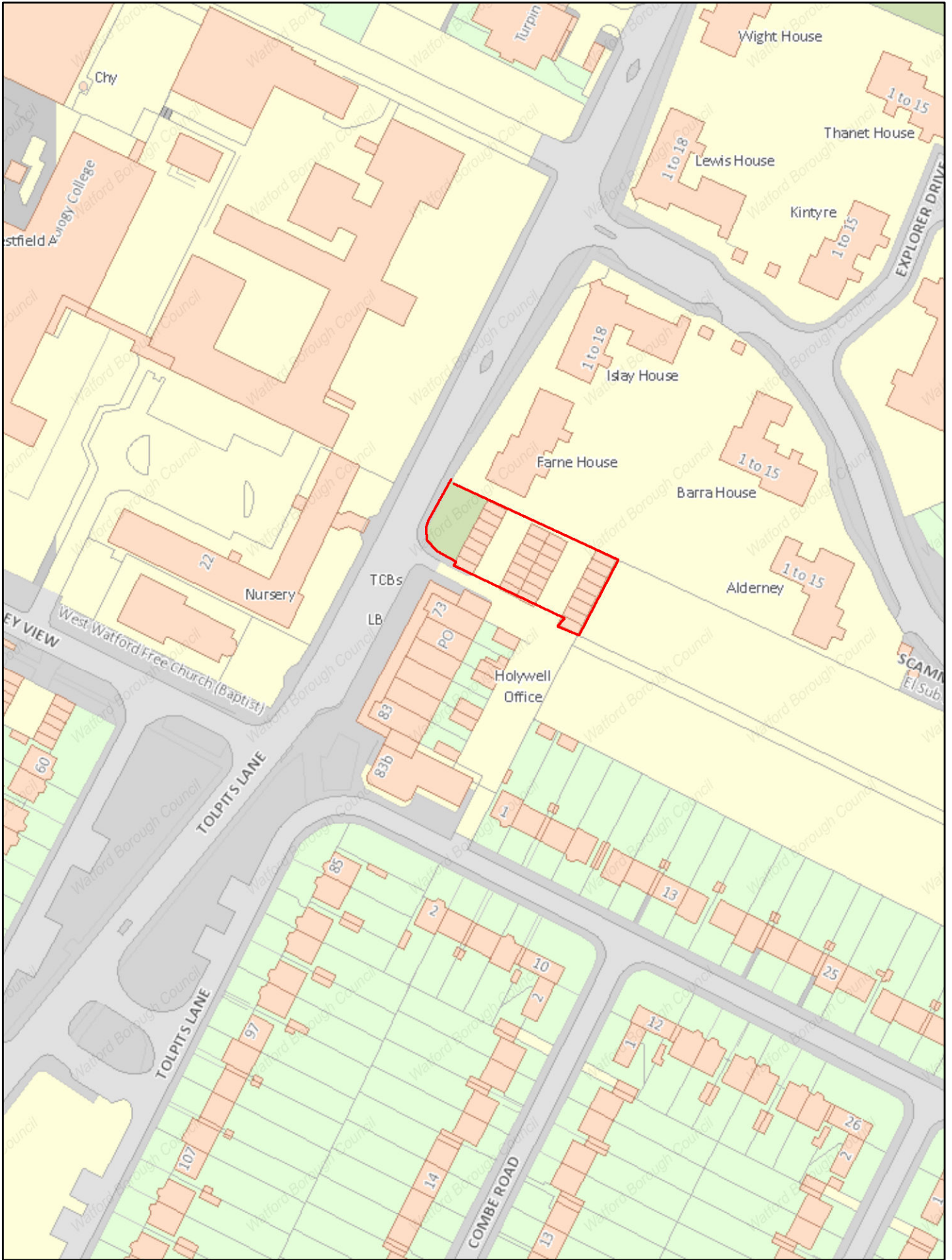
Drawing numbers

003A and 004A

Case Officer: **Paul Baxter**

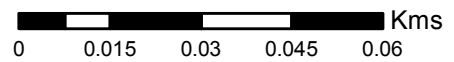
Email: **paul.baxter@watford.gov.uk**

Tel: **01923 278284**



Garage site, Tolpits Lane

Date: 14/04/2014



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DEVELOPMENT CONTROL COMMITTEE

24th APRIL 2014

UPDATE SHEET

Item 6

14/00176/FULM – Garage compound, Tolpits Lane

AMENDED DRAWINGS

Amended drawings have been submitted and are on display at the meeting:

003B and 004B

MATERIALS

Proposed bricks for this development have been submitted by the applicant and are on display at the meeting:

Ibstock Alderley Burgundy

The local area contains a variety of buff, brown and red bricks and these are considered acceptable and appropriate.

ADDITIONAL UPDATE SHEET

Item 6

14/00176/FULM – Garage compound, Tolpits Lane

PLANNING OBLIGATION

The planning obligation referred to in Recommendation (A) has not yet been completed. It is therefore appropriate to include a new Recommendation (B) in the event of the obligation not being completed before the target date for determining the application.

RECOMMENATION (B)

In the event that no section 106 planning obligation is completed by 1st May 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development fails to make provision for public open space or children's play space, either in the form of on-site works or

commuted payments, and as such is contrary to saved policies L8 and L9 of the Watford District Plan 2000.

2. The proposed development fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed development fails to contribute to the provision or improvement of education and community facilities (education, youth facilities, childcare and libraries) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
4. The proposed development fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
5. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

PART A

Report to: **Development Management Section Head**

Site address: **J Sainsbury Plc at Dome Roundabout**

Reference Number : **14/00264/FULM**

Description of Development: **Extension and alterations to existing store including amendment to condition 15 of planning permission 9/447/94, varied by condition 1 of planning permission 02/00588, to increase retail (Class A1) sales floorspace, relocation of ATMs and customer restaurant, ancillary concession units, alterations to car parking layout, alterations to rear service yard including new canopy to goods online parking area, new sprinkler tank and associated works and change of use from highways land to private land.**

Applicant **Sainsbury Supermarkets Ltd**

Date Received: **11th February 2014**

8 week date (minor): **13th May 2014**

Ward: **MERIDEN**

Summary

The proposal relates to the extension of an existing Sainsbury's superstore at the Dome Roundabout. The proposal will include the erection of an extension to the front and the side of the existing store thereby increasing the net sales

floorspace by 700m² and resulting in a significant improvement to the internal layout of the store.

The site falls within the designated Special Policy Area 5 – the Dome Roundabout in the Core Strategy. The main objectives of the policy here are twofold: (a) to bring about a more diverse use within the area and (b) to require significant improvement to the physical environment in the local area.

The proposal will result in the increase of an existing retail store and does introduce additional retail floorspace. The applicant has demonstrated that the increase in retail floorspace will be in line with the recent national policy guidance. Further, the applicant has demonstrated that the proposals will involve the improvements to the store to help to address existing inadequacies and the extent of current overtrading at the store as well as providing an improved shopping environment and facilities for customers. Whilst the proposed floorspace, at 700m², is below the threshold for a retail impact assessment, nevertheless the applicants have provided an impact assessment analysis which demonstrates that the proposal will be a complementary use to the existing shopping provision in the locality.

In addition to the increase in retail floorspace the proposal will include an “Explore Learn facility”. This is a rather recent initiative where tuition on mathematics and literacy are offered within the store. This element of the proposal will further contribute positively to ensuring a diversity of uses on the site.

In terms of its physical attributes, the proposal will considerably enhance the character and external appearance of the building. Further, the internal layout will be significantly improved allowing better circulation within the store.

The proposal will also create additional jobs thereby helping the employment opportunities within the area.

The applicant has also agreed to make appropriate financial contributions to the pedestrian access and circulation routes in the vicinity of the store, together with additional contributions to the physical improvement to the local area as required by the policies of the Core Strategy. These contributions will be secured through a s.106 planning obligation.

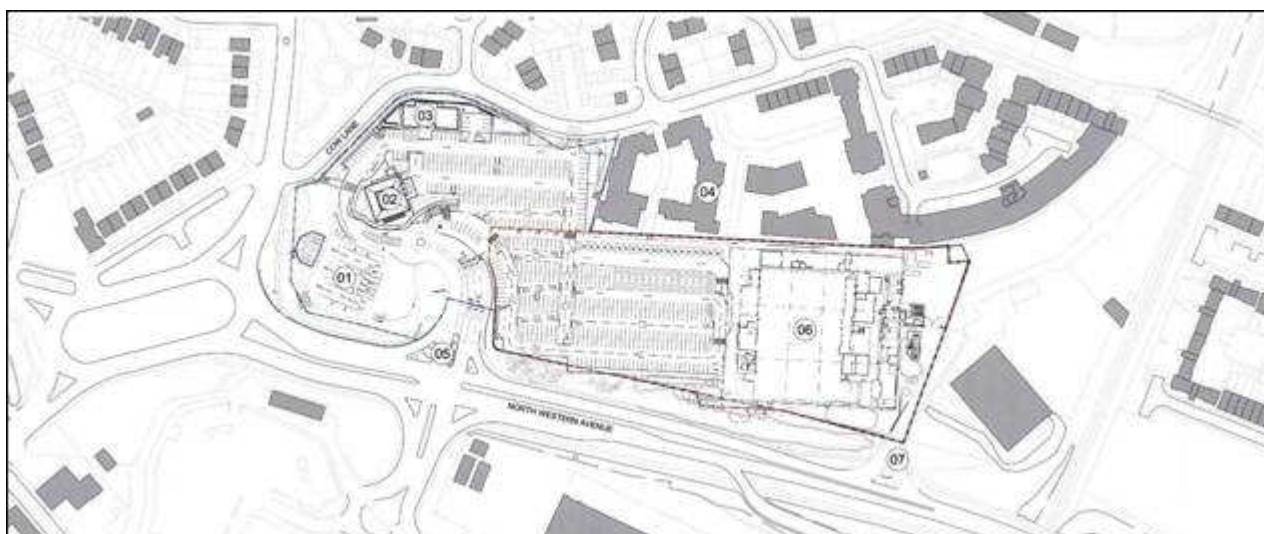
The proposal will achieve the policy objectives of the development plan by creating a more sustainable development and is considered to be acceptable. The Development Management Section Head therefore recommends the application be approved, subject to the completion of a planning obligation and appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

The proposal relates to the Sainsbury's superstore at the Dome roundabout. This is a purpose-built building, incorporating a large shed-type structure, and includes its associated car park, access roads and a service area. There are other structures dotted around the site, including a stand-alone pizza restaurant, a petrol station and canopy with an associated building, and a doctors' surgery.

The main customer vehicular access to the superstore is particularly contrived, with customers having to manoeuvre through an s-shape route, going through a mini roundabout and then passing behind the stand-alone pizza restaurant before reaching the main car park. There is also a separate vehicular access which caters for service deliveries to the rear of the superstore. The car park and the store buildings are separated from the main road by a green landscaped area which now benefits from mature and semi-mature trees that largely conceal the store from the road. However, the grassed landscape area around the petrol station is generally devoid of any trees, making the petrol station and the pizza restaurant, with its red canopy, quite prominent in the street scene.



Location plan

There are no listed buildings here and the site is not within a conservation area. However, the store building is located within the designated Dome Roundabout Policy Area SPA5 in the adopted Core Strategy.

The area has a mixed character. The physical environment is, to a large extent, dominated by the large Dome Roundabout. The roundabout is approached from the east and west by long arterial routes which, for the most part, have buildings along them enclosing the space. However, once the roundabout is reached the buildings give way leading to a lack of defined space and a rather bleak appearance. In particular, the low lying position of two large superstore buildings does not inform the built character in any meaningful way.

The built form to the north of the roundabout is generally residential. Except for the recent development of blocks of flats to the north of the application site, the general character of the residential areas is typically suburban. The traditional residential buildings are primarily two storeys in height and are either semi-detached or detached, set back from the road with front gardens, and predominantly with pitched and hipped roofs. There is a regular rhythm to the residential areas set up by the regularity of the buildings and the gaps between them.

The other sectors of the roundabout contain commercial buildings, in the form of superstores and petrol filling stations – Shell, Sainsbury’s and Asda. The ground level drops away from the road on the two sectors containing the Sainsbury’s and Asda stores but rises on the site occupied by the Shell petrol filling station.

An exception to the general building form around the Dome Roundabout is the Mirror Print Building. This building is also the most significant in terms of its architectural merit.

The general character beyond the suburban housing is, therefore, dominated by the roundabout, the arterial roads, the access and service road layouts and the large shed-type structures of the two superstores. To this mix are added the haphazardly located petrol filling stations, the takeaway food shop and the pizza restaurant. Overall, the general environment in this location is therefore very poor and it is particularly hostile to pedestrians.

Proposed development

The proposal is to extend the building to the front by about 5m across the width of the store, together with some internal refurbishment. The proposal will provide a new JS Restaurant, new toilets, a new lobby a new concession. The total additional floorspace will be about 1000m² gross external (700m² internal).

Planning history

A planning history search reveals the following records for the land now forming the site of the proposed development:

<i>Reference</i>	<i>Decision</i>	<i>Date</i>	<i>Description</i>
63/27021/OUT	Granted	20.10.1964	Proposed coal concentration depot
65/29170/FUL	Granted	27.07.1965	Proposed coal concentration depot

65/29556/FUL	Granted	18.01.1966	Erection of office and toilet block to serve mechanised solid fuel depot
66/04339/FUL	Granted	18.10.1966	Construction of a surface water sewer
67/04086/REM	Approved	28.02.1967	The submission of details of a landscaping scheme, in accordance with condition 6 of the planning permission, dated 27th July, 1965 for the formation of a coal concentration depot
67/04499/FUL	Granted	28.11.1967	Erection of portable shed for storage and maintenance workshop
73/08597/OUT	Refused	18.12.1973	Outline application for the erection of a ready mixed concrete batching plant, an aggregate depot using rail facilities and small administrative buildings for the supply of ready mixed concrete and aggregates
75/00059/COU	Refused	14.04.1976	Change of use from former coal storage and builder's yard to a site for a ready-mixed concrete batching plant and an aggregate depot (using rail facilities for the supply of ready-mixed concrete and aggregates and matters ancillary thereto
03/00237/FUL	Granted	09.07.2003	Extension to existing A1 retail kiosk and canopy and associated car parking
11/00517/F	Granted	03.08.2011	Partial demolition and rebuild of existing petrol filling station involving the installation of new

			nine pump layout with passing lanes, new kiosk shop front and fascia, relocation of LPG pump, removal of jet wash and car wash and construction of new flat canopy.
11/00823/DISCON	Approved	10.10.2011	Details submitted for Condition 3 (Materials Samples) pursuant to planning permission 11/00517/FUL
11/00824/DISCON	Refused	10.10.2011	Details submitted for Condition 4 (Drainage) pursuant to planning permission 11/00517/FUL
11/00825/DISCON	Approved	10.10.2011	Details submitted for Condition 7 (Wheel Washing) pursuant to planning permission 11/00517/FUL
11/00826/DISCON	Approved	10.10.2011	Details submitted for Condition 8 (On-Site Parking) pursuant to planning permission 11/00517/FUL
11/00843/DISCON	Withdrawn	12.10.2011	Details submitted for Condition 3 (material samples) pursuant to planning permission 11/00517/FUL
11/00844/DISCON	Refused	09.01.2012	Details submitted for Condition 5 (environmental report) pursuant to planning permission 11/00517/FUL
11/00845/DISCON	Withdrawn	12.10.2011	Details submitted for Condition 6 (wheel washing) pursuant to planning permission 11/00517/FUL
11/01054/FUL	Granted	19.12.2011	Replacement of existing plant with updated new plant in the

			service yard.
12/00099/DISCON	Approved	02.03.2012	Condition 5 - Tank validation report (11/00517/FUL)
12/00769/FUL	Granted	20.09.2012	Installation of biomass boiler unit outside service yard alongside the service road entrance to the service yard.

Relevant planning 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 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change

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

There are no policies contained in this document that are relevant to this case.

Hertfordshire Minerals Local Plan Review 2002-2016

There are no policies contained in this document that are relevant to this case.

Watford Local Plan Core Strategy 2006-31

- Policy SS1 Spatial strategy
- Policy SD1 Sustainable Design
- Policy SD2 Water
- Policy SD3 Climate Change
- Policy TLC1 Retail and Commercial Leisure Development

- Policy SPA5 Dome Roundabout
- Policy UD1 Delivering high quality design
- Policy INF1 Infrastructure Delivery and Planning Obligations
- Policy T2 Location of New Development
- Policy T3 Improving Accessibility
- Policy T5 Providing New Infrastructure

Watford District Plan 2000

- Policy T10 Cycling Facilities
 - Policy T21 Access and Servicing
 - Policy T22 Car Parking Standards
 - Policy SE7 Waste Storage and Recycling in New Development
 - Policy SE27 Flood Prevention
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CONSULTATIONS

Neighbour consultations

Letters were sent to 156 properties in Hales Court, Edridge Court, Adams Court, in Ley Farm Close and Cezanne Road.

No replies have been received so far. The Committee will be advised of any additional representations received after the date this report was written.

Site notices

In addition to the neighbour letters, two site notices were posted on 3 March 2014.

Consultations

Hertfordshire County Council (Highway Authority)

The County Council has been in consultation with the applicant at the pre-application stage. With respect to the scheme the Highways Authority have made the following comments;

Application type

Full application

Proposal

Extension and alterations to existing store including amendment to condition 15 of planning permission 9/447/94, varied by condition 1 of planning permission 02/00588, to increase retail (Class A1) sales floorspace, relocation of ATMs and customer restaurant, ancillary concession units, alterations to car parking layout, alterations to rear service yard including new canopy to goods on line parking area, new sprinkler tank and associated works and change of use from highways land to private land.

Decision

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1 Prior to commencement of the development, a permanent stopping up order under the Town & Country Planning Act shall be secured for the two areas of public highway which are made redundant by this development.

Reason To distinguish the highway use of land currently classified as highway maintainable at public expense.

2 Construction of the development hereby permitted shall not be commenced until detailed plans and internal layout and car parking layout are submitted to and approved by the Highway Authority.

Reason To ensure that the approved development takes place in a comprehensive manner.

3 On site parking shall be provided for the use of all contractors, sub contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the Highway Authority, before the commencement of on site works.

Reason In the interest of highway safety and efficiency.

Informatives 1) Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the development; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Full planning permission is sought for an extension and alterations to existing store including amendment to condition 15 of planning permission 9/447/94, varied by condition 1 of planning permission 02/00588, to increase retail (Class A1) sales floorspace, relocation of ATMs and customer restaurant, ancillary concession units, alterations to car parking layout, alterations to rear service yard including new canopy to goods on line parking area, new sprinkler tank and associated works and change of use from highways land to private land.

As well as the appropriate plans and sections in drawn form the application is supported by a Design & Access Statement (DAS) and a Transport Statement (TS). Both of these have been produced to a standard acceptable to the highway authority. The TS was subject to preapplication discussions between the transport consultant and highway authority.

The current store has a Gross External Area (GEA) of 6,201m² and 450 parking spaces and the planning application seeks an extension to the GEA of 1,018m² to the supermarket by creating a new lobby, customer restaurant, ATM's and concession. The corresponding change in net sales area is an increase of 702.6m². The extension would allow for additional shelf space, enabling Sainsbury's to keep greater quantities of key lines on the shelves, thereby reducing the necessity for restocking during shop opening hours. The improvements will enable a broader range of convenience and comparison products to be sold from the store mainly, the applicant argues, to existing customers.

The land to be developed lies approximately 3.1 km to the northeast of Watford town centre. The store is situated immediately to the north of the eastbound carriageway of Colne Way (A41), and just to the west of the Alban Line branch railway as it runs between the stations of Watford North and Garston. The western boundary of the site is formed by the A412 St Albans Road Roundabout. At the SW corner of the site is the A41/ A412 roundabout known locally as 'the Dome'. To the north of the Sainsbury's site lies the former Sun Chemicals site on Cow Lane which has recently been developed for residential use.

Access Vehicular access for customers to the store is via the northern arm of the four-arm signalised junction of A41 with the Sainsbury's access and the Asda access opposite. Access for staff and deliveries to the service yard associated with the store is via an uncontrolled junction on the A41 approximately 200 metres east of the customer access. Vehicles are prevented from queuing to turn in and from crossing the centre online by a left in-left out only arrangement enforced with a continuous kerbed centre island.

Accessibility The site lies in accessibility zone 4 in the map of car and cycle parking zones from the District Plan 2000.

Pedestrian access from the north is via Cow Lane, along the boundary of the former Sun Chemical site. This route follows the perimeter edge of the car park and provides a direct pedestrian route into the store. The eastern pedestrian route runs between the southern face of the store and the A41, connecting with the footway provided adjacent to the eastbound carriageway of the A41. The southern pedestrian access is via the A41 / Sainsbury's / Asda access junction. This junction is fully signalised with a pedestrian phase allowing pedestrians to cross in a controlled manner. The footway accessing the site is adjacent to the eastern edge of the Sainsbury's access road carriageway. The western pedestrian access is via Cow Lane, close to the Pizza Hut restaurant.

Cyclists can access the store using the routes identified above. National Cycle Network Route 6 is located approximately 1km east of the site and runs north to south between Watford and St Albans. In the interests of ensuring that linkages by non-motorised users can be improved to and from the store the applicant has offered to provide a financial contribution towards the upgrading of the railway underpass on Cow Lane to the northeast of the store.

There is a wide range of bus services passing the site on the A412. Garston station on the Abbey Line is 1km to the NE of the store.

Traffic generation: The industry-standard methodology for predicting the traffic generation of new development is to use trip rates derived from comparable sites within survey databases such as TRICS (Trip Rate Information Computer System). However, in this instance, the development proposal does not represent a 'new' development. Rather, the proposal is to increase the floor area of an existing store through an extension.

Based on a predicted sales area increase of 19% and a proportional increase of 19%, the potential increase in customer transactions (which

could be considered to be a proxy for uplift in traffic demand assuming all travelling by car) could be 3.6% post extension. Based on a customer increase (assuming all car-borne) of 3.6%, the increase in traffic post extension would be 24 vehicles on a Friday and 22 vehicles on a Saturday.

On the basis of the 2008 traffic data observed on the A41, the percentage effect on the A41 immediately adjacent to the store would be 1.1% and 1% during a Friday and Saturday respectively. At the Dome roundabout, the effect would be further diluted to 0.7% and 0.6% respectively. On this basis it is considered that the effect of the proposed development on the local highway network will be indiscernible.

Parking: The proposal involves extending the store towards the existing car park and will involve a reduction in spaces to 427. Given the generally low levels of utilisation in the existing car park, a loss of 29 spaces is not considered to be an issue for Sainsbury's. This loss of parking will not affect the availability of spaces within the car park and so is not considered by the highway authority to be likely to displace vehicles on to surrounding roads.

Cycle parking would be improved by the addition of 1 cycle stand at the front of the store to the existing 6 stands.

Planning obligations: It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. In the interests of ensuring that linkages by non-motorised users can be improved to and from the store the applicant has offered to provide a sustainable transport financial contribution. It has been agreed through pre-application discussions with the transport consultant that Sainsbury's will provide planning obligations of £75,000 towards improvements to Cow Lane and a further £7,500 towards a pedestrian study in this area via a Section 106 agreement.

Nick Gough

Planning Policy

The Planning Policy team has evaluated the proposed development in terms of its retail impact assessment. They are satisfied that the proposal is in line with the National Planning Policy Framework and the relevant development plan policies.

Arboricultural officer

The proposal will result in some loss of trees, but this is will have little impact on the overall greenery of the surroundings.

APPRAISAL

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

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) *the continuing “saved” policies of the Watford District Plan 2000;*
- (c) *the Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026; and*
- (d) *the Hertfordshire Minerals Local Plan Review 2002-2016.*

Planning considerations

The major issues to be considered is in respect of the proposal are:

- the acceptability of the proposal in land use terms;
- whether the proposal will result in the enhancement of the environment in the locality;
- the impact on parking and the amenities of the adjoining occupiers.

Land use impact

The site is in an out of town location; in such areas, retail proposals will need to accord with paragraph 24 of the National Planning Policy Framework (NPPF).

Paragraph 24 states that “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.”

The national policies aim to protect the vitality and viability of town centres as well as seeking to create sustainable communities and development.

In the adopted *Local Plan Core Strategy*, Chapter 7 – Town and Local Centres, paragraph 7.2.8 states that the primary shopping area will be the main focus for retail uses and the town centre area for other appropriate town centre uses (map on Page 56 of the Core Strategy). The sequential test is detailed on page 57. It requires the first preference for town centre uses to be locations within the primary shopping area of the existing town centre for retail uses and town centre locations for other town centre uses. This is consistent with Section 2 of the NPPF. Normally, therefore, planning permission would not be granted for any additional retail floor space in this location whilst there are vacant retail units in the town centre.

The two relevant policies with respect to the site are policies SS1 and SPA5 of the recently adopted Core strategy.

Policy SS1 sets a local threshold of 200sqm for extensions with regards to the impact assessment. This is by far more a more rigorous demand than that set

out in the National Planning Policy Framework, where the default threshold (if one is not locally set) is 2,500sqm.

Policy SPA5 has two prime objectives. First, it seeks to encouraging mixed use development and a more diverse range of uses within the area. Further, given the current very poor local environment, any development scheme should seek to improve the quality of the environment as well as, in particular, bringing about improvements for pedestrian and cyclists.

The applicant has submitted a significant body of evidence which demonstrates the following:

- The increase in the capacity of the retail floor space, will be limited. It demonstrates that sufficient unsaturated demand for further retail development will remain which can be satisfied in accordance with the retail policies of the Core Strategy.
- The proposal will meet the sequential test assessment, in line with the NPPF and recent court rulings on this subject.
- Whilst the proposed expansion figure is well below the threshold set in by the government advice, nevertheless the applicants have carried out a retail impact assessment which demonstrates that the proposal will not have a significant impact on the Charter Place scheme and is unlikely to prevent other proposals for retail development coming forward in accordance with the Core Strategy's retail policies until at least 2018.
- In terms of its impact on the local centre, it has been shown that the proposal will be a complementary use.

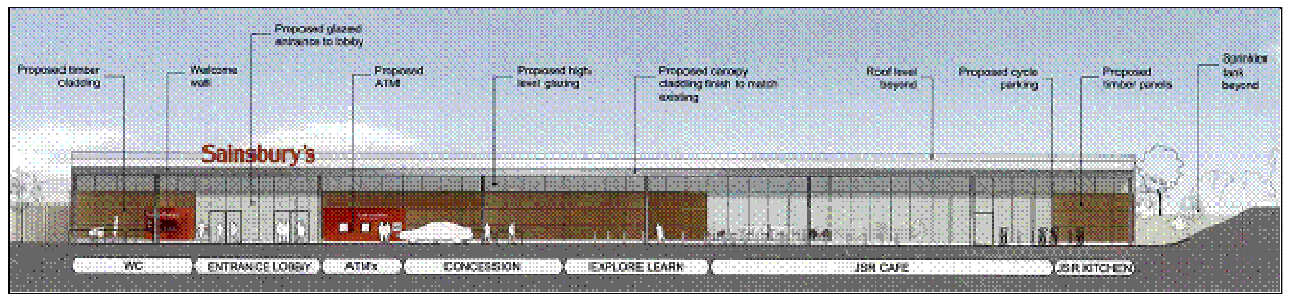
In addition to the above considerations it should be noted that the proposal is an extension to an existing store and will not result in the introduction of a new retail development.

Further, the applicant has demonstrated that the proposals will include improvements to the existing store to help to address existing inadequacies and the extent of current overtrading at the store, as well as providing an improved shopping environment and facilities for customers.

In addition to the increase in retail floorspace the proposal will include an “Explore Learn facility”. This is a rather recent initiative where tuition on mathematics and literacy are offered within the store. This element of the proposal will further contribute positively to ensuring a diversity of uses on the site.

It is envisaged that approximately 60 additional jobs will be created within the Sainsbury’s store, in addition to three to four jobs within the new concession unit and approximately 12 specialised jobs within the Explore Learning centre. Taken together, the proposals will deliver up to approximately 76 new jobs at the site. This is considered to be significant level of job opportunities for local residents, with a positive consequential impact on the local economy.

The scheme as proposed accords with the policies of the NPPF and the adopted Core Strategy and, hence, in land use terms, the proposal is acceptable.



West elevation as proposed

In addition the proposal will improve the service yard to the rear by the introduction of a new canopy. The proposal also includes the introduction of a sprinkler tank and other associated measures aimed generally at modernising the building's function and operation.

The proposal will result in some loss of trees, but this is considered by the Council's arboricultural officer to have little impact on the overall greenery of the surroundings. Moreover, as referred to below (Planning Obligation), the applicants have agreed to make an appropriate financial contribution towards improving the quality of the local environment.

Highways issues

The proposal does not include any additional car parking spaces. However, it is apparent that the existing car parking spaces are never fully utilised. The applicant has carried out a thorough highway impact assessment which indicates that the proposal will not have any significant impact upon highway conditions. Herts Highways are entirely satisfied with the applicants' supporting statement and consider the proposal will have no significant impact upon the Highway's condition. And consider that subject to conditions, there is no reason to suppose that the existing car park would not be able to accommodate additional demand arising from the proposed additional retail floorspace.

In addition, as referred to below (Planning Obligation), the applicants have agreed to make an appropriate financial contribution towards improvements to the pedestrian environment around and within the vicinity of the site.

Amenity

The proposed extension to the front of the store will have some impact on a number of recently built flats to the side of the store. However, the extension to the store will be limited to the area covered by the existing canopy.

Therefore, given its distance from the flats, and the limited extension to the front, it is not envisaged that the proposal will result in significant harm to the amenities of the flats.

The proposed canopy will be located at some distance away from the flats and hence it is not envisaged that this could cause any significant harm to the residential amenities of the occupiers of the flats. Moreover, the proposed store extension is not likely to give rise to an increase in activity such as would cause harm to the occupiers of the flats.

Other issues

The applicant has carried out a flood risk assessment. The site is located within Flood Zone 1 according to the latest Environment Agency flood zone maps. This indicates that the site is not at risk from fluvial or tidal sources, and further study has shown that the site is not subject to any other type of flooding. The only issue that remains is to ensure the drainage system incorporates appropriate measures in accordance with the required legislation.

The applicant has carried out an air quality study in terms of the construction phase of the proposed development. The study suggests a number of measures which would need to be adhered to during the construction of the proposed development.

The applicant has also carried out noise impact assessment. It has been demonstrated that the proposed impact will be within the acceptable and tolerable level in accordance with the National Planning Policy Framework advice.

The applicants have also ensured that the proposed extended store will result in a more energy efficient building.

The proposal also includes a small area of highway land to be transferred to the store site. The extent of this land is quite limited and, from planning point of view, it has no bearing on any of the planning issues concerning the development.

Planning obligation

This proposal includes the provision of additional retail floorspace in an area where, in accordance with the Core Strategy, new development for retail floorspace will not normally be granted. Further, all development schemes in SPA5 are expected to improve the quality of the environment for all users including in particular pedestrian and cycle users.

In order to comply with the main objectives of the Policy SPA5, the applicants have agreed to make appropriate financial contributions to secure improvements to the pedestrian access and circulation routes in the vicinity of the store, together with additional contributions to the physical improvement to the local area as required by the policies of the Core Strategy, as follows:

- (i) The sum of £75,000 towards upgrading of the railway underpass to the north east of the store.
- (ii) The sum of £7,500 towards a study of the pedestrian network in the area around the Store and the Dome Roundabout.
- (iii) The sum of £38,000 towards the design and the cost of improvement to the public realm within vicinity of the site including the Dome Roundabout.
- (iv) The sum of £1750 in respect of the Council's administrative and monitoring charge.

These contributions will be secured through a s.106 planning obligation.

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.

In this case in accordance with policies in the Watford Local Plan Core Strategy 2006-31 and saved policies in the Watford District Plan 2000, the Borough Council and Hertfordshire County Council seek contributions towards the provision or improvement of transport and environmental improvements. These contributions are secured by means of a planning obligation under s.106 of the Town and Country Planning Act 1990. Normally, the planning obligation takes the form of a unilateral undertaking (prepared by the Borough Council), which has the same effect as a bi-lateral agreement but can be completed in a shorter timescale and at less cost. The undertaking is required to ensure that the planning application complies with the relevant policies of the Watford Local Plan Core Strategy 2006-31 (specifically SPA5 and INF1) and the relevant saved policies of the Watford District Plan 2000 that will be referred to in the undertaking.

The contributions sought in connection with the proposed development are based on *Planning Obligations Guidance – Toolkit for Hertfordshire*, and in accordance with the Council's emerging CIL Rate for retail 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. The contributions proposed 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 the Council's adopted 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.

Conclusion

The proposal will not have a significant impact on the amenities of the adjoining occupiers, nor will it have any significant impact on the visual amenity of the area. The existing access and parking spaces will absorb any additional traffic generated from the use.

The proposal in land use term is considered to be acceptable. It has been demonstrated that the proposal will not have an unacceptable impact on the retail function of the town centre and other local shopping centres and will fully comply with the necessary tests set out in the policy to justify the increase of the retail floorspace at this location. The proposal will create additional jobs thereby helping the employment opportunities within the area, and will also bring about an improvement the quality of the environment in the local area through the financial contributions proposed to be secured by the planning obligation.

The proposed alterations to the front of the building will considerably improve the appearance of the store, and there will also be improvements to the internal layout of the store. In addition to the increase in retail floor space the proposal will include an “Explore Learn facility”. This is a rather recent initiative where tuition on mathematics and literacy are offered within the store. This element of the proposal will further contribute positively to ensuring a diversity of uses on the site. The proposal will also result in a more energy efficient building and a more sustainable development.

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

- (A)** That planning permission be granted subject to the completion of a planning obligation under s.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 financial payments to the Council of:
 - a) £38,000 (index linked) towards the design and the cost of improvements to the public realm within vicinity of the site including the Dome Roundabout in accordance with Policy SPA5 of the Watford Local Plan Core Strategy 2006 31;
 - b) £1750 in respect of the Council's administrative and monitoring charge.

- ii) To secure financial payments to the County Council of:
 - a) £75,000 (index linked) towards upgrading of the railway underpass to the north east of the store;
 - b) £7,500 (index linked) towards a pedestrian network study in the area around the store and the Dome Roundabout.

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. The building as enlarged, excluding for the area shown as Explore Learn unit and the concession units hereby approved shall not be further subdivided into smaller units or independent separate units of accommodation.

Reason: The site lies within the designated Special Policy Area 5 in the Council's Core Strategy where the increase in retail space is restricted in order to protect the vitality and viability and the overall shopping function of the town centre in accordance with the Policies SPA5 and TLC1 of the Watford Local Plan Core Strategy 2006-2031 and the advice given in the National Planning Policy Framework 2012.

4. 'The total area of retail sales floorspace (in accordance with the Competition Commission definition) within the extended foodstore shall not exceed 4,413.6sqm (47,508sqft) without the prior written permission of the LPA.'

Reason: The site lies within the designated Special Policy Area 5 in the Council's Core Strategy where the increase in retail space is restricted in order to protect the vitality and viability and the overall shopping function of the town centre in accordance with the Policies SPA5 and TLC1 of the Watford Local Plan Core Strategy 2006-2031 and the advice given in the National Planning Policy Framework 2012.

- 5 Prior to commencement of the development, a permanent stopping up order under the Town & Country Planning Act shall be secured for the two areas of public highway which are made redundant by this development.

Reason; To distinguish the highway use of land currently classified as highway maintainable at public expense.

- 6 Construction of the development hereby permitted shall not be commenced until detailed plans and internal layout and car parking layout are submitted to and approved by the Highway Authority.

Reason To ensure that the approved development takes place in a comprehensive manner.

- 7 On site parking shall be provided for the use of all contractors, sub contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the Highway Authority, before the commencement of on site works.

Reason In the interest of highway safety and efficiency.

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

10123 01 AP 0100 001 Site Location Plan; 10123 01 AP 0100 002 Existing Site Plan; 10123 01 AP 0110 001 Existing Store Plan; 10123 01 AP 0110 002 Existing Roof Plan; 10123 01 AP 0120 001 Existing Elevations; 10123 01 AP 0000 001 Proposed Site Plan; 10123 01 AP 0010 001 Proposed Store Plan; 10123 01 AP 0010 002 Proposed Roof Plan; 10123 01 AP 0020 001 Proposed Elevations.

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

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 the provision or improvement of the pedestrian and local environment.
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. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the development; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Drawing Numbers

10123 01 AP 0100 001 Site Location Plan; 10123 01 AP 0100 002 Existing Site Plan; 10123 01 AP 0110 001 Existing Store Plan; 10123 01 AP 0110 002 Existing Roof Plan; 10123 01 AP 0120 001 Existing Elevations; 10123 01 AP 0000 001 Proposed Site Plan; 10123 01 AP 0010 001 Proposed Store Plan; 10123 01 AP 0010 002 Proposed Roof Plan; 10123 01 AP 0020 001 Proposed Elevations

Documents

Design and Access Statement;
Planning and Retail Statement;
Transport Statement;
Flood Risk and Drainage Assessment;
Arboricultural Impact Assessment and tree survey
Renewable Energy and Energy Efficiency Statement
Air Quality Assessment Report
Noise Assessment
Statement of Community Involvement and Public Consultation.

(B) In the event that no Section 106 planning obligation is completed by 9 May 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reason:

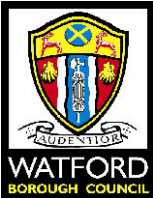
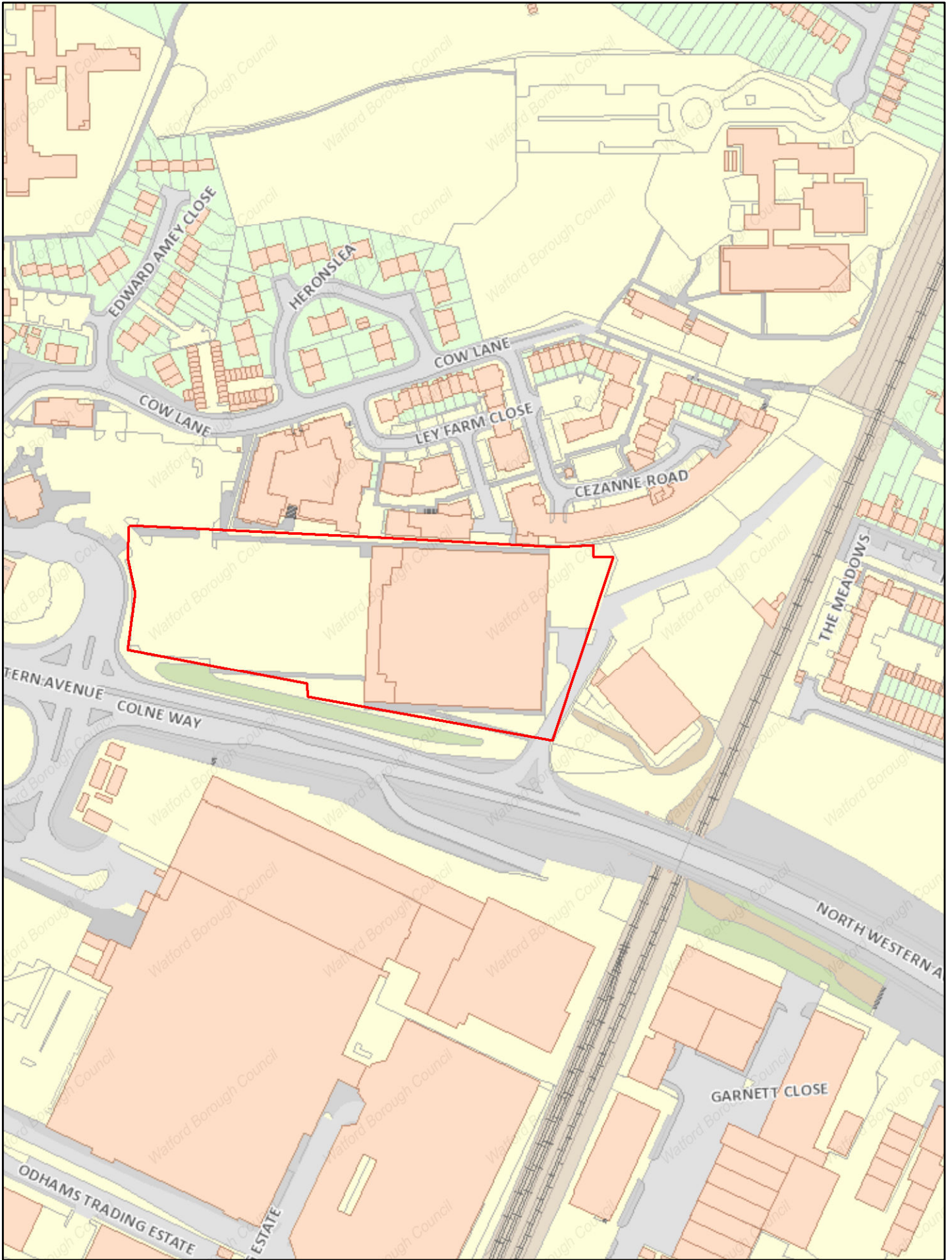
The proposed development fails to make financial contribution towards improvements to the quality of the local environment as required by Policy SPA5 of the Watford Local Plan Core Strategy 2006-31.

Case Officer: **Habib Neshat**

Email: habib.neshat@watford.gov.uk

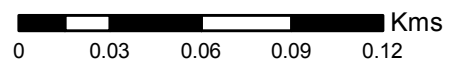
Tel: **01923 278285**

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Sainsbury's, N W Avenue

Date: 14/04/2014



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