



# DEVELOPMENT CONTROL COMMITTEE

**Thursday, 7th August, 2014**

**7.30 pm**

**Town Hall, Watford**

**Publication date: 30 July 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](mailto:legalanddemocratic@watford.gov.uk) .

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

## **ACCESS**

Access to the Town Hall after 5.15 pm is via the entrance to the Customer Service Centre from the visitors' car park.

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 Council Chamber is on the mezzanine floor of the Town Hall and a lift is available. An induction loop is available in 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
- Do not stop to collect personal belongings
- Go to the assembly point at the Pond and wait for further instructions
- Do not re-enter the building until authorised to do so.

## **MOBILE PHONES**

Please ensure that mobile phones are switched off or on silent before the start of the meeting.

## **FILMING / PHOTOGRAPHY / RECORDING / REPORTING**

Please note: this meeting might be filmed / photographed / recorded / reported by a party other than Watford Borough Council for subsequent broadcast or publication.

If you do not wish to have your image / voice captured you should let the Chair or Democratic Services Officer know before the start of the meeting.

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 S Bashir, N Bell, J Connal, I Sharpe, M Watkin, T Williams and S Johnson

## 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 17 July 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 AS AT 29TH JULY 2014**

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

On 29<sup>th</sup> July 2014 there were no applications over eight weeks not yet determined but under consideration by the Development Management Section Head.

#### 5. **1 WELLSTONES SERVICE YARD, WELLSTONES** (Pages 1 - 28)

An application for the erection of extensions to create a 5 storey building for office use and alterations to ground floor to provide 3 car parking spaces

**6. 18 COLONIAL WAY** (Pages 29 - 58)

An application for change of use and extension of the existing office building to provide accommodation for the new Watford University Technical College (UTC)

**7. COLNE RIVER PARK, RADLETT ROAD PLAYING FIELDS** (Pages 59 - 114)

Application for the re-grading/levelling of the existing sports field, filling in of pot holes and undulations and the introduction of new land drainage to provide a high quality playing surface with an approximate 1:60 cross-fall across the line of play. Includes the erection of a single storey building with a single pitched roof for changing rooms/facilities, car parking and treatment for Japanese Knotweed (AMENDED DOCUMENTS)

**8. CHARTER PLACE** (Pages 115 - 154)

An application for: the part demolition / reconfiguration / change of use of existing Charter Place Shopping Centre, the demolition of 37-57 and 67-69 High Street, and part retention of 63-65, High Street. Erection of new buildings within Classes A1(shops), A3 (restaurants) and D2 (including cinema), including provision of new covered market, together with associated plant and machinery, and ancillary facilities. Provision of new public realm. Alterations to existing pedestrian and cycle access and egress arrangements, highway alterations/ improvements and other ancillary works and operations. Variation of Condition 2 of planning permission ref. 13/00972/FULM to incorporate amendments to the cinema building, including an increase in height, changes to the roof profile and changes to fire escapes.

**9. BOUNDARY WAY** (Pages 155 - 202)

An application for the demolition of 24 flats, shop and community building and removal of garages and creation of 56 new 1, 2 and 3 bed homes consisting of two to three storey buildings together with new shop, community facilities including community gardens, parking, landscaping and alterations to main carriageway (Duplicate application to Three Rivers District Council)

## PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee	<b>7<sup>th</sup> August 2014</b>
Site address:	<b>1 Wellstones Service Yard Watford</b>
Reference Number:	<b>14/00577/FULM</b>
Description of Development:	<b>Erection of extensions to create a 5 storey building for office use and alterations to ground floor to provide 3 car parking spaces.</b>
Applicant:	<b>Hobbs Developments Limited</b>
Date received:	<b>13<sup>th</sup> May 2014</b>
13 week date (major):	<b>12<sup>th</sup> August 2014</b>
Ward:	<b>Central</b>

### **SUMMARY**

Full planning permission is sought for the erection of extensions to create a 5 storey building for office use and alterations to the ground floor to provide 3 car parking spaces.

This application follows a previous scheme, submitted in 2013, which sought permission for the erection of extensions to create a 3 storey office building (Ref. 13/00332/FUL). The Council refused this earlier application on grounds that it would prejudice the comprehensive redevelopment of this part of the town centre which has been earmarked for a new retail-led mixed use development known as "Exchange Square". The Council's reason to refuse the application was appealed against and the appeal was allowed in March 2014. The Inspector appointed to determine the appeal found that there was no evidence that the Exchange Square development was progressing. They concluded that there was insufficient evidence to suggest that the site was pivotal to the future plans and considered that the scheme would not unreasonably harm the long term redevelopment of the town centre.

The current proposal differs from the earlier scheme in that a further two storeys of office accommodation are now proposed. This has resulted in a building which has a different appearance and significantly greater height and mass when compared to the scheme considered under 13/00332/FUL. As a result of the additional storeys it is felt that the proposed development would have an adverse impact on the visual amenity of the area and would create an oppressive and dominant building for this setting.

The Development Management Section Head recommends that the application be refused as set out in the report.

---

## **BACKGROUND**

### **Site and surroundings**

The subject site comprises a single storey building which covers a rectangular-shaped footprint located within the Town Centre. The building footprint occupies the whole of the site with the exception of a small, triangular piece of land on its southeastern side which is undeveloped.

The building is currently vacant. The planning history for the site indicates that in the past it has been used for a range of uses including a petrol filling station, warehouse and light industry. More recently, it is understood that the building had been occupied by a curtain and leather cleaning business and as a workshop for the repair of gaming machines before becoming vacant in 2012.

The site lies approximately 50m southwest of the High Street. Pedestrian access from the High Street into Wellstones is provided through Well's Yard to the north of the site and also via an opening between the properties at 2-4 The Parade and 38 High Street to the east.

The area in which the site is located is characterised by a mix of building types that vary in form, scale and appearance. The site lies within close proximity of the rear of properties which front Exchange Road and the High Street. The site also lies within close proximity to the part 3, 4 and 5 storey Telephone Exchange building.

Within Wellstones there are other single storey structures including a workshop building located 10m to the northwest of the site.

The subject building features a high dual pitched roof with gables on its northeast-facing and southwest-facing ends. On its northwest-facing elevation, there is a concertina type door opening which allows vehicular access into the building from Wellstones. Wellstones is an unclassified, one-way service road which runs between Exchange Road and Market Street. The northwestern and northeastern sides of the building directly adjoin the road.

The site does not encompass any listed buildings and is not located within a Conservation Area. However, there are statutory and locally listed buildings within the vicinity including the Grade II listed property at 14-16 The Parade, which is located approximately 40m northeast of the site.

The site lies within the Primary Shopping Area as identified by Figure 6 (page 54) of the Watford Local Plan Core Strategy 2006-31. The site is also located within the Town Centre Special Policy Area as designated by the Watford Local Plan Core Strategy 2006-31.

### **Proposed Development**

Full planning permission is sought for the erection of extensions to create a 5 storey building for office use and alterations to the ground floor to provide 3 car parking spaces.

The proposal seeks to remove the existing roof of the building, insert a steel frame, and add a further four floors to create offices and ancillary facilities. The existing ground floor brickwork will be rendered, and the four upper floors will be clad with aluminium panelling. The roof will be hipped and finished with slates.



Proposed northwest and southwest elevations

According to the details submitted with the application, the development will provide start-up office accommodation for embryonic businesses. Communal facilities will be provided including a reception, toilets, kitchens, lifts, meeting rooms and copying, scanning and printing areas.

The ground floor will provide the main entrance, reception, communal office facilities, meeting rooms, toilets and three car parking spaces within an undercroft element. Refuse and cycle storage enclosures will also be provided at ground floor level. The upper floors will be divided into office suites with communal facilities.

The parking spaces will be accessed on the northwestern side of the building directly off Wellstones.



### **Relevant Planning History**

Ref. 28596 – Petrol filling station – Conditional Planning Permission granted in March 1965.

Ref. 0173/74 – Use to warehousing – Conditional Planning Permission granted in June 1974.

Ref. 78/00648/FUL – Permanent permission for continued use of West's Garage, Wellstones, as a warehouse – Conditional Planning Permission granted in January 1979.

Ref. 81/00192/COU – Change of use from Class x warehouse to light industrial use – permitted development.

Ref. 90/00216/OUT – Outline application for proposed two storey B1 business unit with 10 spaces – Refused Planning Permission in September 1990 for the following reasons:

1. *The proposed development would give rise to an increase in business floorspace on the site and would not provide an acceptable location and would be contrary to the aims of the County Structure Plan Policy No. 65 of the Approved Hertfordshire County Structure Plan and to Policies E10 and E15 of the Watford District Plan (As Altered) 1985.*
2. *The proposed development would prejudice proposals for the improvement of Wellstones, a public highway, and would prejudice expressed intentions of the Hertfordshire County Council and the Watford Borough Council for a bus interchange facilities and be contrary to County Council Intention 169 paragraph 7.7.23 of the First Review Herts County Structure Plan and to Policy T7 of the Watford District Plan (As Altered) 1985.*
3. *The suggested car parking provision would not provide adequate spaces for the proposed development and would not accord with the terms of Policy T17 of the Watford District Plan (As Altered) 1985.*

- 4. The proposed layout of the development would, it is considered, by reason of the location of the car parking and its relation to the alignment of Wellstones and adjoining properties give rise to unsatisfactory manoeuvring likely to adversely affect the safety of users of the adjoining highway and as such would fail to meet the aims and objectives of the chapter on Transport and Policies T15/T16 of the Watford District Plan (As Altered) 1985.*

Ref. 92/00394/COU – Change of use application from B1 - Dance Studio – application withdrawn in November 1992.

Ref. 03/00309/COU – Change of use to Dental Surgery with ancillary offices – Conditional Planning Permission granted in June 2003.

Ref. 13/00332/FUL – Proposed alterations to ground floor involving the creation of 4 car parking spaces and extension at first and second floor levels to create three storey office building – Refused Planning Permission in May 2013 for the following reasons:

- 1. The proposed development would hinder the council's plans for the long-term redevelopment of this part of the Town Centre. Should this application be allowed then this would have the potential to impede the comprehensive redevelopment of this part of the Primary Shopping Area. The area has been earmarked for a new retail-led mixed use development referred to as "Exchange Square" in the Watford Town Centre Study 2005. The proposal would fail to facilitate the delivery of the redevelopment of this key town centre location, contrary to Policy SPA1 of the Watford Local Plan Core Strategy 2006-31.*
- 2. The application fails to demonstrate that adequate refuse and recycling storage to meet the demands of the development can be provided on site without compromising the visual amenity of the area, contrary to the aims of saved Policy*

*SE7 of the Watford District Plan 2000 and Policy SD4 of the Watford Local Plan Core Strategy 2006-31.*

3. *The application fails to demonstrate that a secure and weatherproof means of cycle storage to meet the demands of the development can be suitably provided on site, contrary to the aims of saved Policy T10 of the Watford District Plan 2000 and Policies T3 and T5 of the Watford Local Plan Core Strategy 2006-31.*

The Council's reasons for refusal were appealed against (Appeal Ref. APP/Y1945/A/13/2205052). The appeal was allowed on 7<sup>th</sup> March 2014.

### **Relevant Policies**

#### **The National Planning Policy Framework (NPPF)**

Section 1 – Building a strong, competitive economy

Section 2 – Ensuring the vitality of town centres

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

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

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

#### **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

T10 Cycle Parking Standards

T21 Access and Servicing

T22 Car Parking Standards

E2 Employment Use Outside Identified Employment Areas

E5 Environmental Considerations

U15 Buildings of Local Interest

**Watford Local Plan Core Strategy 2006-31**

WBC1 Presumption in favour of Sustainable Development

SS1 Spatial Strategy

SPA1 Town Centre

SD1 Sustainable Design

SD2 Water and Wastewater

SD3 Climate Change

SD4 Waste

EMP1 Economic Development

T2 Location of New Development

T3 Improving Accessibility

T4 Transport Assessments

T5 Providing New Infrastructure

UD1 Delivering High Quality Design

UD2 Built Heritage Conservation

### **Supplementary Planning Documents**

Watford Character of Area Study - This was approved by the Council's Cabinet as a Supplementary Planning Document on 5<sup>th</sup> December 2011 and is a material consideration of significant weight in the determination of planning applications.

---

## **CONSULTATIONS**

### **Neighbour consultations**

Letters were sent to a total of 13 addresses that surround the site. One representation has been received citing the following comments:

- I suppose the replacement of a single storey building by one of 5 storeys could, in some circumstances, be considered acceptable as it would be near other tall buildings. However, I wondered how this would fit into the various studies that have been made over the years into the redevelopment of the whole of the area.

### **Site Notices**

Site notices placed. Expired on 13<sup>th</sup> June 2014.

### **Press Advertisement**

An advertisement was published in the Watford Observer. Expired on 20<sup>th</sup> June 2014.

### **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:

## Grant with Conditions

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

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

## COMMENTS

The proposal is for the construction of extensions to create a 5 storey building for office use and alterations to ground floor to provide 3 parking spaces.

## ACCESS

The site is located on Wellstones service yard. It is an unclassified road and with a speed limit of 30 mph.

The applicant states that there is no new or altered vehicle access proposed development.

PARKING The proposed would result in 3 additional parking spaces being provided in association with the proposed site.

## CONCLUSION

The proposals are not considered to greatly impact upon the highway safety or capacity. It is considered acceptable to the Highway Authority.

## Contaminated Land Officer

Due to the nature of the application, a contamination condition would not be required in this case.

## Thames Water

### Waste Comments

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

### 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. 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### Water Comments

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 - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

### Crime Prevention Design Advisor

- I note there will be three parking spaces, and following my telephone conversation with Derek Kent and my comments in connection with possible anti-social behaviour if the car parking spaces were not shuttered off there has been agreement to provide shutters on the car parking spaces when not in use. The shutters would prevent unauthorised parking and prevent ASB problem with drunks and the like using the parking area as a toilet, sleeping area or something worse! I recommend shutters be to the LPS1175 SR2 standards.
- I understand the entry to the reception area is behind the parking spaces and for similar reason as above I would strongly recommend using shutters to close the area off when the offices are closed. I recommend shutters be to the LPS1175 SR2

standards. Once again following a conversation with Derek Kent agreement has been reached to install a shutter preventing access outside office hours.

- I recommend the external reception door be to either PAS24-2012 or LPS1175 SR2.
- The door to the cycle store to be of a similar PAS24-2012 or LPS1175 SR1 construction as I am aware cycles are a commodity in the area, with the keys held by reception or those who will use the cycle store.
- I recommend the ground floor windows are to PAS24-2012 standards with laminated glass having a minimum thickness of 6.4mm.
- Offices are vulnerable because of the electronic equipment being used and therefore it may be worth considering lockable doors to the offices on each floor for the security of individual tenants, the doors having thumb turn opening locks internally for safety of the tenants.
- No doubt an alarm system will be considered and this must be to the latest British and European Standards, perhaps zonally operated on each floor. It may be worth considering CCTV on the ground floor covering the reception entry area.
- There will be tenants within the building and perhaps visitors so electronic access control may be worth considering with audio visual to each floor.

#### Environment Agency

We have assessed this application and have no comments to make based on the information sent to us.



### Planning Policy Department

The site is located in a part of the town centre that has been identified as having deficiencies in terms of urban structure (Character of Area Study) and having the potential for integrated redevelopment - LP2 identifies it as part of the R3 site for retail led mixed use development. It is likely that the focus for redevelopment would be the southern part of the site which does not include the application site. It is envisaged that the Wellstones route would develop into a street with more used frontage areas rather than the backs of buildings. The site allocation received two comments which broadly supported the proposed redevelopment of the site (Telereal Trillium for BT land and JM Rowe Investments Ltd) but suggested that the site could accommodate residential as well as other mixed uses and this will be reflected in the next consultation planned for late 2014. JM Rowe Ltd commented that as the land is in multiple ownership it may take time to come forward and this should be acknowledged in the plan; this will be done for the next consultation. One other comment received asked whether the idea of a bus station on the site which has been suggested in previous plans had now been dropped; it is not expected that a bus station would be delivered here. The progress made with the local plan and site allocations and the few comments received which are supportive suggests that the proposal to redevelop this area would be supported and is more likely to come forward during the plan period. The redevelopment of this represents an opportunity to improve and enhance this area (NPPF para 56 and 64 and UD1 Core Strategy). However, to achieve this the design of any schemes needs to respond positively to existing local character and local landmark buildings.

The site lies to the rear of a Grade II Listed commercial property and a number of Locally Listed shops and needs to respond to this local context. The current proposal makes no effort to respond to the heritage assets and will cause harm to their setting. The harm caused needs to be balanced against the potential public benefit the scheme brings. The harm that would be caused can be rectified through an appropriate design for the building.

The proposed design is not contextually responsive and makes use of a pavilion style which would be more appropriate in a suburban business park (although the design would

still be poor there). The building framework should be of the same scale and form as the commercial properties that are in the immediate surrounds and which front the High Street (the BT buildings do not represent an appropriate building form to be used on this site). There is a lack of articulation, particularly in the fenestration, which means it is difficult to read floor heights within the elevations and serves to exaggerate the mass of the building creating an oppressive and dominant building for this setting. The ground floor elevations are not conducive to creating safe and welcoming street form and have the appearance of a bunker; there are more creative ways of dealing with a ground floor car park. The building should respond positively to its setting and look to create stronger relationships with the street and the buildings around it. If elements do need to be secure, such as car parking, these should have openings along the upper part, with grills, rather than a solid mass of brickwork.

I would recommend that the application be refused or that the applicant is invited to withdraw this scheme and engage in formal pre-application discussions to develop an appropriate design for this building.

---

## **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.

The *National Planning Policy Framework* (NPPF) sets out the Government’s planning policies for England and seeks to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF was

published on 27<sup>th</sup> March 2012 and is a material consideration in planning decisions. It does not change the statutory status of the development plan as the starting point for decision making. Planning Policy Guidance Notes and Statements have been cancelled and replaced by the NPPF.

The Local Development Framework Core Strategy was submitted to the Secretary of State for Communities and Local Government on 28 February 2012. Hearing sessions were held from 12 to 19 June 2012 and were followed by public consultation on proposed modifications from Monday 31 July to Monday 10 September. The Inspector concluded that the Watford Core Strategy provides an appropriate basis for the planning of the Borough to 2031 providing a number of modifications are made. These modifications were the subject of the summer 2012 public consultation. The Core Strategy is therefore sound and legally compliant in the view of the Inspector. The Core Strategy was formally adopted at a Council meeting on 30<sup>th</sup> January 2013. It is a material consideration and should be afforded considerable weight in the determination of planning applications.

The *Watford Character of Area Study* was approved by the Council's Cabinet as a Supplementary Planning Document on 5<sup>th</sup> December 2011 and is a material consideration of significant weight in the determination of planning applications.

### **Principle of development**

The site is located within the Primary Shopping Area in the Town Centre, as shown in Figure 6 of the Watford Local Plan Core Strategy 2006-31 (page 54). Paragraph 7.2.8 of the Core Strategy states that "The primary shopping area will be the main focus for retail uses and the wider town centre area for other appropriate town centre uses, including leisure development". The Council accepts that the proposal would provide additional office space within a Town Centre location and that Policy EMP1 expects around half of additional jobs to be within the wider town centre.

The site is located within the Town Centre Special Policy Area (SPA). Paragraph 5.0.1 of the Core Strategy (page 22) advises that the SPAs have special policy status due to there

being a significant level of change expected in the area, or a particular need for some change, either in terms of new development and infrastructure or through wider opportunities for improvements to be made to the physical environment.

Policy SPA1 of the Watford Local Plan Core Strategy 2006-31 states “The new retail provision required to strengthen and consolidate Watford’s regional position in the retail hierarchy should be delivered as a priority within the Primary Shopping Area of the town centre, as defined in Figure 6”. It further states that “The Charter Place redevelopment will provide in the order of 10,000 sqm (net) additional floorspace in the town centre to 2020. The further redevelopment and enhancement of retail provision and floorspace to 2031 includes sites identified in the 2005 Town Centre Study. The council will encourage mid to longer term options for redevelopment and will seek to facilitate the delivery of those options for redevelopment”.

The Watford District Plan 2000 shows the subject property to be located within an area designated as a “Key Development Site” (detailed on the Proposals Map). This is referred to as “RA1 – Exchange Road Site” on page 146 of the Watford District Plan 2000. Policy IMR1 (Identification of Sites for the Preparation of Planning Briefs) of the Watford District Plan 2000 has been deleted. Although Policy IMR1 has been deleted, the newly adopted Core Strategy, and in particular Policy SPA1, makes clear that the Council will seek to facilitate the redevelopment of those sites identified in the 2005 Town Centre Study.

The Watford Town Centre Study 2005 identifies the site and its wider area (including land adjoining Exchange Road including that which is currently occupied by the Telephone Exchange complex and land to the rear of High Street and Market Street frontages) for a new retail-led mixed use development known as “Exchange Square”.

When considering the 2013 application (Ref. 13/00332/FULM), the Council considered that the proposed development to create an enlarged building for office use would hinder the plans for the long-term redevelopment of this part of the Town Centre. It was felt that the scheme would have the potential to impede the comprehensive redevelopment of this

part of the Primary Shopping Area (see “Relevant Planning History” section of the report above). However, this view was not supported at appeal.

In the appeal decision for application 13/00332/FUL, the Inspector comments “Policy SPA1 identifies the Charter Place redevelopment as a specific focus for redevelopment and there is evidence that this scheme is progressing. The policy also encourages and seeks to facilitate additional options within the plan period for redevelopment to provide retail floorspace, and refers to sites that are included in a 2005 Town Centre Study. However, it leaves the identification of development sites for inclusion in future policies and I have not been provided with details of any such policies”. The Inspector further comments “Although it was used as a background document in the preparation of the LPCS [Watford Local Plan Core Strategy 2006-31] and is referred to in Policy SPA1, the TCS [Town Centre Study 2005] does not have the status of a development plan or supplementary planning document”.

The Inspector states “I have taken into account the lack of detail in Policy SPA1 regarding additional retail development sites, and the absence of evidence that the Exchange Square development is progressing. It is not possible from the information made available to conclude that the appeal site in its present form would be a necessary part of the development or, that if it were developed in accordance with the appeal scheme, it would prejudice the development in the long term. Therefore, and notwithstanding the priority towards town centre retail development set out in LPCS Policies SS1 and SPA1, there is insufficient evidence that the appeal site would be pivotal to the future plans and policies that SPA1 indicates may be prepared”.

The appeal decision forms a material consideration in the determination of the current application. It is apparent that the Inspector felt that, based on the information before them, there was a lack of evidence to substantiate an objection to the redevelopment of the site.

Since the determination of the earlier application, the Council has commenced consultation on its Local Plan Part 2 which includes the Development Management Policies and Site Allocations documents. The 'first consultation' took place between 4<sup>th</sup> November and 16<sup>th</sup> December 2013. The Inspector appointed to determine the appeal for application 13/00332/FUL would not have considered these documents in reaching their decision as the aforementioned consultation period ran after the deadline given to the Council for the submission of appeal documents.

In this respect, there has been a change in circumstances since the Council's determination of the earlier application in that this part of the Town Centre is now identified within the Site Allocations document as being a potential retail site. Page 33 of the Part 2 – Site Allocations First Consultation document describes the potential for "retail led mixed use" (Site Ref. R3 – BT Telephone Exchange).

The progress made with the Local Plan Part 2 and the lack of objection received to the first consultation suggests that the proposal to redevelop this area would be supported and is more likely to come forward during the plan period. It is acknowledged that there are further consultation exercises and processes which need to be carried out before the Local Plan Part 2 is formally adopted, however, the lack of objection at this stage indicates a real prospect that this part of the town centre could be redeveloped as set out in the Site Allocations document. Further evidence to support the potential redevelopment of the area is likely to develop as the Local Plan Part 2 advances towards adoption.

At this stage, however, it is considered that the Local Plan Part 2 is not at an advanced enough stage for this to be afforded substantial weight in the determination of this application. The comments received from the Planning Policy Department (see "Consultations" section above) indicate that the focus for redevelopment would be the southern part of the site which does not include the application site. When considering these factors and also the comments of the Inspector in their appeal decision, it is considered that the Council would not have strong grounds to object to the principle of the development. It is worth noting, however, that this stance could potentially change in the near future with the development of the Local Plan.

### **Design and layout**

The proposal would rely on extensive modifications to be carried out to the existing building in order to allow its transformation from a single storey workshop into a 5 storey office building. The works would involve the construction of a new steel frame which would support the structure. The ground floor walls of the building would be rendered and the walls of the upper floors would be clad with aluminium paneling. A new hipped roof, to be finished with slates, would be constructed and new windows would be installed on all elevations. An undercroft area would be created at ground floor level to create three parking spaces.

It has been taken into account that the previous appeal decision allows a three storey office building to be created on this site. The scheme allowed at appeal incorporated a similar design approach albeit at a reduced scale. The Council did not raise any objection to the appearance of the building when considering the earlier application for a three storey building. However, the current proposal is considered to be materially different from the earlier scheme in that it seeks to provide an additional two storeys of office accommodation. The addition of further storeys has implications on the height, massing and proportions of the building, its overall appearance and its relationship with its surroundings. The additional mass would result in a building which would have a significantly greater visual presence when viewed from its surroundings when compared to that which was allowed under the previous appeal.

The design of the building lacks articulation and offers a fairly bland elevational treatment for a building of this height. It is acknowledged that a similar elevational treatment was applied to the 2013 scheme to which the Council did not object on design grounds. However, this was considered to be less of a concern for the earlier scheme which was lower in height and incorporated smaller expanses of wall surfaces.

It is acknowledged that within the surrounding area there are many 3 and 4 storey buildings nearby including the Telephone Exchange complex which incorporates 5 storey

elements. However, notwithstanding this, the site is located behind the frontages of those buildings located along the High Street and Exchange Road and occupies a position which is not currently characterised by tall buildings. The area which lies between the Telephone Exchange complex and the rear of those buildings fronting the High Street and Exchange Road is generally occupied by single storey structures. It is considered that a five storey building in this location of the proportions proposed would appear out of context in this location.

The submitted plans show that refuse and recycling storage would be provided on site within enclosures at ground floor level. It is felt that such provision would not compromise the visual amenity of the area, in accordance with saved Policy SE7 of the Watford District Plan 2000 and Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

### **Impact on street-scene**

The site sits directly adjacent to Wellstones which is a one-way service road running between Exchange Road and Market Street. Wellstones wraps around the northwestern and northeastern sides of the building.

The existing streetscene is largely characterised by the rear of those premises fronting the High Street, parts of Exchange Road and Market Street. It is also dominated by the large Telephone Exchange building which provides a backdrop to the streetscene when looking westwards from the site. There are other single storey structures in the vicinity of the site including workshops and buildings used for non-residential purposes.

It is considered that the existing building has no architectural or historical significance. It has a relatively simple, unarticulated appearance which is the result of its utilitarian design. The building in its current form does not appear dominant given its fairly modest height. It features a pitched roof, with an eaves height of 3.5m and a ridge height of 8m. In contrast, the proposed building would rise to a height of 17.3m at its ridge (with an eaves height of 14m) and would therefore be significantly taller than the existing structure. The proposed building would also be significantly taller than the scheme allowed at appeal which was shown to have an eaves height of 8.4m and a ridge height of 11.6m.



No objection was raised by the Council regarding the height of the building proposed under application 13/00332/FUL. However, the additional height and mass proposed under this current application created by the addition of two further storeys would upset the overall proportions of the previously allowed design for a three storey building and would result in a structure that would appear unduly prominent in this location.

No streetscene or section drawings have been submitted with the application to show the relationship of the building with surrounding structures. Consequently, it has not been demonstrated that the new building would have a suitable relationship with its surroundings.

Some of the nearby buildings located to the northeast of the site which front the High Street are only two and three storeys high. The proposed five storey building would rise substantially higher than these lower buildings and would have the potential for its upper portion to be visible from surrounding roads including parts of the High Street and Clarendon Road. It is acknowledged that, at present, the Telephone Exchange provides a backdrop when views are afforded towards the site from the High Street and Clarendon Road. However, the site lies nearer to the High Street than the Exchange and has the potential to appear more prominent when viewed from parts of the High Street and Clarendon Road to the northeast.

#### **Impact on setting of listed buildings**

There is a Grade II statutory listed building located to the north of the site (14-16 The Parade). There are also nearby locally listed buildings located to the north and east of the site including those at 8-10 The Parade and 44-56 High Street.

The current proposal makes no effort to respond to these heritage assets and will cause harm to their setting, contrary to Policy U15 of the Watford District Plan 2000 and Policy UD2 of the Watford Local Plan Core Strategy 2006-31. Although, the development would be separated from the listed building at 14-16 The Parade by a distance of 42m, it is felt

that the new building would have an overbearing impact on the setting of this building and the nearby locally listed buildings given its overall height and design.

### **Impact on neighbouring properties**

The proposed development would result in no significant harm to the amenities of neighbours.

The nearest ground floor windows on the main Telephone Exchange building serve a corridor, stairwell and reception area. Whilst the proposed new building may reduce levels of light and outlook to these windows and to some of the windows on the upper floors it is felt that this would not result in any significant impact on the occupiers or function of this building.

Those buildings located nearest to the site are in non-residential use and there would be no detrimental impact on the amenities of their occupiers.

The proposed building would be sited a sufficient distance from the nearest residential properties so as not to result in any considerable loss of light or outlook to nearby residents.

It is considered that the proposed development would not prevent the existing surrounding businesses from being able to continue with their current operations. Additionally, the existing commercial uses fronting the High Street would remain unaffected by the proposal and therefore there would be no adverse impact on the vitality and viability of the shopping frontage.

New windows within the proposed building would increase the potential for overlooking into neighbouring properties. However, the nearest surrounding properties are not in residential use and some mutual overlooking in a town centre environment such as this is considered acceptable. In any case, most of the surrounding buildings are separated from the site a sufficient distance so as not to suffer any substantial loss of privacy.

### **Access, parking and transportation**

The proposal seeks to provide 3 on-site parking spaces that would be accommodated within an undercroft. The spaces would be arranged side-by-side in a row. As such, a large proportion of the northwest-facing elevation of the building at ground floor level would be open to allow these spaces to be accessed. Such a proposed arrangement would rely on cars either reversing into the spaces from Wellstones or reversing out onto the road from the spaces. In either case, manoeuvring would have to be carried out on the road. This would not present an ideal situation as users of Wellstones could be inconvenienced and obstructed by drivers entering and leaving the subject premises. However, the road is unclassified and is one-way and it is felt that the proposal would not cause any significant obstruction to users of the adjacent highway given the overall scale of the development. It has also been taken into account that the property currently benefits from a vehicular access on its northwestern side, albeit that this is not as wide as that proposed. Nonetheless, the existing access allows vehicular movements to take place on this side of the building. Based on this, it is felt that the development would not lead to any significant increase in danger or inconvenience to highway users. The local Highway Authority has been consulted and has confirmed no objection to the proposed development.

The site is located within the Town Centre, close to bus stops and Watford Junction and Watford Underground Stations. As such, the site is in a sustainable location which is well-served by passenger modes of transport. There are a number of public car parks within close proximity of the site also. Consequently, it is considered that the proposed parking provision would be adequate for a building of this type and in this location. The car parking standards set out within Appendix 2 of the Watford District Plan 2000 set out a maximum provision of 1 space per 30m<sup>2</sup> gross floor area of office space. The scheme would not exceed the maximum parking provision.

The submitted drawings indicate that a secure and weatherproof means of cycle storage would be provided by way of an enclosure at ground floor level. Appendix 2 of the Watford

District Plan 2000 advises that for office space, 1 short term cycle space should be provided per 500m<sup>2</sup> gross floor area plus 1 long term space per 10 full time staff. Although it is unknown at this stage as to how many staff would be employed in the building, it is considered that the cycle storage enclosure proposed would be of a sufficient size to be able to meet the demands of the development.

In terms of access, the proposed building would feature a lift, providing access to all floors, and would provide disabled toilet facilities. The main entrance would feature a level threshold and an opening wide enough for the passage of a wheelchair. As such, it is considered that the building would be able to accommodate wheelchair users and offer a suitable access arrangement.

### **Conclusion**

The proposed building, by reason of its height, scale and design, would fail to integrate suitably with the surrounding built form and would cause harm to the setting of the nearby statutory and locally listed buildings situated along the High Street. The building would be significantly taller than that previously allowed on this site and the additional height and mass would result in a structure that would appear unduly prominent in this location. The proposal would fail to enhance the character and appearance of the area.

---

### **Human rights implications**

The refusal of planning permission will have a significant adverse impact upon the human rights of the applicants to develop their land. However, in this instance it is considered that the adverse impact of the development upon the human rights of the third parties outweighs the impact upon the human rights of the applicants.

---

### **RECOMMENDATION**

That planning permission be refused for the following reason:

1. The proposed building, by reason of its height, scale and design, would fail to integrate suitably with the surrounding built form and would cause harm to the setting of the nearby statutory and locally listed buildings situated along the High Street which it would dominate. The development would result in a structure that would appear unduly prominent in this location and it is considered that the scheme would fail to enhance the character and appearance of the area. The scheme contravenes the provisions of Policy U15 of the Watford District Plan 2000, Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31 and the objectives of Sections 7 and 12 of the National Planning Policy Framework (NPPF).

### **INFORMATIVES:**

1. In dealing with this application, Watford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application, 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. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development. The Council would nevertheless encourage discussion of alternative acceptable proposals by making use of the pre-application advice service, details of which are available on the Council's web site.

### **Drawing Numbers**

Site Location Plan (unnumbered)

1758/01

1758/02

1758/03

1758/04

1684/05 A 17 13 F

**Other documents**

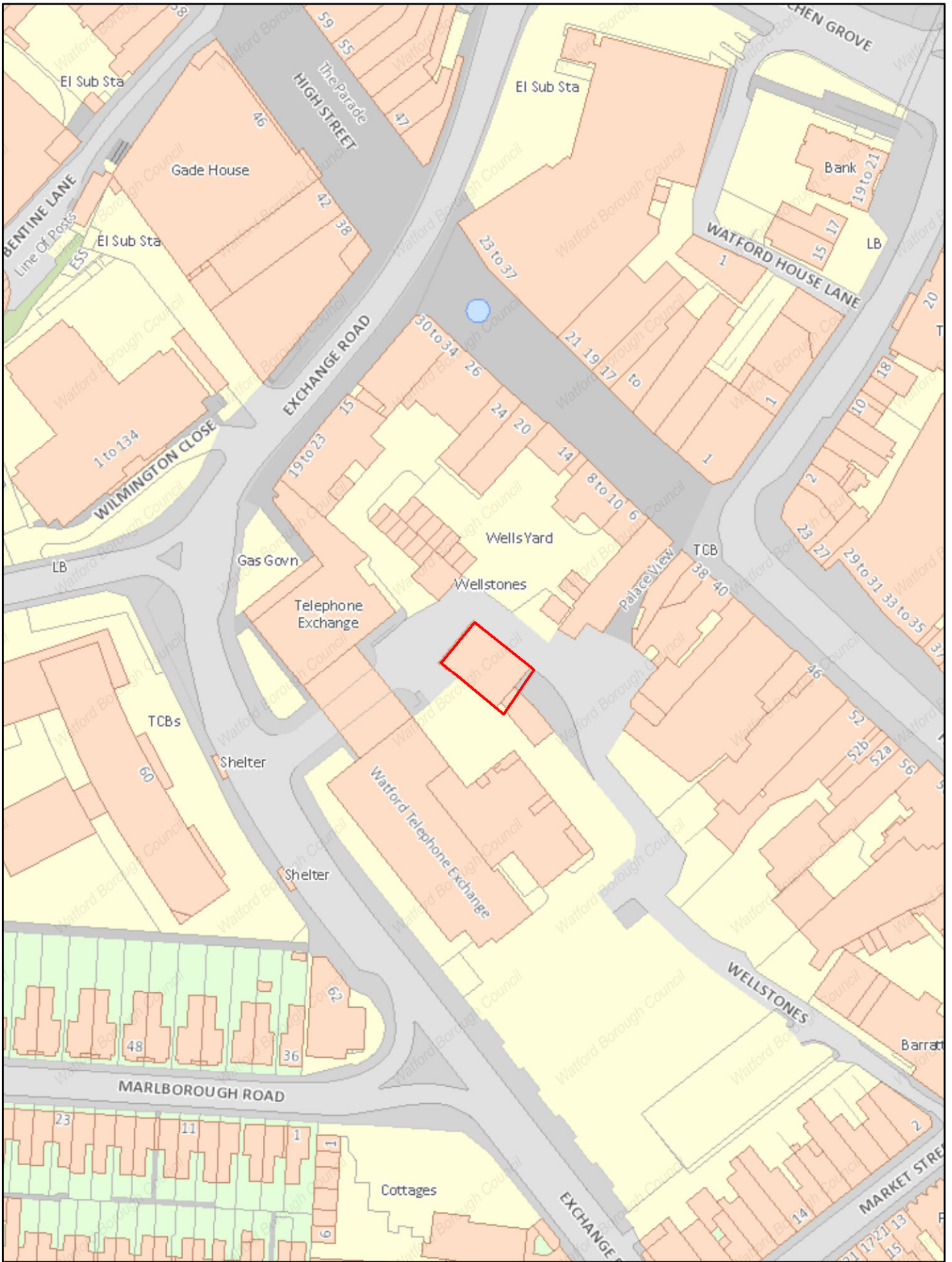
Joint Planning and Design and Access Statement

---

Case Officer: **Simon Hoskin**

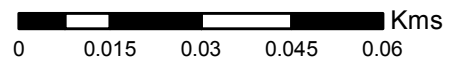
Email: **[simon.hoskin@watford.gov.uk](mailto:simon.hoskin@watford.gov.uk)**

Tel: **01923 278598**



### 1 Wellstones Service Yard

Date: 29/07/2014



Scale 1:1,250



This page is intentionally left blank



## PART A

Report of: **Development Management Section Head**

Date of Committee: **7<sup>th</sup> August 2014**

Site address: **18, Colonial Way**

Reference Number : **14/00705/FULM**

Description of Development: **Change of use and extension of the existing office building to provide accommodation for the new Watford University Technical College (UTC).**

Applicant: **Meller Educational Trust**

Date Received: **23<sup>rd</sup> May 2014**

13 week date (major): **22<sup>nd</sup> August 2014**

Ward: **Tudor**

## **SUMMARY**

The application is for the extension of the existing office building and its use, in conjunction with the adjoining Axis 1 building, by the new Watford University Technical College (UTC) to provide secondary level education for 14-19 year old students. The proposal involves the infilling of the existing undercroft car parking area and a 4 storey extension at the western end of the building.

The proposed use is not in accordance with the land allocation or employment policies of the Development Plan. However, the site does benefit from permitted development rights to change to a use as a state-funded school, although these are not being used in this case. The proposal will provide additional choice and capacity for secondary level education in the Borough for which there is a significant and identified demand. As such, the proposed use is considered acceptable for this site. The proposed extensions to the building are considered to be appropriate in their

scale, design and materials in relation to the existing building and the surrounding area and are acceptable. Although some car parking for the UTC is to be provided on the adjoining Axis 1 site, this may not be sufficient to accommodate the potential demand from staff and older students and, consequently, may result in on-street parking on Radlett Road and the residential roads to the north of the site. In order to address this issue, a financial contribution has been agreed with the applicant to undertake a consultation with local residents regarding the introduction of 'commuter' waiting restrictions on these roads.

The Development Management Section Head therefore recommends planning permission be granted, subject to the completion of a s.106 planning obligation and appropriate conditions, as set out in the report.

---

## **BACKGROUND**

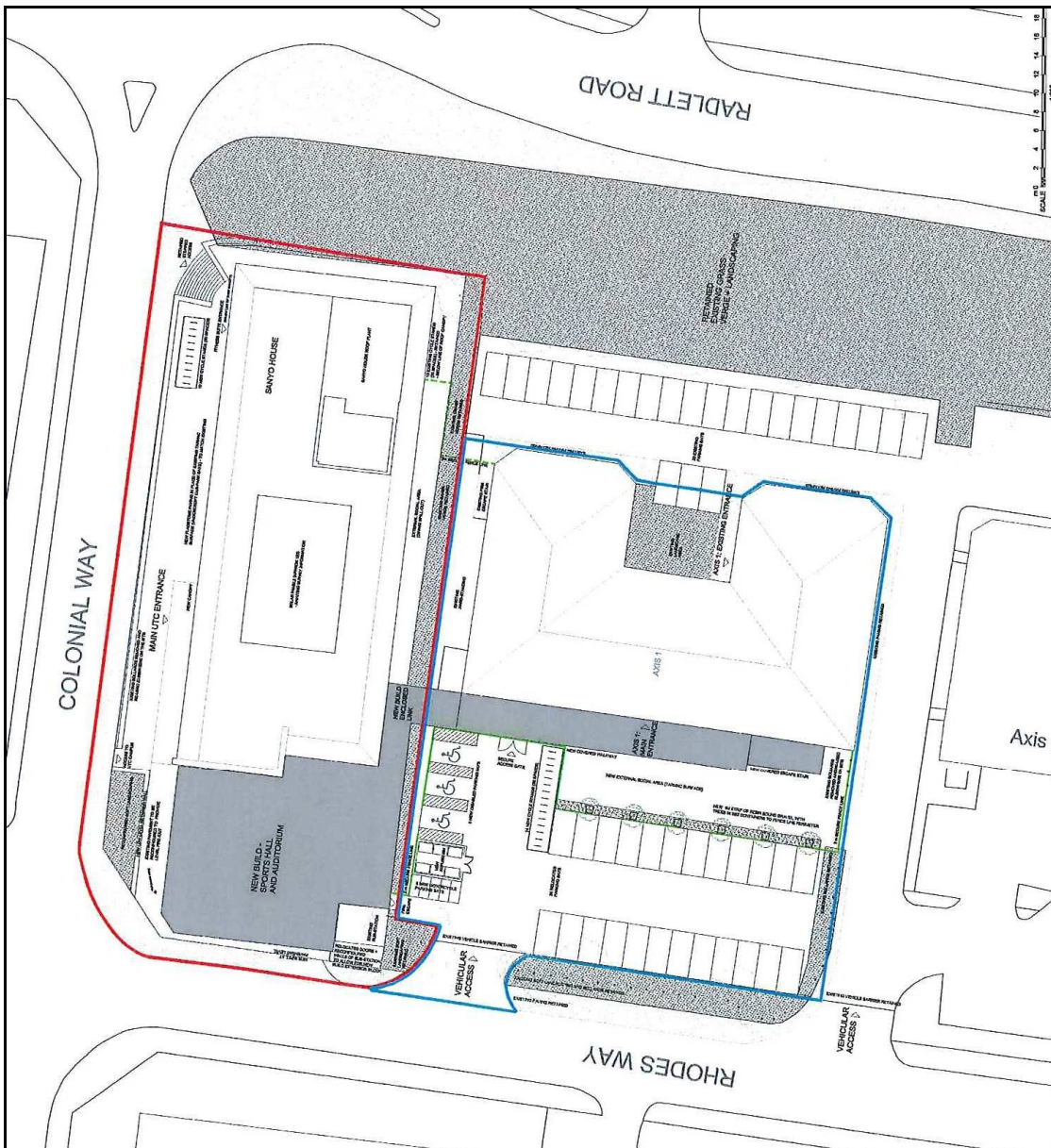
### **Site and surroundings**

The site is located on the southern side of Colonial Way between the junctions with Rhodes Way to the west and Radlett Road to the east. To the south are the two storey commercial buildings of the Axis development. To the west and north are three storey commercial buildings in office, warehousing and industrial uses. To the east, on the opposite side of Radlett Road, are playing fields and allotments.

The site comprises a three storey office building of 2,702m<sup>2</sup> floorspace, formerly occupied by Sanyo, above an undercroft car park. Pedestrian access is currently from Colonial Way at the north-eastern corner of the site with vehicular access from Rhodes Way. The undercroft and surface level car parking, occupying the western part of the site, provides 58 spaces. The building was constructed in 2005 and is not listed or of local interest and is not within a conservation area.

**Proposed development**

The application seeks full planning permission for the change of use of the building from office use (Class B1) to a university technical college (UTC) (Class D1) and an increase in floorspace to 4,256m<sup>2</sup> by infilling the undercroft parking area and the erection of a four storey extension to the western end of the building. This site, together with the adjoining Axis 1 site immediately to the south, will form the new Watford UTC which is due to open in September 2014.



Site plan

The UTC has the applicant and the University of Hertfordshire as its core partners working in conjunction with a range of national and international companies to develop an academic and vocational curriculum based around computer science, hospitality, tourism and event management, catering for students aged 14-19 years old. At full capacity it will have 600 students and a staff of 75.

**Relevant planning history**

03/00841/FUL – Planning permission granted in March 2004 for the erection of a four storey office building incorporating undercroft car parking.

The history of the adjoining Axis 1 unit to the south is also relevant as the two buildings will form the new Watford UTC. The Axis development, comprising seven units, was granted planning permission in 1985 (ref. 9/90/85).

14/00476/KPD – Prior approval not required for the change of use of the building to a state-funded school (Class D1).

14/00563/FUL – Planning permission granted in May 2014 for amendments to the existing Axis 1 building to allow use as a University Technical College, to include new entrances, covered canopy, fencing, rearrangement of parking area, new bin store and new external fire escape.

**Relevant policies**

**National Planning Policy Framework**

- Section 1 Building a strong, competitive economy
- Section 4 Promoting sustainable transport
- Section 7 Requiring good design
- Section 8 Promoting healthy communities
- Section 10 Meeting the challenge of climate change, flooding and coastal change

## **Hertfordshire Waste Core Strategy and Development Management Policies**

### **Document 2011-2026**

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

### **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

### **Watford Local Plan Core Strategy 2006 - 31**

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- EMP1 Economic Development
- EMP2 Employment Land
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

### **Watford District Plan 2000**

- SE7 Waste, Storage, Recovery and Recycling in new Development
- SE24 Unstable and Contaminated Land
- T10 Cycle Parking Standards
- T21 Access and Servicing
- T22 Car Parking Standards

## **CONSULTATIONS**

### **Neighbour notifications**

Letters were sent to 70 properties in Rhodes Way, Colonial Way, Eastfield Avenue and Carisbrooke Avenue. Three letters have been received making the following comments:

- Increased congestion on Colonial Way and surrounding roads.
- Proposal likely to cause on-street parking on Carisbrooke Avenue, Eastfield Avenue and surrounding roads from staff and students.
- Increase in noise nuisance and unreasonable behaviour.
- Increase in students in the area could bring social disadvantages such as an increase in crime.
- Lack of car parking for staff and students may lead to an increase in parking on nearby residential roads.
- College should be located where there is adequate parking for staff and older students. Eastfield Avenue already suffers from commuter parking.

### **Advertisement in local paper/site notices**

A public notice was published in the Watford Observer on 6<sup>th</sup> June 2014. Three site notices were also posted outside the site on 5<sup>th</sup> June 2014.

## **Consultations**

### **Environment Agency**

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to groundwater.

Condition 1 - No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the submitted report (Argyll Environmental, Ref: AEL-0234-FSR-249591, 3 February 2014), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2 - No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3 - 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.

#### Thames Water

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

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.

#### Hertfordshire County Council (Highway Authority)

Raises no objection to the proposal but wishes to secure the following:

- i) The off-site highway improvement works set out in the Transport Assessment and shown on drawing no.2376-GA-001A:
  - Dropped kerbs and tactile paving on Rhodes Way.
  - Zebra crossing on Colonial Way.
  - Upgrading existing uncontrolled pedestrian crossing on southern arm of Radlett Road roundabout.
  - Upgrading existing uncontrolled pedestrian crossing on Radlett Road (90m to north of roundabout).
  
- ii) A Full Travel Plan based upon the submitted Interim Travel Plan.



Hertfordshire Constabulary (Crime Prevention Design Advisor)

This is the second UTC planning application I have been involved in from my perspective and I am delighted to see there is a good emphasis on security within the application and effectively I have nothing further to add from my perspective which would enhance the already good levels of security proposed. I therefore have no comments on the application.

Environmental Health

No comments received on this application. However, the following comments were received for application ref. 14/00563/FUL relating to the adjoining Axis 1 site on Rhodes Way, which is also to be used as part of the TUC:

The following report has been submitted with planning application 14/00563/FUL:

- Site Solutions Commercial Report; Report Ref: AEL-0234-FSR-249591; Argyll Environmental Limited; 3 February 2014

This is an Envirosearch style report produced for due diligence purposes, it is not specific to the proposed development. This style of report would not usually be accepted. A Phase I Desk Study is required; this should utilise the Site Solutions Combined Report and combine this with a site walkover and document review (historical maps, previous site investigations etc) to produce a preliminary risk assessment (conceptual site model) for the site based on its proposed end use.

This report has noted a number of plausible contaminant linkages, which require further assessment, therefore a Phase II Intrusive Investigation will be required. The Phase II sampling strategy should be based on the findings of the Phase I Desk Study, (specifically the preliminary conceptual site model). As such I would ask that a Phase I Desk Study be submitted (in combination with the Phase II or under separate cover). For information, Watford Borough Council hold information relating to the nearby landfills. As further investigation is required I recommend that the standard

contamination condition be applied should planning permission be granted, to ensure these recommended works are undertaken.

---

## **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 2013;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the “saved” policies of the *Hertfordshire Waste Local Plan 1995-2005*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

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

### **Land allocation**

On the Proposals Map of the Watford District Plan the site is located within Employment Area E3 (Colonial Way/Imperial Way). Saved Policy E1 states that the Council will seek to protect designated employment land for Class B1, B2 and B8 purposes. Exceptionally, defined employment land may be released for the purposes of regeneration, where it is demonstrated that the site is no longer required to meet future employment needs.

The Core Strategy sets out the requirement for the provision of at least 7000 new jobs by 2031 to meet strategic objectives and maintain Watford’s role as a regional employment centre. Policy EMP1 of the Core Strategy encourages improvements to the quality of the employment stock to secure employment growth. The consultation draft of the Site Allocation Plan forming part of the Local Plan Part 2 retains the employment allocation for the Colonial Way/Imperial Way area.

### **Principle of proposed use**

The proposed use of the site for education purposes (Class D1) is not in accordance with either the land allocation or the employment policies of the Watford District Plan and the Core Strategy. However, the site is not covered by any Article 4 Direction and, therefore, the building does benefit from permitted development rights to change to a state funded school under Class K of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This permitted development provision was introduced by the Government in May 2013. It is under this permitted development provision that the use of the adjoining Axis 1 building was changed to educational use. Furthermore, the Council's Spatial Strategy recognises the need for additional school provision within Watford to meet increasing demand for school spaces. At present, the County Council is seeking a site to provide a new secondary school for Watford, with a site having been identified off Baldwins Lane in Croxley Green just outside the borough boundary in Three Rivers District. This site is being promoted through Three Rivers District Council's Site Allocation Plan. The proposed Watford UTC will help to meet some of this future demand and ensure increased choice and capacity at secondary level in the future.

The NPPF at paragraph 72 also states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local authorities should therefore take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Great weight should be given to the need to create, expand or alter schools. The current proposal will accord with this objective by providing an alternative form of secondary and further level education, offering a more vocational curriculum based around computer science, hospitality, tourism and event management.

In this policy context, the loss of the existing office building is considered acceptable in order to provide a new UTC to serve Watford.

### **Transport assessment**

A detailed Transport Assessment has been submitted with the application. This assesses the potential impacts arising from the UTC as a whole, combining both the application site and the adjoining Axis 1 site, and is based upon full occupancy levels (75 staff and 600 students). The County Council as Highway Authority has commented on this and additional information and clarification has been submitted by the applicant's transport consultant.

The forecast traffic generation is that during the morning peak period (0800-0900) a slight increase of 14 vehicle movements will occur. However, in the evening peak period (1700-1800) a reduction of 43 vehicle movements is forecast due to the proposed use finishing earlier than the former office and commercial uses. As such, the proposed use will have no adverse impacts on traffic generation on the surrounding road network.

The site has good footpath links, including Reeds Walk which links Queens Road to the south and Carisbrooke Avenue to the north and runs close to the site to the west. There are also wide footpaths on Radlett Road and within the Colne Valley Linear Park to the east. This also provides good cycle links which includes National Cycle Route 6. In order to encourage and facilitate walking and cycling to the site, the application proposes to upgrade existing uncontrolled crossing points on Radlett Road (to the north and south of the roundabout forming the junction with Colonial Way) and also to introduce a new Zebra crossing on Colonial Way directly in front of the proposed new main entrance to the building. Subject to final agreement of details by Hertfordshire County Council and the completion of a s.278 highways agreement, these proposals are acceptable.

The site is not well served by public transport. Watford Junction station is a 15-20 minutes walk from the site (1.2km). There are only 2 bus services close to the site and these are infrequent; the W19 has a bus stop on Colonial Way (200m) and Radlett Road (350m) and gives access from Watford Junction but the frequency is

only hourly; the 346 service has a bus stop on Radlett Road (380m) with a frequency of 20-30 minutes. It is therefore imperative that the UTC operates an effective travel plan to encourage walking and cycling as alternative modes of travel. An Interim Travel Plan has been submitted which is considered an acceptable basis for a full Travel Plan to be developed. This will include the appointment of a Travel Plan Co-ordinator and the promotion of sustainable modes of travel through a range of 'hard' measures (site design and physical improvements) and 'soft' measures (marketing and promotion). This will need to operate in conjunction with other measures such as on-street parking restrictions in order to be fully effective. These measures are discussed further in the section below.

### **Servicing, car parking and cycle parking**

The existing car parking and servicing arrangements for the building will be removed as a result of the proposal, with all car parking and servicing facilities provided on the adjoining Axis 1 site. This site will provide 50 car parking spaces with access from Rhodes Way. The existing servicing bay within the building will be retained to serve the UTC.

With regard to car parking demand, the UTC will not reach full capacity until the academic year 2018/19. The numbers of pupils and staff are forecast to be as follows:

- Year 1 (2014 / 2015) – 100 students and 16 staff;
- Year 2 (2015 / 2016) – 250 students and 32 staff;
- Year 3 (2016 / 2017) – 400 students and 55 staff;
- Year 4 (2017 / 2018) – 550 students and 70 staff;
- Year 5 (2018 / 2019) – 600 students and 75 staff.

At full capacity, it is anticipated only 100 students would be aged 17-18 and able to drive, although this would be strongly discouraged through the proposed Travel Plan.

The current car parking standards in the Watford District Plan would allow a maximum of 193 parking spaces to be provided, with 75 spaces based upon staff numbers and 118 based upon pupil numbers. The site is within Car and Cycle Parking Zone 4 which would give a recommended operational minimum provision of 75% of the maximum figure or 144 spaces (56 based on staff numbers and 88 based on pupil numbers). The proposed provision of 50 spaces is significantly below the maximum provision but also below the recommended operational provision for this site. The potential implications of this level of provision on the surrounding road network and on-street parking will therefore need careful consideration.

In considering actual demand, primarily this will be generated by staff working at the UTC. With a recommended operational provision of 56 spaces, the proposed 50 spaces is only 6 spaces short. This level of provision is therefore considered acceptable. Only a limited number of students would potentially be able to drive and this can be discouraged by not providing spaces for students and promoting alternative sustainable modes of travel through the proposed Travel Plan.

With the proposed spaces on site managed and restricted to staff only and with an effective Travel Plan in place, this should control the numbers of staff, and potentially students, travelling by car, other than to be dropped off. Colonial Way is subject to single yellow line waiting restrictions as is the eastern side of Rhodes Way, which prevent on-street parking. The northern side of Rhodes Way does contain unrestricted parking spaces although these spaces are normally fully utilised. There is also a free Council owned car park on Radlett Road opposite the site but this is also normally fully utilised, and due to be made a pay-and-display car park during the current financial year. Radlett Road itself has double yellow lines on the approaches to the roundabout that forms the junction with Colonial Way but otherwise contains no waiting restrictions. However, the Council is currently undertaking consultations on new double yellow line waiting restrictions for Radlett Road to the south of the roundabout and other parking restrictions on the Radlett Road estate (Raphael Drive and adjoining roads). All of these measures will help to prevent unrestricted parking and deter car use.

There are, however, other roads which are currently unrestricted and which could be subject to overspill parking from the UTC. One is Radlett Road to the north of the roundabout. Others are located to the north of Colonial Way and are linked to it by a public footpath very close to the site; these include the residential roads of Carisbrooke Avenue, Eastfield Avenue, Devon Road, Byron Avenue and Tavistock Road. Due to the footpath link giving easy access between this group of roads and Colonial Way, there is a risk that staff and students may park on these roads and walk to the site, in a similar way that students at West Herts College used to park on the Cassiobury Estate. If these roads remain unrestricted, they are likely to be subject to on-street parking from the UTC which would not only cause parking congestion on these roads but would undermine the proposed Travel Plan. It would therefore be appropriate for these roads to be subject to parking restrictions such as double yellow lines on Radlett Road and single yellow line 'commuter parking' restrictions on the residential roads. The introduction of waiting restrictions of this nature will require a feasibility study, consultation with local residents and a scheme to be designed and implemented. It is considered reasonable and appropriate that the applicant should pay for this work and a sum of £17,500 has been estimated by the Transport and Projects Section Head. This can be secured by 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.

For the reasons set out above, the contribution suggested is directly related to the proposed development, is fairly and reasonably related in scale and kind to that development and is necessary to make the development acceptable. Accordingly, the requirement for such a contribution 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.

The Council's cycle parking standards require 1 cycle space per 10 staff and 1 cycle space per 5 students. The UTC would therefore require 128 cycle spaces when fully occupied. The current provision proposed is for 68 cycle spaces. This level of provision is based upon the interim Travel Plan target of 10% of staff and students cycling to the site (when fully occupied). At present, the average percentage of pupils cycling to secondary schools in Watford is only 3% based upon data supplied by Hertfordshire County Council. On this basis, the proposed provision of 68 cycle spaces is considered appropriate. As part of the interim Travel Plan, it is proposed that the level of cycle parking provision will be reviewed on an annual basis and additional facilities provided to meet need, as required. Five motorcycle spaces are also provided which is acceptable.

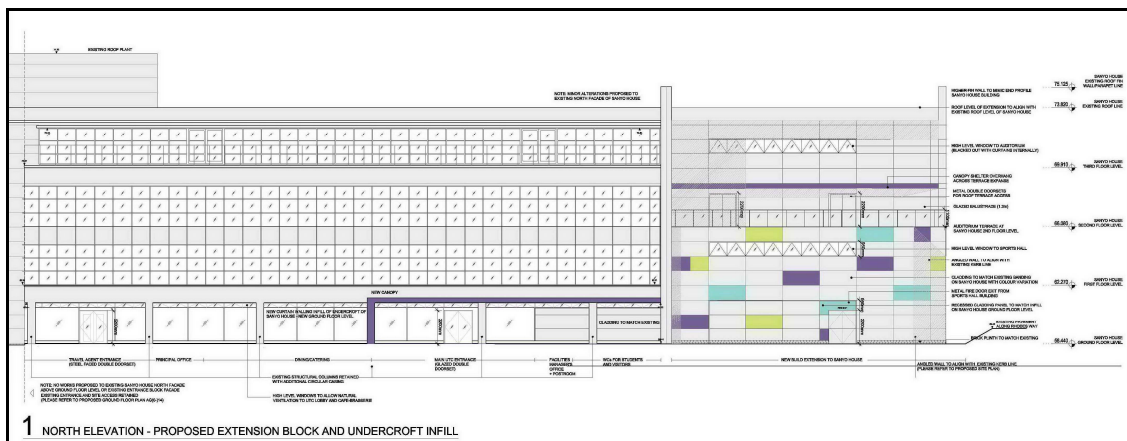
### **Design**

The existing building comprises three storeys of accommodation above an open, undercroft parking area. It is clad in silver/grey coloured flat metal panels with horizontal curtain wall glazing. It has a flat roof with prominent curved projecting eaves feature. The proposed infill of the undercroft will be carried out in full height curtain wall glazing which will maintain an open and light appearance to the ground floor and allow high levels of visibility into the building. The new main entrance will be created towards the western end of the undercroft.

At the western end of the building, on the existing open car parking area, a four storey extension will be erected. This will provide a two court sports hall at ground and first floor levels with a lecture theatre/auditorium above. This upper element will



be set back from the northern elevation to form an open terrace area on the roof of the sports hall. This extension will be clad in silver/grey metal panels to match the existing building but will also include randomly sited coloured panels reflecting the colours of the UTC (purple, lime green and turquoise). These will add interest and variety to the elevations of the extension and help to break up its massing, as the proposed uses allow only a limited number of windows to be incorporated.



North elevation

Overall, the proposed extensions maintain the scale, character and appearance of the existing building and are appropriate and acceptable in this commercial location. The proposed four storey extension will have no impact on adjoining commercial buildings.

### **Flood risk and drainage**

The site itself is within Flood Zone 1 with a low risk of fluvial flooding. Immediately to the east of the site is the River Colne and its floodplain which falls within Flood Zones 3 (functional floodplain) and 2 (medium risk). However, the site is raised up on higher land above the level of the floodplain and the predicted flood levels. The site also has a low risk from surface water flooding. The Environment Agency has no objections to the proposal.

### **Land contamination**

Environmental Health has requested a preliminary risk assessment for the works based upon the former use of the site. This can be secured by a standard condition.

### **Conclusion**

The proposed use is not in accordance with the land allocation or employment policies of the Development Plan. However, the site does benefit from permitted development rights to change to a use as a state-funded school, although these are not being used in this case. The proposal will provide additional choice and capacity for secondary level education in the Borough for which there is a significant and identified demand. As such, the proposed use is considered acceptable for this site. The proposed extensions to the building are considered to be appropriate in their scale, design and materials in relation to the existing building and the surrounding area and are acceptable. Although some car parking for the UTC is to be provided on the adjoining Axis 1 site, this may not be sufficient to accommodate the potential demand from staff and older students and may result in on-street parking on Radlett Road and the residential roads to the north of the site. In order to address this issue, a financial contribution has been agreed with the applicant to undertake a consultation with local residents regarding the introduction of 'commuter' waiting restrictions on these roads.

---

### **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.

---

## RECOMMENDATIONS

- (A) That planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To secure a financial payment to the Council of £17,500 towards a feasibility study, public consultation exercise and the design of a parking scheme for Radlett Road (north of the Colonial Way junction) and the residential roads to the north of the site (Carisbrooke Avenue, Eastfield Avenue, Devon Road, Byron Avenue and Tavistock Road) to prevent unrestricted on-street parking on these roads.

### 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:-

AE(0-)00, 01, 04, 05, 06, 08, 09

AG(0-)01, 14, 15, 16, 17, 18, 21, 22

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

3. No demolition or construction works shall commence until a detailed scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) a preliminary risk assessment (PRA) which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site;
  - ii) where the PRA in (i) above identifies the need for further investigation, a site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
  - iii) where a site investigation scheme referred to in (ii) above is required, the results of the site investigation and risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  - iv) where a remediation strategy referred to in (iii) above is required, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 2) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

4. Where a remediation strategy has been approved pursuant to Condition 3, no construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 2) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 2), in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

6. In carrying out the development hereby permitted, there shall be no infiltration of surface water drainage into the ground other than with the express written approval 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 approved details.

Reason: To protect groundwater in accordance with Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

7. No development shall commence until details of the proposed external materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

8. No development shall commence until details of the proposed new cycle shelters have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

9. No development shall commence until a hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all means of enclosure on the boundaries of the site and within the site. No part of the development shall be occupied until the approved hard landscaping works have been carried out.

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

10. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants 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, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

11. No part of the development shall be occupied until the following works within the public highway have been completed in full, as shown in principle on drawing no. 2376-GA-001A (WSP):
  - i) the upgrade of the uncontrolled pedestrian crossing point on Radlett Road (90m to north of the junction with Colonial Way);

- ii) the upgrade of the uncontrolled pedestrian crossing point on the southern arm of the roundabout at the junction with Colonial Way;
- iii) a new Zebra crossing on Colonial Way;
- iv) new uncontrolled crossing points on Rhodes Way;

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

12. No part of the development shall be occupied until the existing vehicular junction on Colonial Way has been closed off and the adjacent footway and kerb reinstated.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

13. No part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by the Local Planning Authority. The approved Plan shall be implemented at all times during the occupation of the building.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

#### 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 consultation, design and



implementation of a scheme for parking restrictions on part of Radlett Road and on the residential roads to the north of the site.

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

Drawing numbers

AE(0-)00, 01, 04, 05, 06, 08, 09

AG(0-)01, 14, 15, 16, 17, 18, 21, 22

---

- (B)** In the event that no Section 106 planning obligation is completed by 20<sup>th</sup> August 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:

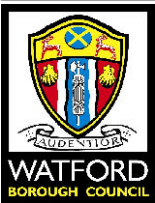
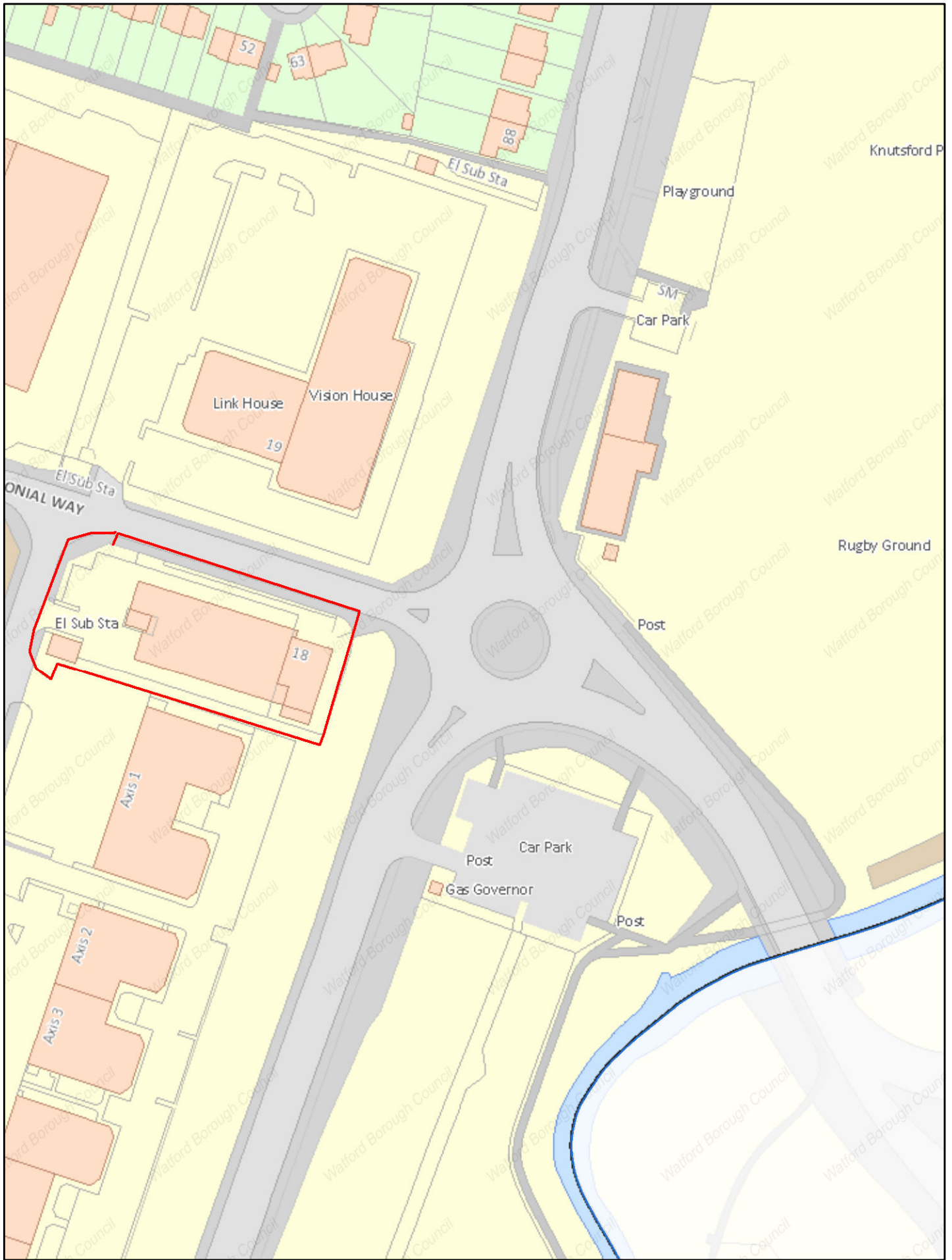
1. The proposal fails to make appropriate provision to prevent unrestricted on-street parking in the nearby residential roads to the north of the site occurring as a result of the proposed development.
- 

Case Officer: **Paul Baxter**

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

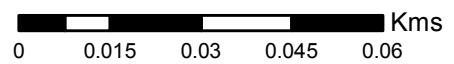
Tel: **01923 278284**

This page is intentionally left blank



18 Colonial Way

Date: 29/07/2014



Scale 1:1,250



This page is intentionally left blank

## **DEVELOPMENT CONTROL COMMITTEE**

**7<sup>th</sup> AUGUST 2014**

### **UPDATE SHEET**

#### **Item 6**

#### **14/00705/FULM – 18 Colonial Way**

#### PERMITTED DEVELOPMENT

A letter has been received notifying the Council that the Secretary of State for Education has approved the site for use as a state-funded school for a temporary period of 1 year under Class C.2(a) of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposed opening date of the Watford UTC is 15<sup>th</sup> September 2014.

#### AMENDED CONDITIONS

The applicant has requested minor changes to Conditions 7, 8, 9 and 10 to help facilitate the programming of works. These are acceptable and the amended wording for these conditions is given below. The wording of the reasons for each condition remains unchanged.

7. No construction works above ground level shall commence until details of the proposed external materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
8. No construction works above ground level shall commence until details of the proposed new cycle shelters have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. No construction works above ground level shall commence until a hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all means of enclosure on the boundaries of the site and within the site. No part of the development shall be occupied until the approved hard landscaping works have been carried out.
10. No construction works above ground level shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants 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.

## AMENDED RECOMMENDATION

Following the publication of the agenda, the payment to be made by the applicant towards a parking scheme has been agreed at £15,000. The Section 106 Heads of Terms in Recommendation (A) is therefore amended to reflect this figure.

## PART A

Report to: **Development Management Section Head**

Date of Committee:	<b>7 August 2014</b>
Site address:	<b>Colne River Park, Radlett Road Playing Fields, Radlett Road</b>
Reference Number :	<b>14/00731/FULM</b>
Description of Development:	<b>Re-grading/levelling of the existing sports field, filling in of pot holes and undulations and the introduction of new land drainage to provide a high quality playing surface with an approximate 1:60 cross-fall across the line of play. Includes the erection of a single storey building with a single pitched roof for changing rooms/facilities, car parking and treatment for Japanese Knotweed (AMENDED DOCUMENTS)</b>
Applicant	<b>Watford Borough Council</b>
Date Received:	<b>22nd May 2014</b>
8 week date (minor):	<b>21st August 2014</b>
Ward:	<b>CENTRAL</b>

## **SUMMARY**

The proposal relates to Radlett Road Playing Fields which cover an area of about 7 hectares. The playing field currently has an undulating surface and on occasion is water-logged, thereby prohibiting its effective use as a playing field. The site also includes a

rather unsightly concrete slab on its north west boundary where there once was a motor repair garage and associated parking. The playing field is laid to grass; however, there are trees and other vegetation around the perimeter the site, with part of the site suffering from an invasion of Japanese Knotweed.

The proposal is to level the site, provide drainage to allow the ground to be used for sports purposes, including hurling and Gaelic football games. The proposal will also include the removal of the concrete slab and the erection of single storey building to provide a changing facility and a meeting room. The proposal provides parking spaces on permeable ground and includes associated landscaping. It also includes the treatment of the Japanese Knotweed.

The rainwater from the playing field will be drained by providing drainage beneath the playing field. The drained water will be collected on the west side of the playing field and will then be stored in a depression on the north side of the playing field before it is gradually released into River Colne. The intention is to attenuate the rate of release of excess water into the river to reduce the rate of discharge of water into the river during the heavy downpours. It is considered that the proposal will improve the drainage system without any increase in the risk of local flooding.

The playing field will be located well away from the residential buildings and at a safe distance from the park boundary. Given its distance from the residential dwelling it is considered that the proposal will have no significant impact upon the amenities of the local residents.

A detailed assessment has been carried out with respect to the likely generation of traffic and the impact upon parking conditions within the locality. The analysis indicates that the proposal will have no impact upon the free and safe flow of traffic on the local highways and an acceptable impact upon parking conditions.



The use of the land is recognised to be an appropriate form of development in the Green Belt and, given the small scale of development proposed on previously developed land, overall it is considered that the proposals maintain the openness of the Green Belt.

The National Planning Policy Framework (NPPF) advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF further emphasises that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.” The proposal will provide such facilities and is therefore in accordance with Central Government planning policy.

Accordingly, the Development Management Section Head recommends that planning permission be granted, subject to appropriate conditions as set out in the report.

---

## **BACKGROUND**

### **Site and Surroundings**

The proposal relates to Radlett Road Playing Fields which cover an area of about 7 hectares. The site is generally laid out as grass area and until a few years ago contained two football pitches plus an informal kick-about area.

The site is bounded by West Coast Mainline Rail tracks to the south west, by the Link Road to the north and Radlett Road to the west. The River Colne forms the eastern boundary to the site. Further west is a residential development accessed via Raphael Drive off Radlett Road. North of the site is a private residential car park and residential dwellings accessed from Radlett Road before the Link Road and the allotments which lie further north.

The access to the playing field is from Radlett Road. There is a hard surfaced area towards the southern end of Radlett Road which is intended to allow maintenance

vehicles to pull off the highway before accessing the playing fields through a lockable vehicle barrier. In addition the land in the northwest corner of the site is currently covered by a concrete slab. There is a vehicular access to this concrete slab but it is currently blocked by bollards. This area was formerly occupied by a garage. It appears that the garage was demolished to give way to a changing room facility for a football club. However, whilst the buildings were demolished the changing rooms were not erected.

It appears that the land and the field suffers from flooding. There is a swale down the western edge of the west and south side of the field which runs into the River Colne.

There is also a small play facility area towards the south west corner of the site. It comprises a hard surface, fencing around the play area and two basketball boards. This play area provides an all-weather surface that can be used for a range of sports and by a variety of users. Given its all-weather surface it can be used in most weather conditions. This has recently been provided and has proved to be very popular.

The nearest public car park (known locally as Timberlake) is located beyond the allotments about half a kilometre away. This car park has 45 marked bays. The immediate area is generally residential but further north there is a significant commercial area.

The playing field is grassed. However, on its perimeter towards the south west corner and along the boundary with Radlett road, mature and semi-mature trees provide more varied landscaping. As well as the playing field, the area also contains a youth shelter – a steel construction on the western side of the site adjacent to Radlett Road.

A hard surfaced footway and cycle route runs on the eastern edge of the site on the raised ground adjacent to the river. This is designated as a National Cycle Route.

The area of the playing field is at a raised level, having been previously a landfill site. However, as a playing surface, its condition is far from ideal and it has fallen into disuse over a number of years, due its to dangerous and unsafe state. The field also suffers from

an invasion of Japanese Knotweed. Given its previous use as a landfill site, there is some potential for land contamination.

The playing field is also a designated open space, wildlife corridor and is within the Green Belt in the Watford District Plan 2000 and is part of network of green spaces which run across the Borough boundary into Hertsmere.

### **Proposed development**

Full planning permission is sought for the following:

- re-grading and levelling of the existing sports field;
- the provision of drainage and the associated attenuation measures to curb the flow of the discharge of flood water into River Colne;
- the total removal of the existing concrete slab and the erection of a single storey building with floor space of 300m<sup>2</sup>;
- the provision of associated parking spaces to include 13 standard spaces, 3 minibus spaces and 2 disabled bays;
- a new access to the site.

Access to the car park and changing block will be taken from a point approximately 15m south of the existing chicane in the road.

### **Planning history**

On 6 June 2012 planning permission 12/00317/FUL was granted for a Multi Use Games Area (MUGA) on the playing field towards the south west corner of the playing field. The MUGA measure 31m by 39m and is surrounded by weld mesh fencing. The MUGA is located within 75m from the park boundary and is accessed by a 1.5m wide pathway.

This play area is managed and maintained by Watford Borough Council. The Park Ranger Services carry out regular inspections of the facility in line with the established inspection frequency of other facilities in the Borough. This is supplemented by additional inspections by the Watford Community Housing Trust Estates Officer. Young people are supported by

the project partners which form a group and help to ensure the facility is appropriately used and in part maintained by users. This is a process that has been successful at other sport venues in the Borough. The MUGA is well used and the Hertfordshire Constabulary has commented positively in relation to the operation of this particular sport facility.

On 7 February 2014 a planning application (14/00191/FULM) was submitted to the Council seeking a development comprising the levelling and regrading of the playing field. However, the Environment Agency objected to the scheme on the grounds that a proper flood risk assessment has not taken place. Consequently the application was withdrawn on 14 May 2014.

### **Relevant Policies**

#### **National Planning Policy Framework**

- Section 7     Requiring good design
- Section 8     Promoting healthy communities
- Section 11    Conserving and enhancing the natural environment

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

No relevant policies.

#### **Hertfordshire Minerals Local Plan (saved policies)**

No relevant policies.

#### **Watford Local Plan Core Strategy 2006 - 31**

- Policy SS1     Spatial Strategy
- Policy SD1     Sustainable Design
- Policy SD2     Water
- Policy SD3     Climate Change
- Policy T2       Location of New Development

Policy T3	Improving Accessibility
Policy T4	Transport Assessments
TLC2	location of facilities
Policy UD1	Delivering High Quality Design
Policy GI1	Green Infrastructure
Policy GI2	Green Belt
Policy GI3	Biodiversity
Policy GI4	Sport and Recreation

### **Watford District Plan 2000**

Policy SE7	Waste Storage, Recovery and Recycling
Policy SE22	Noise
Policy SE23	Light Pollution
Policy SE24	Unstable and Contaminated Land
Policy SE27	Flood Prevention
Policy SE36	Replacement Trees and Hedgerows
Policy SE37	Protection of Trees, Woodlands and Hedgerows
Policy SE39	Tree and Hedgerow Provision in New Development
Policy T9	Cycling
Policy T10	Cycle Parking Standards
Policy T21	Access and Servicing
Policy T22	Car Parking Standards
Policy H15	Non-residential Proposals in Residential Areas

---

## **CONSULTATIONS**

### **Neighbour notifications**

Letters were sent to 940 properties in Radlett Road, Eastfield Avenue, Pankhurst Place, Orwell Court, Mandela Place, Brocklesbury Close. A total of 24 objections have been received, citing the following objections:

- There is an increased risk of flooding;
- The land will be lost and walking dogs will be restricted;
- Risk of injury from fast balls;
- Changing rooms becoming a social club;
- Traffic and parking problem will be aggravated;
- Danger from pollution;
- Families will be deprived of having a picnic;
- There will be too many structures on the field against the character of the Green Belt;
- Misleading information - one application was withdrawn and a similar one was submitted after the election and hurling was not mentioned in the application;
- This is a done deal and already an agreement has been reached to approve scheme, as already publicised in an article widely distributed.

### **Site notices**

Four site notices were displayed around and within the site. In addition, a number of meetings have been held with local residents.

The Committee will be advised of any additional representations received after the date this report was written.

### **Consultations**

#### **Environment Agency**

Planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. I have provided further comments below our conditions on other concerns.

*Condition one*

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - i. all previous uses
  - ii. potential contaminants associated with those uses
  - iii. a conceptual model of the site indicating sources, pathways and receptors
  - iv. potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect groundwater. We do not agree with the conclusions in the Geo-environmental report dated September 2013 that there are no unacceptable risks to groundwater. The scope of the site investigation did not include adequate groundwater investigation as monitoring boreholes that penetrate the groundwater table were not included. The deepest boreholes were only installed to five metres deep. Boreholes

installed for the investigations for the M1 link road on the eastern boundary of the site intercepted groundwater around 46 – 47.5 metres above Ordnance Datum (AOD), equating to approximately eight to nine metres below ground level. Borehole logs from the M1 link road suggest that the glacial gravels are underlain by the Principal Chalk aquifer (with the top of the chalk at around 50 m AOD).

Therefore the conceptual site model is incomplete and the risk to groundwater needs to be quantified as the proposed development is located within a Source Protection Zone 1 and Source Protection Zone 2 for Bushey Hall Public Water Supply and adjacent to the River Colne. The earthworks may cause further deterioration in quality in the adjacent River Colne and groundwater. The proposed development may require deep foundations. The piling risk assessment is based on the conceptual site model which is currently incomplete for the site. 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. 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).

This is in line with your Core Strategy policy SD1 which advocates sustainable design, including the facilitation of remediation of contaminated land and minimising adverse effects on water quality.

The Detailed Quantitative Risk Assessment and Remedial Strategy appear to be written for human health objectives. Your Environmental Health/Contaminated Land Officer at Watford Council will need to comment on these.

*Condition two*

No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the



remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: to protect groundwater in line with your Core Strategy policy SD1. The verification report should be undertaken in accordance our guidance Verification of Remediation of Land Contamination <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>

*Condition three*

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local planning authority, shall be submitted to and approved in writing by the Local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local planning authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local planning authority.

Reason: to protect groundwater.

The scope of the site investigation report September 2013 did not include groundwater monitoring boreholes that penetrate the groundwater table. The earthworks may cause further deterioration in quality in the adjacent River Colne and groundwater.

*Condition four*

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

Reason: to protect groundwater. This is in line with the advice in the National Planning Policy Guidance for land affected by contamination. No investigation can fully characterise a site. The Preliminary Risk Assessment/desk study indicates the proposed development is located on a landfill that accepted waste before the Waste Management Regulations 1994 and there may be potential issues from historical activities at the site.

*Condition five*

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme must show that roof drainage is sealed at ground level. The scheme shall be implemented as approved.

Reason: to protect groundwater. The proposed development is located on a historical landfill, and previous use as a service station may have led to contamination in the ground. No infiltration of surface water drainage into the ground at this site 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 nearby rivers and groundwater.

This is in line with your Core Strategy policy SD2 to ensure all new developments incorporate sustainable drainage facilities and techniques as appropriate. *Groundwater protection: Principles and practice* (GP3) details our position on land affected by contamination. In particular, position statements *G4 - Trade effluent and other discharges*

*inside SPZ1; G11 - Discharges from areas subject to contamination and G12 - Discharge of clean roof water to ground* are of relevance. The discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. Without this condition, the impact may result in failure to meet these objectives for the Chalk groundwater bodies because it would result in the release of priority hazardous substances Hydrocarbons and mecoprop and non-hazardous pollutants Ammonia and Chloride from the former landfill.

*Condition six*

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 from pollution via remobilisation of contaminants in soil and/or preferential pathways for contaminant migration.

*Condition seven*

No development will commence until a detailed method statement for removing and the long-term management/control of Japanese Knotweed on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations. Development shall proceed in accordance with the approved method statement.

Reason: This condition is necessary to prevent the spread of Japanese Knotweed which is an invasive species found throughout this site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109. This requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The applicant has proposed to remove some areas of Japanese Knotweed. They will need to demonstrate how they will manage all of the Japanese Knotweed on the site in an effort to eradicate it. Your Core Strategy policy GI2 seeks the restoration of habitats and enhancement where possible.

*Advice to local planning authority*

There is an ordinary watercourse that runs alongside Radlett Road before it forms what is called 'the swale' throughout the proposal documents. This ordinary watercourse is not acknowledged in the submitted documentation and it appears that the access road will go over the top of it. Surface water flood risk is a concern in this area. Although we are satisfied that the flood risk assessment submitted with this planning application (Report No KO472/1 (Rev 0.2) dated May 2014) does satisfactorily address flood risk, it does not have any information on the ordinary watercourse. This proposal should be discussed with Hertfordshire County Council who will need to agree to any proposals that involve works to an ordinary watercourse. They may have conditions in relation to any culverting or bridges. We don't support culverting of any watercourse and suggest that wherever possible open span bridges should be utilised. We support the recommendation in the flood risk assessment (FRA) that a plan for the management and maintenance of existing culverts on site is agreed. This would need to include any new culverts.

We normally request mitigation or compensation where watercourses are impacted by development. In this case there could be habitat mitigation on site by providing areas of native planting. It is disappointing that the planting scheme in the landscape strategy doesn't include any native shrubs or trees. This should be amended to provide valuable habitat for our native wildlife.

The development should be carried out in accordance with the FRA and associated plans. The FRA outlines a surface water drainage strategy that should ensure that greenfield run off rates are achieved from this development. It is important that the attenuation elements of drainage strategy are in place before construction commences so that there is no increase in flood risk during the construction phase.

#### *Advice to applicant*

We recommend that developers follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. They should refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. British Standards when investigating potentially contaminated sites and groundwater, and references within these documents include: *BS 5930: 1999 A2:2010 Code of practice for site investigations*; *BS 10175:2011 Code of practice for investigation of potentially contaminated sites*; *BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points*; *BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters* (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality). Use MCERTS accredited methods for testing contaminated soils at the site.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment. GP3 version provides further guidance on setting compliance points in DQRAs.

Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

Following the DQRA, a Remediation Options Appraisal is required to determine the Remediation Strategy in accordance with CRL11. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works (for example monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period).

It does not appear that there will be importation of material for the ground raising. A permit may be required for any importation of materials or waste to the site. It will not be acceptable to import waste into areas of SPZ1.

Please contact the Sustainable Places team if you require any further information or clarification.

#### Hertfordshire County Council (Highway Authority)

The County Council (HCC) as the Highway Authority considers that the development is unlikely to result in a material increase of traffic in the vicinity of the site and therefore has no objections to the principle of the development, subject to the conditions detailed as below:

#### *Conditions*

1. The development shall not be occupied until the parking and turning areas have been constructed, surfaced and permanently marked out as identified on drawing number 007. The car parking areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.

2. The applicant should provide adequate provision for a Pick up and Drop off area within the curtilage of the club in order that vehicles can undertake such movements off the public highway.

Reason: In the interest of highway safety and amenity.

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

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

4. Not to occupy the development or cause or permit First Use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority/Highway Authority. No part of the Development shall be occupied unless any measures scheduled by the Travel Plan to be implemented before such occupation have been enacted. The Travel Plan should include a Car Parking Management Plan which should detail the operation of the club car park.

Reason: To promote sustainable transport measures to the development and in the interest of highway safety and amenity.

## *COMMENTS*

The proposal is to relocate the Glen Rovers Club from Oxhey Park to Radlett Road Playing Fields. This will be achieved by the provision of a new hurling pitch and an associated changing block building to create facilities for regional standard hurling fixtures and training. Radlett Road is a classified C road with a speed limit of 30mph.

## *TRAFFIC GENERATION*

An Addendum to the Transport Statement dated June 2014 provides the details of traffic generation. The statement provides the Glen Rovers Hurling and Football club existing trip generation figures and indicates that around 25-30 adults and 45-55 children attend the training sections (the Tuesday training period is between 6:45pm-8:45pm). It shows that approximately 14 cars with a further 17 drop off and pickup trips are associated with the existing site at the aforementioned time.

An estimate has been made of the vehicular trip generation at the proposed site. The Transport Statement notes that during the busiest training evenings (Tuesday's) the proposed site will generate approximately 31 vehicular trips, of which 17 will be dropping off/picking up. On match days, there will be approximately 30 vehicular trips.

Depending on how well the club performs in competitions, there could be one or two key matches in a season which might attract up to 100 people with around 50-55 vehicles. Taking into account that the proposed site is operating on weekday evenings (from 6:45pm to 8:45pm) and weekends (Saturday 10:30am-11:30pm and on match days Saturdays 2:30pm-3:30pm; Sunday match days from 3:00pm-4:00pm), the forecast traffic generation of the site is not considered to have a material impact on the local highway network as these times fall outside of the network peak hours.

## *ACCESS*

To access the proposed club and changing block, a new access will be located approximately 15 m south of the northernmost pedestrian crossing build-out. The proposed access is considered acceptable by the Highway Authority.



### *VISIBILITY*

Vehicle to vehicle inter-visibility and pedestrian visibility is acceptable and complies with levels of visibility contained in Manual for Streets [Visibility splays at junctions 7.7 and visibility along the street edge 7.8.3.]. The Highway Authority has no objections to the proposed access.

### *PARKING*

Paragraph 4.3 of the Transport Statement states that there will be 18 car parking spaces including two disabled parking bays and three mini-bus bays serving the proposed hurling pitch. The parking provision is considered acceptable for the training sessions on weekday evenings. However, 18 car parking spaces is considered to be an insufficient provision on match days; a lack of parking provision on the site would put additional pressure on the limited existing on-street parking. Watford Borough Council should decide whether there is sufficient off street parking for the club. Nevertheless, a public car park known as “Timberlake” car park (50 car spaces) is located 500m from the site.

### *CAR PARK LAYOUT*

The vehicles serving the club are considered to be mainly cars and a small number of minibuses. There is a sufficient area within the site for cars to turn around but a limited turning area for a minibus; such vehicles would have to make multiple manoeuvres within the car park.

### *HIGHWAY LAYOUT*

The Transport Statement does not consider a Pick up and Drop off area for the proposed site. This creates a potential issue as there is no on-street parking provided with the vicinity of the club; as such, parents may instead choose to alight temporarily on the double-yellow lines outside the site. The Transport Statement does not adequately address this issue and the applicant should provide a Travel Plan which should include a Car Parking Management Plan detailing the operation of the car park on match days. The

Highway Authority considers that the applicant should also address the issue of providing a pick up and drop off area off the public highway.

#### *ACCESSIBILITY*

The proposed site lies within easy reach of bus routes and within 3 km of the local railway station. There are footways and street lighting on both sides of Radlett Road.

#### *INFORMATIVE*

The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this or use link:-

<http://www.hertsdirect.org/services/transtreets/highways/honlineservices/vxo/>

Note:- should there be any obstructions on the public highway, footpath, grass verge, i.e. trees, posted signs, TG pole, lamp columns, drainage gulleys etc, then permission for removal and/or repositioning will need to be gained before work can commence on site. The applicant will need to be aware that they will/may be required to fund this work.

#### *CONCLUSION*

Hertfordshire County Council as Highway Authority has considered the proposals to relocate the Glen Rover Club from Oxhey Park to Radlett Road. We consider that the proposal would not significantly increase the traffic generation to the area and have a material impact on the safety and operation of the adjoining highway. The Highway Authority has no objections on highway grounds with the inclusion of the above planning conditions and informative.

#### Environmental Health

No objections.

### Land Contamination Officer

Has received the following reports submitted in support of the following planning application:

- Geo-Environmental Assessment; Document Ref: 20407R1; Issue A; WDE Consulting Limited; September 2013
- Remedial Strategy; Document Ref: 20407R1; Issue A; WDE Consulting Limited; January 2014

The Geo-Environmental Assessment provides a sufficient preliminary risk assessment of the site and the intrusive investigation provides adequate site coverage for human health purposes. In principal, I have no objection to the re-use of site-won material in the cut and fill works.

In respect of the ground gas monitoring programme, the monitoring undertaken so far (2no. rounds) is insufficient to accurately characterise the current ground gas regime at the site. The monitoring programme should be designed and undertaken in accordance with current published guidance, which recommends a minimum of 6no. rounds over a period of 3no. months. Further monitoring will be required.

In general, I am in agreement that the remedial measures proposed will be suitably protective of human health. A full review of the Remedial Strategy has not been undertaken as further site characterisation (ground gas monitoring) is required. It is essential that the cut and fill works are effectively managed to ensure that all significant pollutant linkages are broken; detailed documented evidence (photographic, laboratory results etc.) will be required to demonstrate this. Validation sampling of the cover system must be undertaken in accordance with Watford Borough Council's guidance document.

I recommend that the standard contamination condition be applied should planning permission be granted to ensure the additional works are undertaken. The Remedial Strategy should be amended accordingly following the additional investigative works.

### Sport England

It is understood that the site forms part of or constitutes a playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

The consultation is therefore statutory and Sport England has considered the application in the light of its playing fields policy a copy of which can be downloaded from our website at [www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/](http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/) The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities.

Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The proposal involves re-grading part of Radlett Road Playing Fields and introducing a new drainage system to create a high quality playing surface together with supporting changing/storage facilities and car parking. Sport England was consulted on a previous planning application (Ref: 14/00191/FULM) involving just the re-grading of the playing fields earlier in 2014 that was subsequently withdrawn. The main difference between the applications is the provision of the ancillary changing/storage pavilion and car parking. I consider that Exception E5 of Sport England's playing fields policy would be the most applicable to the proposal:

"The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields."

Radlett Road Playing Fields was a former landfill site which ceased landfill use in 1985. While it has been used since then for football pitches, the quality of the site as a playing field has been significantly affected by the surface levels and poor drainage which has restricted the carrying capacity and made it unattractive to potential pitch users. Consequently, there have now been no pitches marked out on the site due to the surface quality for a few years. The proposed scheme involves re-levelling the playing field to address the unsuitable gradients and installing a pipe drainage system to address the drainage problems as well as addressing localised surface quality constraints such as undulations and pot holes.

It is intended that the improved area of the playing field would be used as a hurling pitch by Glen Rovers GAA Club and that the associated changing and car parking facilities would support the club's use of the enhanced playing field. The club are currently based at Wigenhall Road Recreation Ground (Oxhey Park) which is shortly to be developed for a new link road (Planning Permission (13/00971/FULM)) to support the Watford Health Campus scheme. This will necessitate the relocation of the club and Radlett Road Playing Fields has been identified as a suitable site for the club's pitches and ancillary facilities to be relocated to. Condition 26 of the planning permission referenced above requires no

construction of the link road to commence until details of a permanent replacement hurling pitch and changing facility provision have been submitted and approved. The proposal would therefore allow this planning condition to be addressed.

A detailed technical specification for the proposed ground works for improving the playing fields has been provided which would appear to address all of the relevant issues that require consideration when addressing a major playing field renovation project such as this. While Sport England would usually have expected an agronomist's (sports turf consultant) feasibility study to have been prepared to inform a specification for major playing field ground works, on this occasion as the playing field surface is to be stripped and the specification is sufficiently detailed it would not be considered essential.

The proposed works would represent a significant investment into the site which would facilitate major improvements that would be expected to address the existing deficiencies and create a suitable quality hurling pitch to allow Glen Rovers GAA Club to relocate. The Watford Sports Facility Strategy (2012) identified deficiencies on this site and referred to the site's potential for accommodating pitches displaced from Wiggenhall Road Recreation Ground so the proposal would be consistent with the strategy. As the playing fields are not currently marked out for pitches, the development would have no impact on the existing use of the playing field on either a temporary or permanent basis.

The proposed pavilion and car park would provide modern changing and associated facilities for use by Glen Rovers GAA Club which are required to facilitate the club's relocation to the site as the ancillary facilities are essential to support the club's use of the enhanced playing field. The proposed facilities would be provided to modern standards and would be expected to be superior in quality to the club's existing facilities at Oxhey Park. The pavilion and car parking would be sited on disused land to the north west of the playing field that was formerly occupied by buildings and would therefore not have an adverse impact on the playing field itself.

On the basis of the above assessment, I consider that the potential sports development benefits that the proposed qualitative improvement works to the playing field would offer would clearly outweigh the detriment caused by the impact on the playing field which I consider would meet exception E5 of our playing fields policy. The proposed pavilion and car park would provide essential ancillary facilities to support the use of the playing field by the hurling club which would accord with exception E2 of our policy. This being the case, Sport England does not wish to raise an objection to this application.

Support is also offered for the principle of the development as a non-statutory consultee due to the sport related benefits associated with delivering the proposed improvements and bringing the site back into use for formal sport. If approved, I also consider that the delivery of the project would address the requirements of condition 26 of planning permission 13/00971/FULM in terms of providing satisfactory details of a permanent replacement hurling pitch and changing facilities for mitigating the loss of the existing facilities at Wighenhall Road Recreation Ground.

If the design and layout of the proposed changing pavilion is material to the determination of the planning application, Sport England's design guidance in our Pavilions and Clubhouses guidance note may be of assistance and can be downloaded from Sport England's website at [www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/pavilions-and-clubhouses/](http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/pavilions-and-clubhouses/). Based on a brief assessment, the proposed layout of the building is considered to broadly accord with this guidance.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.

#### Arboricultural Officer

I have no major objections to the proposals: the tree losses indicated are minimal and the proposed new landscaping will compensate for these losses. Details of tree and ground

protection where the proposed route of construction traffic passes close to retained trees should be submitted and approved. The proposed landscaping is considered acceptable.

### Planning Policy

This land is a former landfill site and the site of the proposed new changing rooms is a brownfield location, which was previously a garage. We have no objection to the proposed landscape works, although clearly it would be more advantageous if all the Japanese Knotweed was to be removed from the site. The proposed new building is of unremarkable design, but is a simple and functional building that will have a neutral impact on the character of the area.

### Hertfordshire Constabulary (Crime Prevention Design Advisor)

I have had a look at the application and consulted local colleagues over any issues with ASB either in the park or the new MUGA; in fact the MUGA has proved very successful in the area.

I have a few comments on the proposed building:

- All the doors must be to LPS1175 SR2 standards at minimum and any glazing in or around the doors must have laminated glass conforming to the requirements of BS EN356:2000 class P1A.
- The brickwork must be graffiti proof.
- The roof lights must be certified to LPS1175 SR1 and as they are easily accessible must have laminated glass conforming to the requirements of BS EN356:2000 class P1A
- There is no indication of security of valuable within the changing rooms, nor where valuables might be place whilst the players are away from the dressing rooms.
- Similarly there must be the facility for the keys to all doors to be held within the clubhouse during games.

I would like to have external security shutters on all doors so as to prevent any means of forced access, but I am unable to justify on the grounds of criminality in the local area. I am not even sure there is a need for an alarm system.



## Thames Water

### *Waste comments*

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

### *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. 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### *Water comments*

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 - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

## **APPRAISAL**

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

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

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

### **Planning considerations**

The issues to be considered are:

- whether the proposal will be an appropriate form of development in Green Belt and whether it would harm the openness of the designated open space;
- whether the proposal will detract from the recreational and sport opportunity offered by the recreation ground;
- whether the proposal will have detrimental impact on the designated wild life corridor or the trees;
- whether the proposal will have an adverse impact on the amenities of local residents, in terms of noise, other activities associated with a playing field;
- whether the proposal will result in undue risk to the users of the park including the passers-by, dog walkers and spectators;
- whether the proposal will increase the risk of flooding in the area;
- whether the proposal will have an adverse impact on the human health or water pollution;
- whether the proposal will have an adverse impact on parking conditions and the local highway network.

### **Impact on the Green Belt and the open character of the recreation ground**

One of the major issue to be considered here is the impact of the proposed development upon the openness of the Green Belt. The significant policy advice in this regard is provided in the NPPF, which adopts a similar stance to its predecessor advice (Planning Policy Statement 2) and explains that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. It is also emphasised that “the Government attaches great importance to Green Belts”. At paragraph 80, the NPPF makes it clear that the Green Belt serves five purposes:

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

The NPPF further advises that a local planning authority should regard the construction of new buildings as inappropriate development in a Green Belt. One of the exceptions to this general rule allows for the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

The Council’s policies in relation to development in the Green Belt state that the Council will:

- maintain the general extent of the metropolitan Green Belt in the borough;
- encourage appropriate positive use of the Green Belt and measures to improve the environmental quality;
- make minor revisions, to correct existing anomalies and create defensible green belt boundaries in the site allocations document and accompanying proposals map.

There will be a general presumption against inappropriate development in the Green Belt. Exceptions to this are as defined in paragraphs 89-91 of the NPPF.

The above policy analysis indicates that there is no conflict between the NPPF and Borough Plan policies and both sets of policies allow only certain types of development to take place in a Green Belt location. In particular both sets of policies encourage development of sport facilities.

The proposed development is primarily for the levelling and appropriate drainage of the existing playing field and the provision of new changing rooms associated with them. The proposal will result in the bringing back into use of the playing field which has fallen out of use due to significant deterioration of the facility.

The proposal includes the erection of a new building to be used for changing room facilities. The proposed building will be able to house a hurling and Gaelic football club. This has been necessitated due to the relocation of the existing facilities which are to be demolished to allow for the construction of the link road to the Health Campus. The proposed building will be built on a previously developed land within the green belt. The existing concrete slab is to be removed and replaced by permeable surface to include landscaping and associated car parking spaces.

Whilst the proposed building will be visible from the road, given its location out side the playing field it will not have a significant impact on the openness of the Green Belt. The proposed design which incorporates a mono-pitch roof design is considered to be acceptable in the streetscape. It is considered that it will enhance the character of the area without having a visually unacceptable impact on the openness of the Green Belt.

Core Strategy Policy GI4 explains that the Council will work in partnership with local sport organisation to increase physical activity and sport to contribute towards a healthy town for Watford residents. Recent case law (*Fordent Holdings Ltd v Secretary of State for*

*Communities and Local Government & Another* [2013] EWHC 2844 (Admin) (26 September 2013)) has established that special policies for the promotion of a particular purpose within a plan could amount to the special circumstances necessary for allowing development in a Green Belt.

In the present case it is considered that the very special circumstances do exist which would justify this development being permitted in the Green Belt. It is also considered that appropriate measures, in terms of the location and the design of the building, have been incorporated to minimise the impact of the development on the openness of the Green Belt.

The proposal is considered to be in line with the NPPF which considers the provision of sports facilities to be an appropriate form of development in the Green Belt. The proposal will also comply with the Council's policies which in principle allow development proposals which are essentially required to enable existing facilities for outdoor sport and recreation within the Green Belt to be upgraded to meet modern requirements.

Accordingly, the proposal will comply with both the local policies and the national planning advice as set out in the NPPF.

The proposed building has designed for changing room facilities including a meeting room. The building has been designed specifically in accordance with the Sport England's design standards. However, there is concern that the building may be used for recreational use. Whilst the proposed building's physical constraints will prevent its use as a social club, a condition is recommended to ensure that the changing room facilities would not be used for social or entertainment purposes.

#### **Impact on sport and recreation opportunity**

The most relevant policy here is Core Strategy Policy GI 4. The policy states:

“The council will work in partnership with local sports clubs and sports organisations to:

- Increase community participation in physical activity and sport to contribute towards a healthy town for Watford residents. In particular, the council's aim is to work in partnership to increase participation in the following groups: women, children and young people, 55 plus, people with disabilities and black and minority ethnic communities.
- Develop capacity within the local sporting infrastructure, particularly around clubs, coaches and volunteers, to improve sporting opportunities. In particular, the council's aim is to support local voluntary clubs to improve their ability, and to deliver through coach and volunteer development, supporting club accreditation and promoting / raising the profile of voluntary sports clubs.
- The council will consolidate and improve its sports facilities across the borough. The Sports Facilities Strategy and the evidence base that underpins it will inform decisions for development proposals concerning sports facilities. Full account will be taken of these priorities and supporting aims when considering planning proposals for physical activity and sporting infrastructure.”

The proposed levelling and the drainage scheme will allow the playing field to be brought back into use. The proposed changing facilities will also allow more opportunities for the use of the playing field by variety of users. Sport England has been consulted and is entirely satisfied with the scheme and fully supports the proposal.

The improved playing field will only be used the Glen Rovers Club for a few hours on a weekly basis between March and October. For the remainder of the time, the facility could be used for informal sport activities and general recreational purposes. In any event the proposed pitch will occupy significantly less than half the existing open space. Therefore ample space will still remain for general recreation and dog-walking purposes even whilst the playing field is being used for formal sport activities.

### **Impact on trees, nature conservation and wildlife**

The Council's arboricultural officer has commented that “the proposal will not have an impact upon any trees. Whilst the site is a designated wildlife corridor, this largely relates to the banks of the river and the margins of the park. Much of the ground is laid to grass which is cut regularly. The area is also used as a playing field. Therefore, this part of the site does not have a high ecological value. Therefore there will be little impact on the biodiversity of the site.

The proposal will include the treatment of the invasive Japanese Knotweed which is to be welcomed from a nature conservation point of view.

### **Impact on the amenities of local residents**

The proposed play facilities will be located about 70m from the nearest residential area. The standards as set out by National Playing Fields Association recommends a minimum distance of 30 metres between Neighbourhood Equipped Areas for Play and residential properties. Therefore the proposed distance of about 70m from residential areas significantly exceeds the national standards. Consequently, the impact of noise associated with the use of the playing field on the residential area will be limited. Further, Given the existing lawful use of the site is as a playing field, and taking account of the surrounding road network and the main railway line in close proximity, it is not anticipated that the proposed development will result in a significant impact on the amenities of the adjoining occupiers in terms noise generated from activities associated with increased use of the playing field.

Some concern has been raised with regard to the possible use of the changing facilities as a social club. The proposed changing facilities have been designed in accordance with the recommended Sport England specification. However, it would not be appropriate for the changing room building, which includes a meeting room and a small kitchen area, to be used as a social club or for any other use not related to the playing field. Accordingly, a condition is recommended to ensure that the changing room facilities cannot be used for leisure, recreation and entertainment uses.

### **Risk of injury**

The Council has received a significant level of concern with regard to potential danger from the use of the field for hurling. It is noted that the game uses hard balls which are thrown at speed and that a stray ball may accidentally hit passers-by.

It should be noted the lawful use of the site is a playing field. The playing fields were taken out of use, due to problems with the playing surface and because of issues with drainage. There is, therefore, no change of use involved with the proposed development. The engineering works required to bring the pitch back into use as a playing field are what constitute development in this case, and these works would be the same whether the playing field is used for football, rugby or hurling.

However, whilst the lawful use of the site is a playing field, it is the case that some sports could give rise to a higher safety risk than others so far as other users of the open space are concerned. Often hurling is played using netting behind the goals and, on occasions, around the pitch. Currently, at the club's present site at Oxhey Park, prior to a hurling game temporary posts are erected and fitted with safety nets. This has been a requirement since a footpath was created in Oxhey Park. It would, therefore, be appropriate to impose a condition designed to ensure the provision, during a hurling game, of measures to ensure the safety of the public.

#### **Impact on parking conditions and the local highway network**

The Council has received a significant level of concern from local residents regarding this issue. The starting point for assessing the weight to be attached to this consideration is the fact that the lawful use of the site is for a playing field. Consequently, if the playing field were to be so used, the lawful use of the land would generate a degree of traffic on the local highway network, and result in car parking and 'drop offs' and 'pick ups'.

However, the proposed improvements to the playing field and the provision of the club house are likely to increase the use of the site, with consequential impacts on traffic and parking.

It is anticipated that Glen Rovers club will be using this playing field. The club plays both hurling and Gaelic football. The application is accompanied by a Transport Statement, which was initially submitted with the application and was subsequently updated following a request from the Highway Authority for additional information. A summary of the findings is set out below.



There are parking restrictions immediately along Radlett Road, but further car parking is available in Timberlake Car park. There are also a number of roads in the vicinity where parking is currently unrestricted. The proposed layout for the car park will provide 13 standard bays, 2 disabled bays, and 3 minibus bays.

Currently a practice session for hurling takes place on Wednesdays and for Gaelic football on Tuesdays and Thursdays. Currently there is no home game for hurling in Watford. The playing season for both sports is March to October/November, depending on fixtures and how far the teams progress in competition.

Games are played at weekends between 1.30pm and 7.00pm on Saturdays and between 1.00pm and 4.00pm on Sundays. Training usually takes place on Tuesdays and Thursdays between 7.00pm and 8.00pm.

Tuesdays are usually the busiest training evenings. The weather can have an effect on how many turn up, as well as holiday seasons, but a dry evening outside the holiday season would see an average of around 25 – 30 adults and 45 – 55 children. Some live close enough to walk to the venue; some cycle and some arrive by public transport. However, the majority travel by car and the average number of vehicles accessing the site for the Tuesday training session is 14 parking with a further 17 dropping off children and picking up when training is finished. Wednesday is the least busy training session with an average of 15 people arriving in 8 vehicles.

On match days, an average of around 60 people attend, including players, officials and spectators. Many of the attendees are players and their families travelling together. The number of vehicles varies according to where visiting teams are travelling from. Players coming from, for example, Luton or Waltham Cross, will probably use cars, whereas players from Cambridge or Oxford often travel by minibus. The Club has never formally surveyed the transport impact of its activities, but it is estimated that an average of 25 - 30 vehicles are associated with home games. Depending on how well the Club performs in

competitions, there could be one or two key matches in a season which might attract up to 100 people with 50 - 55 vehicles.

As affirmed in the Transport Statement, and confirmed by the Highway Authority, due to the level and times of club activities, i.e. evenings and weekends, the amount of traffic generated will have no material impact on the surrounding road network. In addition, any overspill from the car park can be readily accommodated in the Timberlake car park, the Bushey & Oxhey Scout Group car park at the east end of Link Road, or in the unrestricted parts of Radlett Road, Colonial Way and Rhodes Way.

The Transport Statement recommends that the club should provide a travel plan to include various measures designed to ensure that the use of the site by the club will not have a significant impact on the free and safe flow of traffic on highway network. The Highway Authority has confirmed that the proposal, subject to conditions, will not have a significant impact on parking conditions or the free and safe flow of traffic. In discussion with the applicant, part of the playing field can be used as overflow parking should the need arise. These details can be dealt with as part of the Travel Plan.

### **Flood risk**

Significant concern has been raised with respect to the issue of flooding. These concerns have been particularly augmented because of recent flooding resulting from the heavy rain in the last winter. The initial application which was submitted back in February was considered by the Environment Agency to be unacceptable and it was withdrawn. The applicant has now provided a detailed flood risk assessment for the development of the playing field, together with mitigating measures to ensure the proposal has an acceptable impact upon the local environment, as follows:

#### *Field drainage*

- The rain water from the playing field will be drained by providing French drainage beneath the playing field. The drained water will be collected on the west side of the playing field through underground drain network and then stored in a

depression on the north side of the playing field before it is gradually released into River Colne. The improved drainage provision of the pitch is expected to increase the rate of runoff from the area of the playing surface compared to the existing situation. Therefore the idea is to reduce the rate of discharge of water into the river. For this purpose an attenuate basin of approximately 620m<sup>3</sup> with a maximum depth of 2m, is proposed in the north of the site to attenuate any short term increased water discharged from the improved pitch.

#### *Pavilion development*

- The entire existing concrete slab will be removed and replaced by a permeable surface and a pavilion. The amount of non permeable surface as a result of the proposed will be in region of 422m<sup>2</sup> which is a significant improvement over the existing situation. Furthermore, the rainfall on the pavilion roof will be routed into two identical soak-ways below the car park. Therefore the proposed development for the pavilion and the car park will result in reduction of surface water runoff compared to the existing situation, thereby alleviating the risk of flooding.

The Environment Agency has been consulted and has agreed, subject to condition, that any impact on the local environment arising from the proposal will be acceptable. The Environment Agency has a residual concern with regard to the proposed access way to the site and the means by which it crosses the existing swale. A condition is recommended to be imposed to ensure that the proposed access way will not block the existing swale.

Overall, therefore, it is considered that the proposal will improve the drainage system without having any impact upon the local environment.

#### **Land contamination and health**

The Environmental Health officers are satisfied that the remedial measures proposed will be suitably protective of human health. It is recommended that a contamination condition be imposed should planning permission be granted to ensure that the additional works

required are undertaken and that the Remedial Strategy is amended accordingly following the additional investigative works.

**Comments on the representations received**

The comments and concerns raised by the residents have been outlined above. Many of their comments have been addressed within the body of the report. The other issues raised are further analysed below.

<b>Objections</b>	<b>Officer's response</b>
The land is not suitable as a playing field as it was declared to be unsafe a while ago.	The playing fields were taken out of use for football due to problems with the playing surface and issues with drainage. It has historically been used for football for many years. There is no change of use proposed in this application; the application is for engineering works necessary to bring the pitch back into use as a playing field. The sport has been played elsewhere in the borough for a considerable period of time. There has been no reported injury from this playing of the sport over the entire period which sport has been played in Oxhey Park. In any event condition is recommended to ensure that any risk to public safety is taken into account and appropriate measures are put in place whenever games are played.
Will there be any flood-lighting	No artificial lighting is currently proposed. This will limit the hours of the use of the playing field.
The report which has been carried out for the application plus the cost of the project appear quite high.	This is not a material planning consideration.

<p>The Council did not provide sufficient notification to the residents. The notice and the letters were misleading and they did not mention the proposal included hurling games.</p>	<p>The Council notified all residents directly facing the playing field and site notices were displayed all around the site.</p> <p>Because no change of use is proposed, any game can be played without the need for planning permission. Consequently, the development cannot be described as a change of use for hurling purposes.</p>
<p>It appears that a decision has already been made, as it is evident by the outrageous article of June 2014 in 'About Watford' which states 'Our playing fields at Radlett Road have been out of use for a number of years, and so we have developed a proposal for a new hurling and Gaelic football pitch with re-levelling and new drainage, as well as a new four room changing pavilion. Paul Connolly, Glen Rovers Chairman said: "We are looking forward to our future new home and want to thank the council for their help in finding it....."the Mayor's Pledge is to protect parks and open spaces! What has happened to this pledge?</p>	<p>No decision has yet been made as to whether or not planning permission should be granted for this application. That is the decision which the Development Control Committee of the Council will have to take.</p>

## **Conclusion**

The site is within the designated Green Belt. In accordance with national and local planning policies its openness is the primary attribute which needs robust protection. Only in very exceptional circumstances should planning permission for inappropriate development be granted. In this case, very special circumstances, in terms of sport provision, do exist that would justify this development being permitted in the Green Belt.

In terms of the proposed changing room facilities, appropriate measures have been incorporated to minimise the impact of the development upon the openness of the Green Belt. The design of the building and the proposed materials are sympathetic to the character of the area. Moreover, the provision of appropriate facilities for outdoor sport and recreation are not inappropriate in a Green Belt so long as the openness of the Green Belt is preserved (NPPF, paragraph 89).

The proposal will not have a significant impact on the amenities of neighbouring dwellings in terms of noise and activities associated with the use. The increased opportunity for use of the field for sporting activities is likely to result in some additional traffic movements in the area. However, the proposal does provide some car parking spaces which will cater for the normal activities of the club. Further, the trip generation data indicates that the additional vehicular movements will be so few that the development will not have any significant impact on the local highway network, subject to the imposition of appropriate conditions.

The proposal has the potential to improve the range of sporting activities within the Borough, without having any adverse impact on the open character of the playing field and without prejudicing the existing sporting and other recreational activities currently taking place on the field.

The playing field is located in a legible place and well away from the residential areas to ensure the amenities of those areas are protected.

Overall, the development is in accordance with the policies of the Development Plan and the National Planning Policy Framework overall.

---

### **HUMAN RIGHTS IMPLICATIONS**

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

---

### **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

- 2 Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

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

- 3 No sport shall take place on the playing field unless an appropriate risk assessment in respect of that sport has been undertaken and the risk assessment has been submitted to and approved in writing by the Local Planning Authority. Any remedial measures included in the approved assessment shall be put in place before any game involving that sport is played on the field. Where the approved remedial measures include the erection of physical structures, details of those structures shall be submitted to and approved in writing by the Local Planning Authority before any such structures are put in place.

Reason: To ensure the safety of the public and to ensure that the development will have an acceptable impact upon the openness of the Green Belt site in accordance with the provision of the National Planning Policy Framework and the requirements of Policy UD1 of the Watford Local Plan: Core Strategy 2006 – 2013.

- 4 No development shall commence within the site until full details and samples of the materials to be used for the external surfaces of the building, including windows, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that the development applies high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the area in accordance with the provision of the National Planning Policy Framework and the requirements of Policies UD1 of the Watford Local Plan: Core Strategy 2006 – 2013.

- 5 The proposed changing room facilities shall only be used for purposes associated with sporting activities taking place on the playing field and in particular they shall not be used for any form of entertainment or leisure purposes.



Reason: If the building hereby approved were used for non-sporting related activities, it is considered that this would be prejudicial to the interests of the quiet enjoyment of local residents and the character of the Green Belt with additional potential adverse consequences on car parking, contrary to Policies T21, T22 and SE22 of the Watford District Plan 2000 and Policies GI1 and GI2 of the Watford Local Plan: Core Strategy 2006 – 2013.

- 6 The development shall not be occupied until the parking and turning areas have been constructed, surfaced and permanently marked out as identified on drawing number 007. The car parking and turning areas so provided shall be maintained as such at all times and shall not be used for any other purpose.

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.

- 7 No club or other organisation shall make use of the development hereby permitted unless a Travel Plan relating to the activities of that club or other organisation has been submitted to and approved in writing by the Local Planning Authority. The club or other organisation shall not make use of the development hereby permitted unless any measures required by the approved Travel Plan have been put in place. The Travel Plan shall include a Car Parking Management Plan giving details of the operation of the car park as well as providing information with regarding appropriate arrangements and locations for “pick up” and “drop off” facilities.

Reason: To promote sustainable transport measures to the development and in the interest of highway safety and amenity.

- 8 No development shall commence within the site until details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles has been submitted to and approved in writing by the Local Planning Authority in consultation with the

Highway Authority and those details shall be provided and kept available for use at all times during the period of site works.

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

9 No development shall commence within the site shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified:
  - (i) all previous uses;
  - (ii) potential contaminants associated with those uses;
  - (iii) a conceptual model of the site indicating sources, pathways and receptors;
  - (iv) potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

- 10 The development hereby permitted shall not be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

- 11 No development within the site shall take place until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

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

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

- 13 No development shall commence within the site until such time as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for roof drainage from the building to be sealed at ground level. The scheme shall be implemented as approved.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

- 14 Piling or any other foundation designs using penetrative methods shall not be used on site 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 line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

- 15 No development shall commence within the site until a detailed method statement for the removal and long-term management or control of Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations. Development shall proceed only in accordance with the approved method statement.

Reason: To protect groundwater in line with Policy SD1 of the Watford Local Plan Core Strategy (2006-2031).

- 16 No development shall commence on site until a detailed survey of the application site has been undertaken to assess the existing ground conditions and the extent of any land contamination and if necessary appropriate measures shall be incorporated into the development to ensure adequate protection for future occupants of the development and occupiers of existing adjoining premises from contamination. Such measures shall be agreed in writing with the Local Planning Authority prior to any works commencing on the site and shall be incorporated into the development before any part of the approved development is first brought into use.

Reason: In the interests of the safety of the existing and the future occupiers of the development in accordance with Policy SE24 of the Watford District Plan 2000.

- 17 No development commence within the site until the detailed design of the vehicular access to the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved detailed design.

Reason: In order to ensure that the proposed access will have no impact on the free flow of flood water in the existing swale.

18. The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents:

SG/821/001a Site location plan

SG/821/100b Access and Constraints Plan

SG/821/200e/ Pitch Layout proposal

SG/821/300b/ Cut and Fill Construction Sections

SG/821/400a / Remedial proposal

SG/821/401/ Japanese Knotweed Treatment Proposals

SG/821/500a / car park

004 floor and roof plan proposed

007 Site plan as existing and proposed

008 Plans and Elevations as proposed

009 Contextual elevation as proposed

#### Documents

Design and Access Statement

WDE Remedial Strategy Report

WDE Geo Environmental Assessment

Hydro – Logic Services LLP Flood Risk Assessment Report

Transport Assessment (two documents)

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

#### Informatives

- 1 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers

for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

- 2 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. 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 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 - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- 4 The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this or use link:- <http://www.hertsdirect.org/services/transtreets/highways/honlineservices/vxo/>

- 5 Note: should there be any obstructions on the public highway, footpath, grass verge, i.e. trees, posted signs, TG pole, lamp columns, drainage gulleys etc, then permission for removal and/or repositioning will need to be gained before work can commence on site. The applicant will need to be aware that they will/may be required to fund this work.
- 6 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

### **Drawing Numbers**

SG/821/001a Site location plan

SG/821/100b Access and Constraints Plan

SG/821/200e/ Pitch Layout proposal

SG/821/300b/ Cut and Fill Construction Sections

SG/821/400a / Remedial proposal

SG/821/401/ Japanese Knotweed Treatment Proposals

SG/821/500a / car park

004 floor and roof plan proposed

007 Site plan as existing and proposed

008 Plans and Elevations as proposed

009 Contextual elevation as proposed

### Documents

Design and Access Statement

WDE Remedial Strategy Report

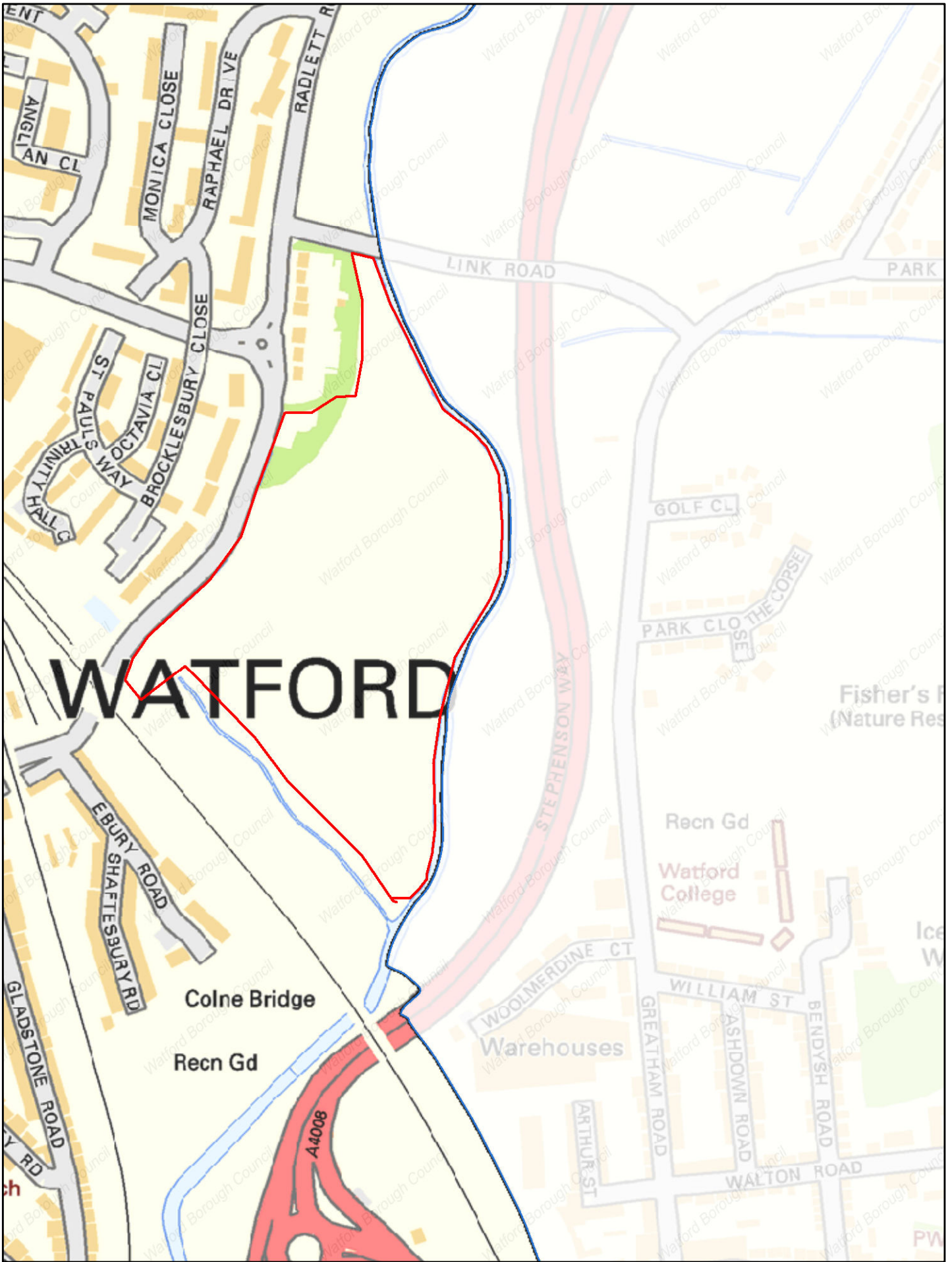


WDE Geo Environmental Assessment  
Hydro – Logic Services LLP Flood Risk Assessment Report  
Transport Assessment (two documents)

---

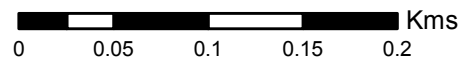
Case Officer: **Habib Neshat**  
Email: **habib.neshat@watford.gov.uk**  
Tel: **01923 278285**

This page is intentionally left blank



Colne River Park, Radlett Road PF

Date: 29/07/2014



Scale 1:4,000



This page is intentionally left blank

## DEVELOPMENT CONTROL COMMITTEE

7<sup>th</sup> AUGUST 2014

### UPDATE SHEET

#### Item 7

#### 14/00731/FULM – Radlett Road Playing Fields

##### Highways

There has been a series of emails between the County Councillor, Herts Highways Officer and Environment Services Parks Manager with regards to the over spill situation occurring once or twice a year. Herts Highways have confirmed that the use of the existing access near to the existing Multi Use Games Area, for allowing cars to be parked on the field, will be acceptable.

Herts Highways have also confirmed that, “It is also acceptable to use the car park north of the allotments and south of the Colonial Way roundabout is already in use and has a correctly marked out access with adequate visibility. “

##### Flood risk

There has also been several correspondences between the residents and flood risk consultants. It has been reiterated that the proposed floor system will not adversely affect the risk of flooding.

This page is intentionally left blank

# Agenda Item 8

## PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee **7<sup>th</sup> August 2014**

Site address: **Charter Place Shopping Centre**

Reference Number : **14/00779/VAR**

Description of Development: **Part demolition/reconfiguration/change of use of existing Charter Place Shopping Centre, demolition of 37-57 and 67-69 High Street, and part retention of 63-65, High Street. Erection of new buildings within Classes A1(shops), A3 (restaurants) and D2 (including cinema), including provision of new covered market, together with associated plant and machinery, and ancillary facilities. Provision of new public realm. Alterations to existing pedestrian and cycle access and egress arrangements, highway alterations/ improvements and other ancillary works and operations. Variation of Condition 2 of planning permission ref. 13/00972/FULM to incorporate amendments to the cinema building, including an increase in height, changes to the roof profile and changes to fire escapes.**

Applicant: **WRP Management Ltd**

Date received: **2<sup>nd</sup> June 2014**

13 week date(major): **1<sup>st</sup> September 2014**

Ward: **CENTRAL**

## **SUMMARY**

On 5<sup>th</sup> February 2014 planning permission was granted for the redevelopment of the Charter Place Shopping Centre (ref. 13/00972/FULM). The approved scheme secured many of the key objectives of the adopted Charter Place Planning Brief (2006) including new and refurbished retail units (providing an additional 10,000m<sup>2</sup> of floorspace), 10 new restaurant units, a 9 screen cinema (including an IMAX screen), a leisure unit and a new indoor market, together with a high quality public realm. Following the grant of planning permission, further design work has been undertaken on the scheme and a series of amendments are now proposed to the approved cinema unit. These are detailed in the report and include an increase in the height of the IMAX screen and projector (by approximately 1.5m), a new high level fire escape corridor (increasing the height by approximately 2.4m) and a change to the roof profile of the cinema (increasing its height by approximately 0.8m).

These changes have been assessed against the approved scheme and it is concluded that the changes will not alter the fundamental scale and nature of the proposal and will not have any significant additional impacts on adjacent properties or the wider town centre. All other aspects of the approved scheme remain unchanged.

The Development Management Section Head therefore recommends that the application be approved, subject to the completion of a section 106 planning obligation, and the imposition of the same conditions as the original planning permission, as set out in the report.

---

## **BACKGROUND**

### **Site and surroundings**

Charter Place is located in the town centre and covers an area of approximately 2.1 hectares. It comprises the Charter Place Shopping Centre (including the indoor market), Palace Charter car park (755 spaces) and the YMCA tower. It is bordered by Beechen



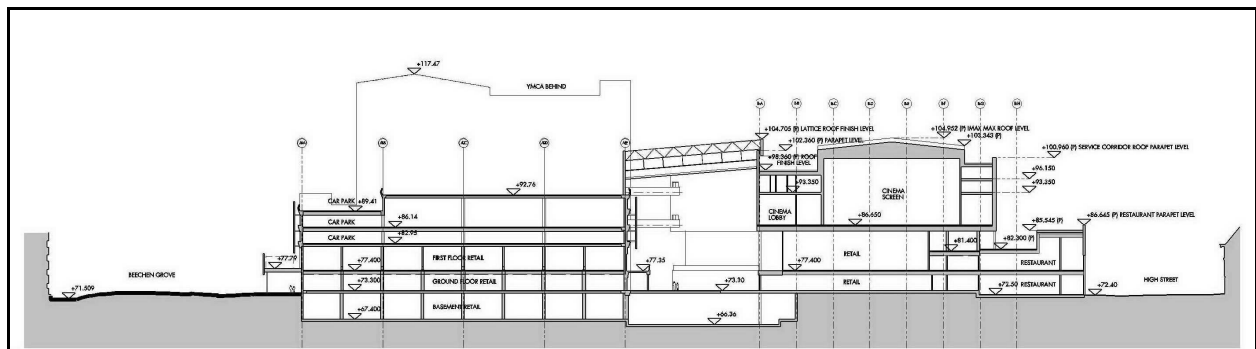
Grove to the north, *intu Watford* to the east, High Street to the south and properties fronting High Street and Clarendon Road to the west. Pedestrian access is from High Street (Meeting Alley and Charter Way (adjacent to HSBC Bank)), *intu Watford* and Beechen Grove (Grove Walk). Vehicular access is from Beechen Grove to a basement servicing area and to Palace Charter car park. Limited servicing access is also available from High Street.

### **Proposed development**

This application is made under s.73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 of planning permission ref. 13/00972/FULM dated 5<sup>th</sup> February 2014 to incorporate various amendments to the approved scheme for the redevelopment of Charter Place Shopping Centre. The amendments relate primarily to the proposed cinema and can be summarised as follows:-

- The transition zone (the area which is sited behind the new high street buildings and which houses the escape corridors and stair cores) has increased in height by approximately 2.4m. The IMAX screen will now have emergency escape from the upper level of the screen as well as the lower level. A new level of corridor running from the IMAX screen to the stair cores is provided.
- IMAX screen and associated projector. This area has increased in height by up to approximately 1.5m. The increase in height is due to layout changes within the IMAX screen.
- Double stacked screens (those within the centre of the site). Their roof forms have been changed from flat roof to pitched roofs. The lowest points of these roofs have very minimal changes but the upper parts have been raised by approximately 800mm to create the pitches. This rises up to the centre of the cinema footprint.
- Parapet wall of cinema facing into central space. This height has been increased by approximately 3.8m. This has been done to create a wall which masks the undulating form of the double stacked screens directly behind, creating a cleaner building envelope.

- Window to façade facing onto the central space. A new window into the cinema concessions area is proposed in this façade to provide a visual link between the two.
- Bridge links between cinema and car park. These escape only routes have been moved slightly to be accommodated within the existing structure of the car park.
- Building line adjacent to BHS exit. This has been moved forward by approximately 1.5m to ensure the structure does not obstruct the BHS escape doors.
- Escape stair to the east wall of the cinema landing on the *intu Watford* centre roof. This is required to provide landlord access to the cinema roof without access via the cinema demise.



Section

## **Planning history**

Charter Place Shopping Centre, including the indoor market, opened in 1976. A limited scheme of improvements was undertaken by the Council in the early 1990s but the centre remains essentially as originally constructed.

13/00972/FULM – Planning permission granted on 5<sup>th</sup> February 2014 for the part demolition/reconfiguration/change of use of existing Charter Place Shopping Centre, demolition of 37-57 and 67-69 High Street, and part retention of 63-65, High Street. Erection of new buildings within Classes A1(shops), A3 (restaurants) and D2 (including cinema), including provision of new covered market, together with associated plant and machinery, and ancillary facilities. Provision of new public realm. Alterations to existing

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

This permission was subject to a planning obligation to secure a payment of £100,000 towards the cost of environmental improvements in the public realm on the High Street.

### **Relevant policies**

#### **National Planning Policy Framework**

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

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

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

#### **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

#### **Watford Local Plan Core Strategy 2006-31**

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

- SD3 Climate Change
- SD4 Waste
- TLC1 Retail and Commercial Leisure Development
- EMP1 Economic Development
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design
- UD2 Built Heritage Conservation

#### **Watford District Plan 2000**

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

#### **Supplementary Planning Documents**

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

## CONSULTATIONS

### Neighbour consultations

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

i) Mrs Forsyth

Has expressed no specific views regarding the proposal.

ii) LCP Securities Limited (LCP)

- Do not object to the principle of the improvements to Charter Place but object to their premises being continually included within the redevelopment proposals for demolition.

*The site is included in the Charter Place Planning Brief 2006 for a comprehensive redevelopment of the existing Charter Place Shopping Centre. It is not a listed building and is of no architectural merit. It is necessary to include this building and all other buildings fronting the High Street in order to achieve the aims of the Planning Brief.*

- The proposed amendments are not minor and should not be dealt with by a s.73 application. A full application should be submitted.

*National Planning Policy Guidance (NPPG) acknowledges that there is no statutory definition of a 'minor material amendment'. Section s.73 allows planning applications to be submitted for the development of land without complying with conditions subject to which a previous permission was granted. There is nothing in the legislation that refers to the scale or nature of any changes proposed.*

- Do not consider it reasonable to consider the impacts arising from the amendments in isolation from the impacts of the rest of the scheme.  
*The LPA is required to consider only the implications of the proposed changes together with any changes to national and local policy and any other material considerations which have changed significantly since the original permission was granted.*

### **Advertisements in local paper/ site notices**

A public notice was published in the Watford Observer on 13<sup>th</sup> June 2014. Nine site notices were placed within Charter Place and on the High Street, also on 13<sup>th</sup> June 2014.

### **Consultations**

Having regard to the nature of the proposed amendments, only the Urban Design and Conservation team within the Planning Policy Section was consulted.

### **Urban Design and Conservation**

I will confine comments to an assessment of the views provided as approved and as amended:

- View 1* No significant change.
- View 2* The increased height may have the effect of making the building feel more overbearing.
- View 3* No significant change.
- View 4* Degree of change not likely to be an issue.
- View 5* Change is significant and results in a bulkier building.
- View 6* Increase in height does impact on the setting of the listed bank but main features of the building are still clear on the skyline on key views.
- View 7* View includes listed building with the new building as a backdrop. The increase in height does fill more of the skyline on the end stop view which increases the sense of the new dominating the existing listed building; it does cause further

harm to the setting of the building and should be considered carefully against the public benefit.

*View 8* No significant change.

*View 9* No significant change.

#### Conclusion:

In most of the views examined the change due to the increased height does not cause harm. It does result in a bulkier building which will be more dominant in the skyline and I am disappointed that this has happened. Quite a lot of time was given to considering the bulk and massing of the new building and permission given on the understanding that this would not need to be changed. It now feels like this is a back door way of getting a bigger building. Whilst there is undoubted public benefit from the scheme in terms of providing a new lease of life to the town centre the proposed scheme is now beginning to look oversized in relation to the High Street in places. Those views which are more sensitive in terms of the heritage assets should be considered carefully in the light of the increased height.

---

#### **APPRAISAL**

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

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

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

### **Procedure for s.73 applications**

Guidance on section 73 applications is given in the recently published National Planning Practice Guidance (NPPG).

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application can be to seek a minor material amendment, where there is a relevant condition that can be varied. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

### **Environmental Impact Assessment Screening Opinion**

Two screening opinions have previously been issued by the Council, dated 6<sup>th</sup> December 2012 and 4<sup>th</sup> September 2013. The latter opinion relates to the approved scheme. A further screening opinion has been issued for the proposed amended scheme and it was concluded that an Environmental Impact Assessment was not required in this case.



### **Land allocation**

On the Proposals Map of the Watford District Plan the site is located within the prime retail frontage of the town centre. In the Core Strategy it is located within the primary shopping area of the Town Centre Special Policy Area (SPA1). The Charter Place Planning Brief was adopted in 2006 and sets out key planning and development principles for the site.

### **Principle of development**

The proposed development, incorporating the proposed amendments, remains fully in accordance with the National Planning Policy Framework (NPPF), the policies of the Core Strategy and the Charter Place Planning Brief. The proposed amendments do not result in a development that is substantially or fundamentally different from the approved scheme.

### **Impact on vitality and viability of the town centre**

The NPPF and the Core Strategy recognise the need for town centres to accommodate a greater diversity of main town centre uses in order to remain vibrant places for people to visit. The proposed development will increase significantly the range and choice of retail, leisure and restaurant facilities in the town and will enhance the vitality and viability of Watford as a regional destination. This remains unchanged from the approved scheme. However, if the proposed amendments to the cinema are not approved, this element may be lost from the scheme entirely or significant delays (and potentially further amendments) could be incurred in finding a new cinema operator.

### **Watford Market**

This element of the scheme remains unchanged.

### **Other economic considerations**

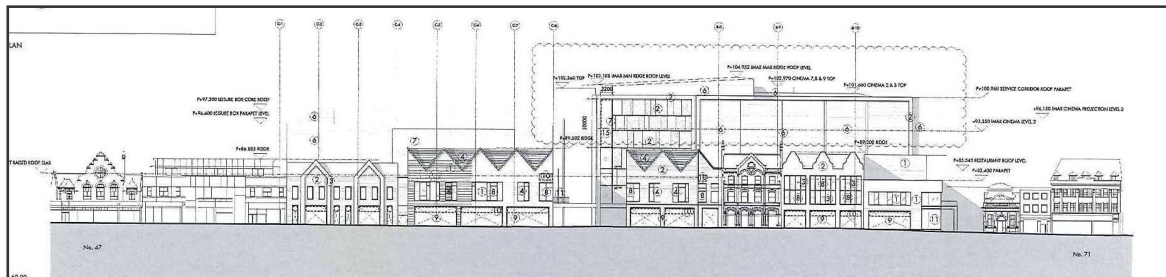
In addition to enhancing the vitality and viability of the town centre, the proposed development will generate a number of other direct and indirect economic benefits:-

- Investment of approximately £100 million over two years.
- Up to 500 temporary construction jobs over two years.

- Once completed, the proposed development will provide up to 1,125 additional new jobs in the retail, hospitality and leisure sectors.
- Including existing jobs on the site, the development will provide up to 2,150 jobs in total.
- It is estimated a further 830 “spin-off” jobs will be indirectly supported elsewhere in the region through wage and supplier spending.

### **Layout and design**

In terms of layout, the footprint of the scheme remains unchanged. The only amendment proposed is at first floor level where the building line adjacent to the BHS exit has been brought forward by approximately 1.5m. The most significant amendments proposed are to the height of the proposed building and specifically to the cinema element within the southern block. The proposed escape stair on the east wall of the cinema is four storeys high but is located on a part of the development that will not be visible from the public realm, being screened by either existing buildings or the proposed development itself.



High Street elevation

The scale of buildings as previously approved was largely dictated by the quantity of floorspace and range of uses proposed, in accordance with the Core Strategy and the adopted Planning Brief. By its very nature, the cinema took the form of a large solid box sitting above and slightly behind the new High Street buildings. The overall scale of the proposed buildings in both the southern and northern blocks was acknowledged to mark a significant change for this part of the site and this part of the High Street where the existing buildings are no more than three storeys high. However, it was also accepted that buildings of this scale are not inappropriate for a regional town centre; moreover, buildings

of a similar scale can already be found in the town centre and the proposed buildings would also be in close proximity to the YMCA tower immediately to the rear of the northern block. In granting permission, the Committee considered that the overall scale of the proposed buildings in both the southern and northern blocks was not inappropriate.

The proposed amendments will increase the height of the cinema building. The greatest increase, 3.8m, occurs on the cinema elevation facing the new central space and existing Palace Charter car park. This will have very limited visibility as, from within the site, it will be above the level of the proposed high level glazed roof over the central space. It will only be directly visible from the upper level of the car park itself. This increase in height, principally of the parapet to the main roof, will screen from view the proposed shallow pitched roofs introduced to the roof of the cinema building. These will have no significant visibility. The most visible change will be the increase in height by 2.4m of the elevation facing High Street, sited behind the retained listed building (63-65, High Street) and the proposed new three storey buildings. This increase in height is considered in further detail in the Townscape section of the report below.

All of the proposed materials and design features will remain as previously approved. Overall, the proposed development will remain a large scale intervention within the existing High Street but is not considered to be inappropriate in its scale or design for a regional town centre and having regard to the proposed quantity of floorspace and nature of uses accommodated.

### **Heritage assets**

The site includes a number of designated heritage assets including the listed building at 63-65, High Street (the front façade of the building, the roof and end wall chimneys are to be retained) and the locally listed buildings at 39, 41 and 41a, High Street (to be demolished). There are also other designated heritage assets adjacent to the site or in close proximity to the site. The proposed amendments do not have any additional direct impacts on these heritage assets.

## **Townscape and visual impacts**

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

### **Character Areas**

#### *i) Charter Place*

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

#### *ii) High Street*

The buildings here are predominantly two, three and four storeys with some remnants of the historic character surviving in the number of listed and locally listed buildings present. However, there are also many modern buildings that make no positive contribution to the area and there is little consistency in the design, style or materials of buildings. This

character area was considered to have a medium sensitivity to change. The magnitude of change experienced would be high in respect of the replacement of all the existing buildings fronting the High Street, with the exception of the retained listed building at 63-65, High Street. The façade, gable ends and roof of this building are to be retained and the setting of the building improved. The locally listed buildings at 39-41a, High Street would be lost but they were considered to be of low significance. The proposed new buildings were considered to add visual interest and richness to the High Street through their design, use of materials, architectural consistency and quality. Overall, it was considered that the proposal would have a positive impact on this character area. It is not considered that the proposed increase in height to the High Street elevation of the cinema building changes this conclusion.

### *iii) St Mary's Conservation Area*

St Mary's Church is a Grade I listed building and the conservation area also contains two other listed buildings, the Elizabeth Fuller Free School (Grade II\*) and the Bedford Almshouses (Grade II) together with 12 Grade II listed tombs. The conservation area also contains a number of locally listed buildings fronting the High Street. As such, this character area was considered to have a high sensitivity to change. The conservation area is located to the south of Charter Place on the opposite side of the High Street and no development would directly affect the conservation area. The magnitude of change was therefore considered to be low and the proposed development was considered to have a neutral impact on this character area. It is not considered that the proposed increase in height to the High Street elevation of the cinema building changes this conclusion.

### Townscape views

Due to the linear nature of the High Street and the limited views towards Charter Place from adjacent roads (principally Market Street), the proposed development will not be widely visible. Views from the east will be screened by the existing YMCA and Palace Charter car park whilst views from the north and south along High Street will be largely screened by existing buildings. For the more significant of the nine views considered,

accurate visual representations were prepared to show the appearance of the proposed development superimposed on the existing view. These were the views where the magnitude of change was considered to be high. New visual representations have been prepared incorporating the proposed amendments to allow an assessment of the potential impact of the increased height of the cinema building to be considered.

In four of the views (1, 3, 4 and 9) the magnitude of change was considered low due to the distance from the site and the effect of the development was considered to be neutral as a result. In each view, the increased height now proposed would appear as a minor or insignificant addition to the view and would not alter the magnitude of change.

In two of the views (5 and 7) closer to the site, the magnitude of change was considered medium. In view 5, from outside St Mary's Church, the cinema building will be visible in the middle distance sited above and behind the existing and proposed buildings fronting High Street. It will screen the existing YMCA tower from view and give greater enclosure to the High Street. This change was considered to be beneficial. The cinema building will now appear higher in this view and will consequently result in a larger, bulkier façade behind and above the High Street buildings. This will give the development a slightly more overbearing appearance within the street scene but not to the extent that the development is considered to have a negative effect. Overall, it is still considered that the proposed development will have a beneficial impact. In view 7, along Market Street, the view of the development will be narrow and largely obscured by existing trees sited in front of 63-65, High Street. The effect on this view was considered to be neutral. The cinema building will now appear as a higher backdrop to the listed building and will fill more of the skyline in this view, impacting on the setting of the listed building. However, it is not considered that this will result in significant harm to the setting of the listed building and overall it is considered that the effect remains neutral.

In three of the views closest to and directly opposite the site (2, 6 and 8) the magnitude of change was considered to be high. In each case, the proposed development was considered to transform the view of this part of the High Street with the proposed two and

three storey buildings enhancing the High Street and the larger cinema and leisure units stepping back behind them. In View 2, the cinema is seen at its full height adjacent to the new entrance along Meeting Alley where it forms a strong visual landmark at the entrance to the development. This location, where the greatest increase in scale occurs, is at the widest part of the High Street where it can most easily be accommodated and gives a new sense of enclosure to this space. Overall, the change was considered to be beneficial. The increase in height of the cinema in this view is not considered to have any adverse impact on this part of the High Street and the effect remains beneficial.

In View 6, the cinema forms part of the setting of the listed HSBC building, appearing offset to the north. The cinema will appear higher in this view but is not considered to have any significant adverse impact on the setting of the listed building, which will still appear set apart from the development. Overall, the effect remains beneficial.

In View 8, looking towards the new entrance from the south of View 2, the increase in height of the cinema in this view is not considered to have any adverse impact on this part of the High Street and the effect remains beneficial.

### **Transport and highways**

The proposed amendments will have no additional impacts on transport and highways matters.

### **Sustainability, energy and waste**

The proposed amendments will have no additional impacts on sustainability matters.

### **Flood risk and drainage**

The proposed amendments will have no additional impacts on flood risk or drainage matters.

### **Noise impacts**

The proposed amendments will have no additional impacts on noise, either during construction or the operation of the completed scheme.

### **Planning obligation**

The existing planning permission is subject to a s.106 obligation to secure a contribution of £100,000 towards the improvement of the public realm in High Street. The proposed contribution will enable improvement works to be undertaken in High Street between the site and the recently completed improvement works in The Parade to the north, linking these works together, and also to enable improvement works on the opposite side of High Street. This will ensure a continuity of works and a consistent level of quality within this part of the High Street. An identical planning obligation will be required for any planning permission granted for the current application.

### **Conclusion**

The existing Charter Place Shopping Centre is now outdated by modern retail standards and will increasingly have a detrimental impact on the vitality and viability of the town centre and provide a poor quality visitor experience. The planning permission granted in February 2014 allows for a comprehensive redevelopment of Charter Place to provide a modern centre with new retail floorspace and a mix of restaurant and leisure uses that will significantly enhance the vitality and viability of the town centre and the public realm. It secures many of the key objectives of the adopted Charter Place Planning Brief and accords with the policies of the Core Strategy and the National Planning Policy Framework. The proposed amendments have been assessed against the approved scheme and it is concluded that they will not change the fundamental scale and nature of the proposal and will not have any significant adverse impacts on adjacent properties or the wider town centre. All other aspects of the approved scheme remain unchanged. On balance, it is considered that any harm arising from the proposed amendments is outweighed by the overriding benefits that will accrue from the scheme.

---

## **HUMAN RIGHTS IMPLICATIONS**

The grant of permission, subject to a planning obligation and conditions, will have an impact on the human rights of the applicant to develop the land. However, this is considered justified in order to protect the human rights of third parties and to accord with



the policies of the development plan. With appropriate conditions, it is not considered that any impacts on third parties will be sufficient to override the human rights of the applicant in this instance.

---

## **RECOMMENDATIONS**

- (A)** That conditional planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

### Section 106 Heads of Terms

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

### Conditions

#### Time Limit

1. The development to which this permission relates shall be begun before 5<sup>th</sup> February 2018.

Reason: To allow adequate time for the commencement of development having regard to the need to seek a Compulsory Purchase Order for some of the properties within the site in third party ownership, and to accord with the time limit of the original planning permission 13/00972/FULM.

#### Approved Drawings

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

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

AP (04) 1152 P05, 0249 P04, 0250 P07, 0251 P07, 0252 P09, 0253 P10,  
0254 P10, 0255 P10, 0256 P09, 0257 P09

AP (05) 1600 P11, 1601 P06, 1602 P08, 1603 P04

AP (06) 1700 P06, 1701 P01, 1702 P05, 1703 P05

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

#### Hours of Construction

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

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

#### Considerate Constructors Scheme

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

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

#### Construction Method Statement and Phasing Plan

5. No development shall commence until a Construction Method Statement and Phasing Plan has been submitted to and approved in writing by the

Local Planning Authority. This Plan shall include the phasing of the development and, for each phase, details of contractors' parking, the delivery and storage of materials, any temporary access/egress points to adjoining highways, and wheel washing facilities. The Plan as approved shall be implemented throughout the construction period.

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

#### Site Waste Management Plan

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

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

#### External Materials

7. No construction works shall commence until details of all the materials to be used for the external surfaces and finishes of each of the buildings within the development (new buildings and refurbished existing buildings), the existing Charter Palace car park elevations and the first floor walkways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

#### Waste and Recycling Storage

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

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

#### Delivery and Servicing Management Plan

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

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

#### BREEAM Assessment and Green Guide for Tenants

10. No construction works shall commence until an Interim (Design Stage) certificate issued by or on behalf of The Building Research Establishment has been submitted to the Local Planning Authority to demonstrate that the shell and core design of the development will achieve a BREEAM 'Very

Good' Rating. This shall be supplemented by details of any measures that would need to be secured by the tenant fit out and a mechanism by which these will be secured. The development shall be carried out in accordance with the approved details.

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

#### Sustainable Drainage Scheme

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

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

#### Foul Water Impact Assessment and Drainage Strategy

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

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

#### Impact Piling

13. 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. The development shall only be carried out in accordance with the approved details.

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

#### Shop front Design

14. No shop front shall be installed on any retail unit within the development (new buildings or refurbished existing buildings), the cinema or the leisure unit until a detailed shop front design guide has been submitted to and approved in writing by the Local Planning Authority. The shop front design guide shall include details of materials, signage zones, lighting, windows and doors. All shop fronts to the retail units, cinema and leisure unit shall be installed in accordance with the approved design guide and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

15. No shop front shall be installed on any restaurant unit within the development or any unit fronting on to High Street until the details of the design and materials of the shop front and the signage zone has been

submitted to and approved in writing by the Local Planning Authority. The shop front shall only be installed in accordance with the approved details and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

#### Hard Landscaping and Street Furniture

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

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

#### Lighting Scheme (buildings and spaces)

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

scheme has been approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved scheme.

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

#### Detailed drawings of buildings

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

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

#### Details of Grove Walk elevations

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



Reason: To ensure the Grove Walk pedestrian walkway and the Beechen Grove frontage are of a high quality and provide a visually attractive and safe environment for pedestrians, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### Details of glazed canopy

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

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

#### Travel Plan

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

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

#### Cycle Parking

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

minimum of 40 spaces at ground level for visitors and a minimum of 82 spaces at basement level for employees.

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

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

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

#### Off-site highways improvement works

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

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

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

## Archaeology

25. (a) No works of demolition or construction shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions and the following details:
- i) the programme and methodology of site investigation and recording;
  - ii) the programme for post investigation assessment;
  - iii) the provision to be made for analysis of the site investigation and recording;
  - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
  - vi) the nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- (b) Works of demolition or construction shall only take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under (a) above.
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (a) above and the provision made for analysis and publication where appropriate.

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

#### External plant noise levels

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

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

27. No common parts of the development shall be occupied until details of all externally mounted air handling plant serving those parts, including its acoustic performance, have been submitted to and approved in writing by the Local Planning Authority. All such plant, including any associated mitigation measures, shall achieve the noise levels set out in the Environmental Noise Survey Report, reference 19403/ENS1 Revision 2 dated September 2013, unless otherwise agreed in writing by the Local

Planning Authority. Before any of the common parts of the development are opened to the public, the plant and any associated mitigation measures relating to that part shall be installed, and thereafter shall be maintained, in accordance with the details approved by the Local Planning Authority. For the purposes of this condition, the common parts of the development shall be construed as including any part of the development to which the public are admitted which do not fall within the definition of “unit” in Condition 26.

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

#### Noise emission from leisure uses

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

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

#### Fume extraction from restaurant uses

29. Before any restaurant unit is occupied, details of the equipment to be provided for the extraction and filtration of fumes and/or odours produced by cooking and food preparation shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no fume extraction equipment shall be externally mounted on the vertical facades of

any part of the development. Before any restaurant unit is opened to the public, such equipment shall be installed as approved, and thereafter maintained in full working order at all times, in accordance with the details approved by the Local Planning Authority.

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

#### Palace Charter car park opening hours

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

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

#### Land contamination

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

i) A site investigation scheme, based on the submitted Preliminary Environmental Risk Assessment (by Watermans, reference EED14097-100-R.1.2.2-NS, dated October 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure protection of groundwater as the site is within source protection zone 2, in accordance with policies SE24 and SE28 of the Watford District Plan 2000.

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

Reason: To ensure protection of groundwater as the site is within source protection zone 2, in accordance with policies SE24 and SE28 of the Watford District Plan 2000.

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

Reason: To ensure protection of groundwater as the site is within source protection zone 2, in accordance with policies SE24 and SE28 of the Watford District Plan 2000.

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

Reason: To ensure protection of groundwater as the site is within source protection zone 2, in accordance with Policy SE28 of the Watford District Plan 2000.

#### High St/Beechen Grove pedestrian link

35. Upon opening of the development to the public, the pedestrian route shown on the approved drawings between High Street and Beechen Grove, via the realigned Meeting Alley and Grove Walk, shall be made available and kept open to members of the public to pass and repass on foot and shall not be



gated or closed off by any means, either temporarily or permanently, to prevent the passage of pedestrians unless required in connection with temporary maintenance, improvement or emergency works.

Reason: To ensure the site remains fully accessible to pedestrians at all times from High Street and Beechen Grove.

Listed building at 63-65, High Street

36. No works of any nature shall be carried out to the listed building until a detailed scheme for the refurbishment and restoration of the front façade of the building, to include the removal of the existing exterior paint and the reinstatement of the original design of the ground floor windows, has been submitted to and approved in writing by the Local Planning Authority. The works to the building shall only be carried out in accordance with the approved details.

Reason: To conserve and enhance the architectural and historic interest of the building, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

### Informatives

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

Drawing numbers

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

AP (04) 1152 P05, 0249 P04, 0250 P07, 0251 P07, 0252 P09, 0253 P10, 0254 P10, 0255 P10, 0256 P09, 0257 P09

AP (05) 1600 P11, 1601 P06, 1602 P08, 1603 P04

AP (06) 1700 P06, 1701 P01, 1702 P05, 1703 P05

---

**(B)** In the event that no section 106 planning obligation has been completed by 29<sup>th</sup> August 2014 in respect of the Heads of Terms set out in Recommendation (A), the Development Management Section Head be authorised to refuse planning permission for this application for the following reason:

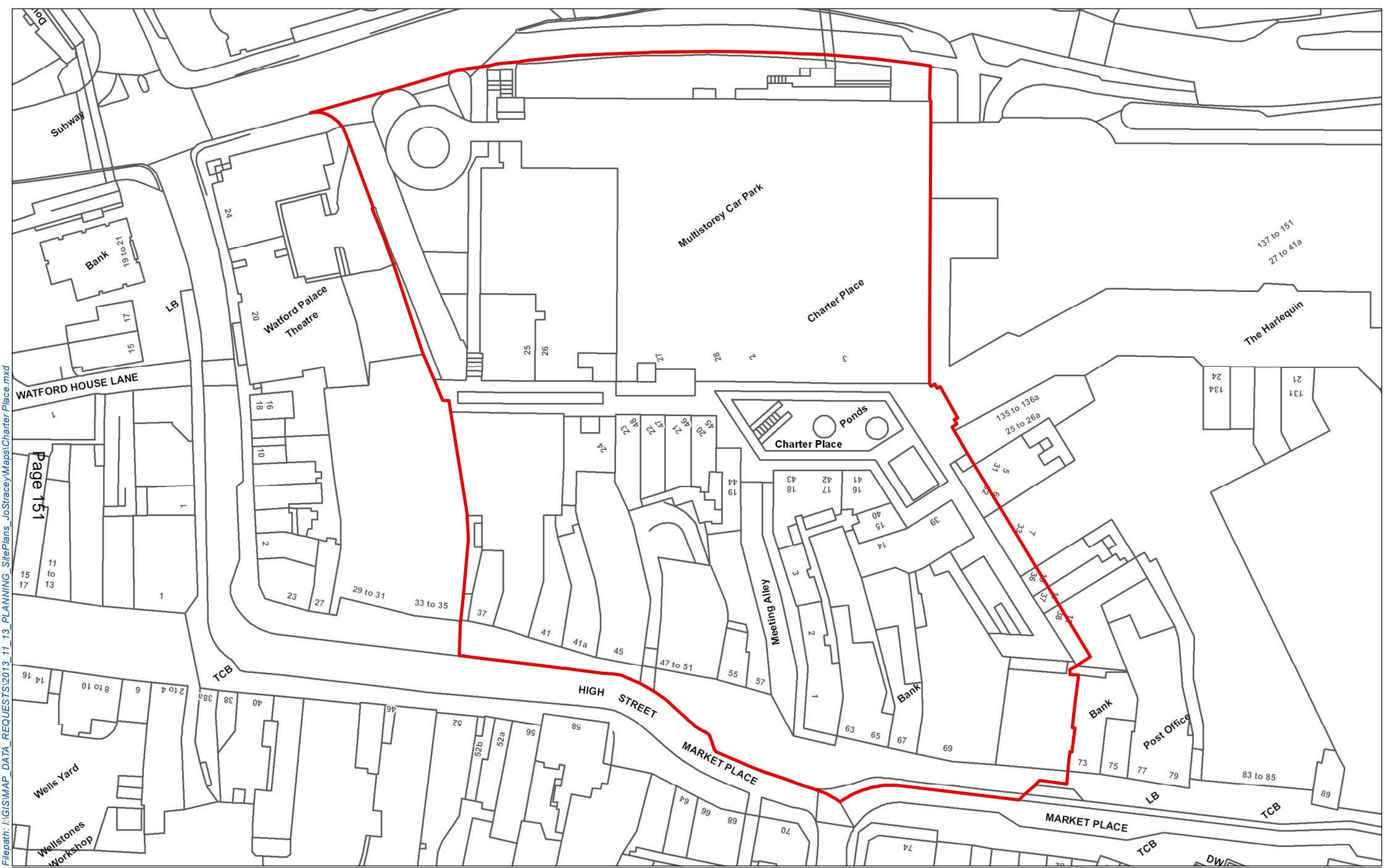
1. The proposal fails to secure environmental improvements in the public realm on the High Street, in accordance with Policy SPA1 of the Watford Local Plan Core Strategy 2006-31.

---

Case Officer: **Paul Baxter**

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

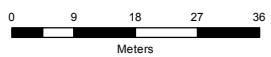
Tel: **01923 278284**



**Watford Borough Council**  
Town Hall,  
Watford,  
Hertfordshire WD17 3EX  
Visit the Watford Borough Council website  
[www.watford.gov.uk](http://www.watford.gov.uk)

### Charter Place Redevelopment

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



Scale 1:1,100



**ORDNANCE SURVEY LICENCE AGREEMENT**  
© Crown copyright and database rights 2013  
Ordnance Survey 100018689  
**AERIAL PHOTOGRAPHY**  
Copyright GeoPerspectives

This page is intentionally left blank

**DEVELOPMENT CONTROL COMMITTEE**

**7<sup>th</sup> AUGUST 2014**

**UPDATE SHEET**

**Item 8**

**14/00779/VAR – Charter Place**

**WITHDRAWN OBJECTION**

The letter of objection from LCP Securities Limited (LCP) has been withdrawn. LCP has now reached agreement with the Council and intu Properties for the property to be acquired.

**AMENDED CONDITION**

The applicant has requested an amendment to the wording of Condition 15 to include reference to outdoor seating areas to the restaurant units. Outdoor seating is now a common requirement of restaurant operators and it is considered reasonable that these details should also be secured by condition. The wording of Condition 15 is therefore amended as follows:

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

iws

This page is intentionally left blank

## PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **7<sup>th</sup> August 2014**  
Site address: **Boundary Way estate**

Reference Number: **14/00859/FULM**  
Description of Development: **Demolition of 24 flats, shop and community building and removal of garages and creation of 56 new 1, 2 and 3 bed homes consisting of two to three storey buildings together with new shop, community facilities including community gardens, parking, landscaping and alterations to main carriageway (Duplicate application to Three Rivers District Council).**

Applicant: **Watford Community Housing Trust**  
Date received: **16<sup>th</sup> June 2014**  
13 week date(major): **15<sup>th</sup> September 2014**  
Ward: **Woodside**

## **SUMMARY**

This application is for the redevelopment of a significant part of the Boundary Way estate to provide new affordable dwellings, improved car parking provision and environmental enhancements. The development includes 7 development areas within the estate and involves the demolition of 2 blocks of flats (24 flats), the shop and flat above, the community facility and 15 rows of lock-up garages. A new shop and flat, community facility and 55 new dwellings are to be erected in 2 and 3 storey buildings across the 7

development areas. Two existing play areas are to be renewed and a new community garden created. New parking provision is to be provided in the form of open parking courts and on-street parking bays and environmental enhancements will consist of new hard surfacing and tree and shrub planting both within the development areas and along Boundary Way itself.

As the estate straddles the boundary with Three Rivers District Council, a duplicate application has also been submitted to them. In each case, the local planning authority can only deal with that part of the development within its jurisdiction. The applicant will need to secure planning permission from both authorities in order to undertake the development.

The proposal will achieve significant improvements to the layout and appearance of the site with the removal of poorly sited lock-up garages and the creation of open, landscaped parking courts. New dwellings will front the highway and overlook the parking courts, enhancing the street scene and providing passive surveillance. The central area of the site will also be rejuvenated with new dwellings and a new shop, community facility and community garden with improved accessibility to form a new focus to the estate. The scale and design of the new dwellings will complement the existing dwellings, particularly those that have recently benefited from external wall cladding, whilst also forming new landmark buildings within the estate.

The removal of the underused lock-up garages will allow the provision of increased and improved parking facilities across the estate and address existing parking issues identified by residents. Overall, the proposal will significantly enhance the estate in terms of its layout, appearance, landscaping and car parking as well as providing a net increase of 31 affordable dwellings.

The Development Management Section Head therefore recommends that planning permission be granted, subject to the completion of a s.106 planning obligation and appropriate conditions, as set out in the report.



## **BACKGROUND**

### **Site and surroundings**

The Boundary Way estate is located off Horseshoe Lane and straddles the northern boundary of the Borough with Three Rivers District Council. Approximately 35% of the estate falls within Watford Borough and 65% within Three Rivers District. Furthermore, following transfer of the estate from local authority control, the eastern part of the estate is owned by Watford Community Housing Trust and the western part by Thrive Homes, with the exception of individual properties purchased under Right to Buy options. Ownership is further complicated by the fact that the garage blocks within western part of the site have remained in the ownership of Three Rivers District Council whilst those in the eastern part were transferred to Watford Community Housing Trust.

The estate comprises primarily 2 storey houses (250) but also includes 7 blocks of 3 storey flats (78) sited within the central part of the estate. The estate is unusual for various reasons. It is served by a single, one-way road, Boundary Way, which has its entrance off Horseshoe Lane to the west and its exit onto Horseshoe Lane to the east. Through a rather tortuous route, it links up the various parking courts and garage blocks within the estate. The estate itself was designed following the 'Radburn' principles of site layout, creating an inward looking estate where roads, parking areas, footpaths and dwellings were intended to function separately. Consequently, the whole estate turns its back on Horseshoe Lane, the parking and garage courts are often distant from the dwellings they serve, and the dwellings are reached by a confusing network of footpaths across the estate. Designed to achieve 'maximum density with maximum privacy' the houses generally have no windows on the front elevations and, consequently, the network of footpaths are rarely overlooked and benefit from little passive surveillance. Many of the garage blocks are sited on the road frontage and consequently create a poor street scene.

## **Proposed development**

The proposed development is wide ranging across the estate and comprises many elements. Duplicate applications have been submitted to both councils although each council will have the jurisdiction to deal with only that part of the development within its boundary. For the purposes of clarity, the whole development proposal is summarised below. Seven development sites are proposed within the estate, as follows:

### **Site A**

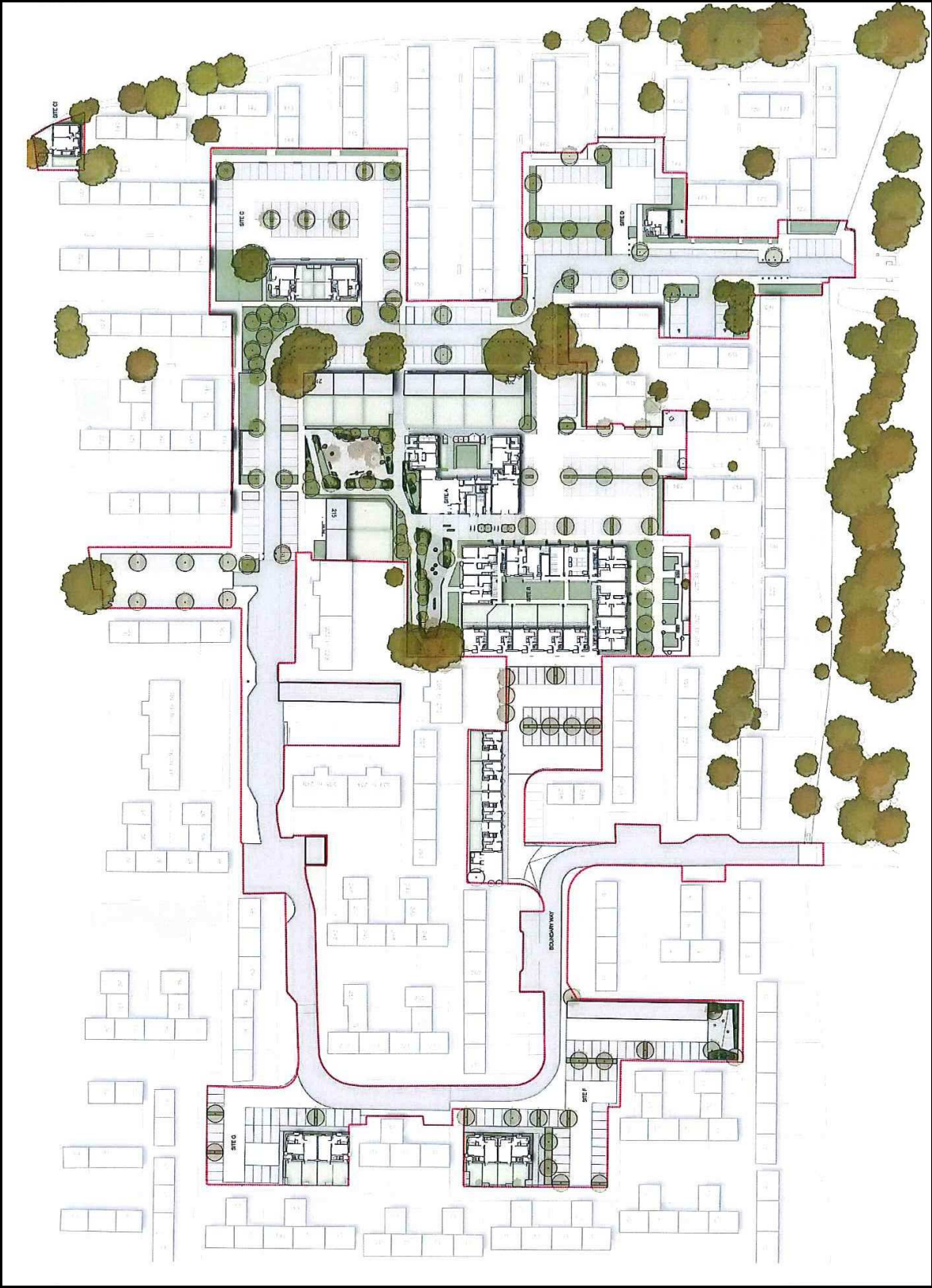
Located in the central part of the site, this will involve the demolition of the existing shop and flat, community facility, 1 row of lock-up garages and the development of a parking court. A new part 2, part 3 storey building is proposed to provide a new shop and flat, community facility and 9 flats. The parking court will be developed to provide a new community garden. This site is wholly within Three Rivers District.

### **Site B**

Located in the central part of the site, 2 blocks of flats (24 flats) and a row of lock-up garages are to be demolished. The existing children's play area is also to be redeveloped. A new 3 storey, perimeter block building is to be erected providing 5 houses and 22 flats. The children's play area will be developed to provide a new community garden and the parking/garage court will be re-laid and enhanced as an open parking court. Only the southern part of this site is within Watford Borough, comprising the southern part of the perimeter block (1 house and 9 flats) and part of the parking court.

### **Site C**

Located in the north-eastern part of the site, 6 rows of lock-up garages are to be demolished and 4 flats erected in two 2 storey buildings. The garage court is to be re-laid and enhanced as an open parking court. Site C1 is close by and comprises a disused play area in the far north-eastern corner of the site. This is to be developed to provide 2 flats in a 2 storey building. Both Sites C and C1 are wholly within Three Rivers District.



Site plan

#### Site D

Located towards the south-eastern corner of the estate, Watford Council's former depot is to be redeveloped to provide a 2 storey, 2 bedroom house. A row of lock-up garages is also to be demolished and an open parking court created. The southern part of the site, including the new dwelling and part of the parking court, is within Watford Borough.

#### Site E

Located in the central part of the site, 3 rows of lock-up garages are to be demolished. Four 1.5-2 storey houses are to be provided and an open parking court created. Only part of the parking court is within Watford Borough.

#### Site F

Located in the north-western part of the estate, one row of lock-up garages is to be demolished and a 2 storey block comprising 4 flats erected. The parking court will be re-laid and enhanced. The children's play area will also be rebuilt. Only the parking court and play area is within Watford Borough.

#### Site G

Located towards the northern corner of the estate, 2 rows of lock-up garages are to be demolished and a 2 storey block comprising 4 flats erected. The parking court will be re-laid and enhanced. This site is wholly within Three Rivers District.

Overall, the proposal will provide 55 new dwellings (excluding the replacement flat above the shop) with 24 dwellings being demolished, a net increase of 31 dwellings.

	Demolished	Proposed	Net Gain/Loss
1 bed flat	24	23	-1
2 bed flat		22	22
2 bed house		5	5
3 bed house		5	5
Total	24	55	31

Within Watford Borough the breakdown is as follows:

	Demolished	Proposed	Net Gain/Loss
1 bed flat	12		-12
2 bed flat		9	9
2 bed house		1	1
3 bed house		1	1
Total	12	11	-1

In addition to these development areas, Boundary Way itself will be enhanced with the creation of new on-street parking, surfacing, tree planting and landscaping as part of an estate wide environmental enhancement scheme. Within Watford Borough, this will include the entry and exit sections of Boundary Way off Horseshoe Lane.

### **Planning history**

14/00551/FULM – Application for the development of the eastern part of the estate within the ownership of Watford Community Housing Trust for the demolition of 24 flats, shop and flat, community facility and lock-up garages and the erection of 46 dwellings, play areas and environmental enhancements. This application was withdrawn on 30<sup>th</sup> May 2014.

14/00570/FUL – Application for the development of the garage blocks owned by Three Rivers District Council within the western part of the estate for the demolition of lock-up garage blocks and the erection of 16 dwellings with environmental enhancements. This application was withdrawn on 30<sup>th</sup> May 2014.

Duplicate applications were also submitted to Three Rivers District Council. Both of these proposals have now been incorporated into the current, single application, including various amendments that were agreed as part of the consultation process for these applications.

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

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

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

### **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

### **Watford Local Plan Part 1 - 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
SE24	Unstable and Contaminated Land
SE28	Groundwater Quality
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Protection 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 all properties in Boundary Way within Watford Borough. Thirteen letters have been received; one in support of the application and the others making various objections as summarised below. Some are general comments and some are specific to particular development areas within the scheme.

General comments:

- Currently not enough parking on the estate. Estate is already overcrowded with vehicles.
- Demolition of garages and turning them into open parking areas, while adding some 30 additional properties, will do nothing to alleviate congestion or parking.
- Additional properties will be overbearing and cause loss of privacy and daylight/sunlight.
- Additional noise issues. Noise bounces off the house facades and down alleyways due to the unusual design of the estate.
- Play areas being taken away.
- Proposed materials will not be the same as the newly installed cladding.
- New properties will not be in keeping with Three Rivers side of the estate that has no received new cladding.
- The estate was developed for maximum density. The proposal will make it even more overdeveloped. Estate already developed to capacity.

Area C/C1:

- Loss of garages and forecourt spaces will result in a huge shortfall of parking spaces in Area C.
- Loss of privacy and overlooking of existing property from new two storey building.

Area E:

- Loss of garages. Some are still in use by original tenants. More security and convenience than random parking spaces.
- Insufficient parking spaces provided in Area E.
- Proposed houses will result in overlooking, loss of privacy and loss of aspect.
- Road will be too narrow for refuse and emergency vehicles to access.

**Advertisements in local paper/site notices**

Six site notices were displayed on the estate on 30<sup>th</sup> June 2014 and a public notice also appeared in the Watford Observer on 27<sup>th</sup> June 2014.



## **Consultations**

### **Environment Agency**

We have reviewed the Flood Risk Assessment (FRA) submitted by the applicant and we are satisfied that the FRA meets the minimum requirements of the National Planning Policy Framework. Please refer to our advice below.

#### Advice to LPA on flood risk:

The submitted FRA and Drainage Strategy (prepared by: Conisbee; reference: 120217/TG Rev No 2.0; dated: 13 June 2014) and the surface water drainage layout plan drawings Sheet 1 to 7 satisfactorily outlines the surface water management scheme for the site. The development should be carried out in accordance with the FRA and associated plans.

#### Advice to LPA on contamination:

In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters. Your Environmental Health Officer can advise on risk to other receptors, such as human health. We are satisfied with the findings and recommendations of the report submitted with this application. We agree that the site is likely to be affected by generic contamination associated with residential garages and that this is unlikely to significantly affect the water environment. Consequently, we will not be providing detailed site-specific advice on the risks posed to the water environment from land contamination for this planning application.

### **Thames Water**

No comments received.

### **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:

Condition (highway adoption).The development shall not commence until details of the proposed areas and treatments of adoptable highway are submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority. The details submitted promote a suitable arrangement for vehicular access but the areas and construction details appropriate to all areas proposed as adoptable highway are required to be identified and approved. Reason:- To provide a satisfactory development and to minimise danger, obstruction and inconvenience to users of the site and the adjacent highway.

Condition (construction management):- The development shall not begin until full details of all proposed construction vehicle access, movements and parking arrangements have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan. The Plan should also identify the proposed methods to minimise the generation of dust and mud from the construction site. Reason:- To provide a satisfactory development and to minimise danger, obstruction and inconvenience to users of the site and the adjacent highway.

Informative: All works required to be undertaken on the adjoining Highway will require an Agreement with the Highway Authority. The applicant should also be advised that this development would attract a sustainable transport planning obligation contribution of £25,250 derived in accordance with the document 'Planning Obligations Guidance - Toolkit for Hertfordshire.

This Application promotes the demolition of existing flats, garages, a shop and community building to facilitate the construction of 56 new dwellings a replacement shop and community building. The documents submitted identify a complementary increase (of 80) in the number of car parking spaces within the site. The Transport Assessment reports that the existing parking demand is not effectively catered for on the Boundary Way estate and that this demand management will be improved by the proposed layout. The development parking arrangements are proposed in accordance with standards promoted by the Local Planning Authority. The existing vehicular access arrangements within the

site operate on a one way basis and the existing access and egress arrangements to Horseshoe Lane are suitable to accommodate the additional traffic flow generated by the development. Amendments to the existing areas of adoptable highway will need to be identified and agreed to deliver the development to an acceptable standard and details of the proposed works should be agreed as part of the planning process. The site is well located in relation to existing bus stop facilities and pedestrian crossing movements to and from Horseshoe Lane can be safely accommodated. There are, therefore no fundamental objections raised by the Highway Authority but it requests that any granting of permission is subject to the conditions identified above.

#### Hertfordshire County Council (Development Services)

Based on the information to date for a development involving the demolition of 25 existing social rented flats (24 x 1-bed and 1 x 3-bed) and the erection of 56 new social rented dwellings (comprising of 23 x 1-bed flats, 22 x 2-bed flats, 1 x 3-bed flat, 5 x 2-bed houses and 5 x 3-bed houses) we would seek financial contributions towards nursery education, childcare, youth and libraries and fire hydrant provision, as set out within HCC's Planning Obligations Toolkit and summarised below. I have included primary and secondary education provision but am currently awaiting confirmation, which should be with you soon.

#### Financial Contributions:

Primary Education	£56,885 (awaiting confirmation)
Secondary Education	£16,358 (awaiting confirmation)
Nursery Education	£9,383
Childcare	£2,971
Youth	£326
Libraries	£2,871

#### Provision:

Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

### Hertfordshire Constabulary Crime Prevention Design Advisor

I have not included my letter of 31 October 2013 in this reply but have highlighted some aspects I feel are important:

- I would perhaps suggest the fencing around some parts of the estates external perimeter should be 2 metre green/black weldmesh. The idea would be to provide an overall security envelope which whilst being secure would allow sight lines in and out of the estate.
- I am assuming the new units will be built to Secured by Design standards with all front doors [either houses or flats] accredited to PAS24-2012 standards. All houses and ground floor flats to have locking systems utilising split pins and all upper floors of flats to have locking system which have an external key operation and an internal thumb turn to allow easy egress in the event of the need to get out quickly.
- If either Thrive or WCHT are replacing doors I would strongly recommend the use of PAS24-2012 doorsets which are secure and require little maintenance.
- All new windows to be to BS7950 or PAS24-2012 accreditation which ideally would have laminated glazing, but it is not something I would insist upon in view of the overall low crime rate in Hertfordshire.
- All flats to have access control, to enable entry to be gained, and the tested doors which will support access control are accredited to STS202 BR2, any glazing in or beside the doors must have laminated glazing to 6.4mm.
- I will also be looking for audio visual entry phone systems for the residents own personal security.

- It would be ideal to close some alleyways as the whole estate is far too permeable which to some degree increases the fear of crime. I have some thoughts and perhaps we could look at this aspect together with the Residents Steering Group.
- Parking needs to be close to people's homes and if some distance away they will park where their vehicle can be seen, even if this is on the street. All parking areas need to be overlooked and under surveillance from active rooms i.e. lounge, dining room, kitchen, bedrooms and bathrooms are not active rooms in surveillance terms.
- All the play areas need to be overlooked for the safety of the children and I would appreciate confirmation there will be active rooms overlooking the play area.

#### Environmental Services

No comments received.

#### Planning Policy (Design and Conservation)

No comments.

#### Arboricultural Officer

No comments received.

### **APPRAISAL**

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

- Watford Local Plan Core Strategy 2006-31;*
- the continuing "saved" policies of the Watford District Plan 2000;*
- the Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026; and*
- the Hertfordshire Minerals Local Plan Review 2002-2016.*

### **Land allocation**

The site lies within a primarily residential area on the Proposals Map of the Watford District Plan 2000 and, therefore, redevelopment to provide additional dwellings is acceptable in principle.

### **Layout and design**

The overarching design principles for the development are stated to be as follows:

“To secure the long term future of the estate through a process of intervention and place-making:

- Providing new high quality adaptable and affordable homes for local residents, with existing Boundary Way residents given first priority.
- Providing new high quality community facilities to benefit all Boundary Way residents.
- Improved navigability and natural surveillance through core design principles. Greening the estate through soft landscaping.
- Improving parking availability where possible and providing provision for cycling. To work with residents in developing all proposals and to explore opportunities for more active community involvement in the on-going management of the estate.”

These principles are reflected in the proposed development in various ways despite the inherent shortcomings of the estate layout. However, through careful and considered intervention, the proposal is able to achieve significant benefits for the estate. The development will achieve a net increase of 31 dwellings with all dwellings of high quality and sustainable design that will significantly enhance the appearance of the estate and, in particular, complement those dwellings in the eastern part of the estate that have recently benefited from external wall cladding. The demolition of most of the garage blocks, many of which resulted in a poor street scene and concealed areas, will allow new dwellings to

front the highway and open parking courts to be created in high quality materials. These will allow significantly improved views into the parking areas and of the existing dwellings, providing improved street scenes and enhanced surveillance. All of the parking areas are to be designed along 'home zone' principles to give greater priority to pedestrians and create high quality, interactive spaces.

Within Sites C, F and G, rows of garages that currently back onto the street and provide a dead frontage will be replaced with 2 storey blocks of flats that will face onto the street and provide an active frontage. These blocks will significantly enhance the street scene in these locations and provide increased passive surveillance to the public realm.

At Site D, the Council's depot building has a negative impact on the street scene and will be replaced by a new house that will enhance the street scene and provide passive surveillance to the parking court.

Sites A and B will form a critical place-making role within the heart of the estate. This area currently has a very poor appearance and is dominated by parking areas and garage courts. The existing shop is isolated being set away from the road with poor visibility. The proposed development within these two adjoining sites will create a new, active heart to the estate incorporating a new shop, new community facility (function room and garden area), two new community gardens, improved pedestrian routes and an open, landscaped parking court. The scale and design of the buildings will complement the existing houses and flats whilst at the same time creating a distinctive new destination within the estate.

In terms of design, the existing houses and flats share a common design that incorporates roughcast render walls in grey, dark brown cladding and steep, mono-pitched roofs. This gives the whole estate a dull and uninspiring appearance. The recent project to install external wall insulation to the houses within the eastern part of the estate has significantly improved the appearance of these properties with the use of facing brick slips at ground floor level and white/cream render above. The proposed design for the new dwellings incorporates asymmetrical roofs to the houses and flats and uses facing brick and light

coloured fibre cement cladding as the main materials. The use of stone gabion walls will add further interest. The new dwellings will significantly improve the appearance of the estate whilst also acting as new landmarks within the estate.

The open parking courts to be created will be surfaced in block paving and enhanced with new tree planting. The footpaths within each development site and along Boundary Way will also be re-paved.

### **Housing policies**

The proposed development will provide a mix of 1, 2 and 3 bedroom dwellings in the form of flats and houses which is an acceptable mix. Overall, the development will result in a net increase of 21 flats and 10 houses. The breakdown of floor areas for each unit size and type is given in the table below. As this demonstrates, some of the proposed flats do not accord with the latest minimum floor area standards set out in the Residential Design Guide 2014 adopted on 23<sup>rd</sup> July 2014, although they do meet the minimum standards of the Housing Quality Indicators (v.4) of the Homes and Communities Agency. However, it should be noted that only 2 of the houses and 9 of the flats are within Watford Borough. Both of the houses comply but all of the 9 flats (2 bed, 4 person) are below the minimum standard, with floor areas ranging from 65-69m<sup>2</sup>.

	Number of units	Minimum floor area (RDG)	Floor areas proposed
1bed, 2 person flat	23	50m <sup>2</sup>	46-55m <sup>2</sup>
2 bed, 3 person flat	1	61m <sup>2</sup>	58m <sup>2</sup>
2 bed, 4 person flat	21	70m <sup>2</sup>	65-74m <sup>2</sup>
2 bed, 4 person house	5	70m <sup>2</sup>	73m <sup>2</sup>
3 bed, 5 person house	5	86m <sup>2</sup>	92m <sup>2</sup>

A note on the Council's web site explains how the Council proposes to deal with applications that had already been submitted to the Council at the time the revised Guide is adopted. This makes clear that, for applications submitted on or after 12 May 2014 up to



and including 23 July 2014, the provisions of the original version of the Residential Design Guide will be applied. The current application was submitted on 16 June 2014, so that the transitional arrangements apply to it.

Moreover, it should be noted that the development proposals were first produced by the applicant in October 2012 and have been through extensive public consultation with residents and formal pre-application consultation with Three Rivers District Council since this time. The previous applications originally submitted in April this year were also withdrawn at the request of officers in order to undergo further amendments in response to both officers' and residents' comments. Under the Council's previous *SPG 6: Internal Space Standards*, which was the relevant document during the time the scheme was being formulated, all of the units significantly exceed the minimum standards. Given this long history, and in the light of the published transitional arrangements, it is acceptable that some of the flat units do not meet the latest RDG minimum floor areas in this case.

All of the dwellings have been designed to maximise outlook, privacy and natural light wherever possible, within the constraints of the individual sites. A sunlight and daylight assessment has been carried out for all proposed dwellings using the British Research Establishment's (BRE) 'Site layout planning for daylight and sunlight – a guide to good practice'. Only those dwellings within Watford Borough are considered in detail below.

#### Site B

The single house within this block has a dual aspect. The front elevation of the house faces north-west and fronts a 4m wide footpath and the open parking court forming part of Site E. Its rear elevation faces onto a private garden area (44m<sup>2</sup>) and a communal amenity area serving the flats beyond. Due to its orientation, direct sunlight will be limited but as with all proposed dwellings, it will receive a minimum number of sunlight hours as recommended by the BRE guidelines. It will receive good levels of daylight. Privacy to the rear elevation and garden area is good following design changes to the flats within the block. The previous design incorporated external walkways which would have allowed overlooking of the rear elevation and garden of the house (and the adjoining 4 houses).

This has now been overcome by the introduction of 3 separate stair cores serving the flats and the removal of the external walkways. The only windows at first and second floor levels now overlooking the house and garden are to internal corridors, kitchens and bathrooms. This is now considered acceptable. The garden area of 44m<sup>2</sup> is below the minimum of 65m<sup>2</sup> required by the recently adopted Residential Design Guide 2014 although is only 6m<sup>2</sup> below the minimum requirement of 50m<sup>2</sup> in the Residential Design Guide 2008, under which the scheme was formulated. Given the length of time involved in the scheme's evolution and the constraints of the site, this level of provision is acceptable in this case.

The 9 flats within this perimeter block also have dual aspect, with their main aspect facing south-west facing a landscaped pedestrian zone and the existing residential block opposite. They will all have acceptable levels of sunlight, daylight, outlook and privacy. They will have access to the communal amenity area within the centre of the perimeter block.

Both the house and the 9 flats will share communal bin and cycle stores that are incorporated within the design of the building.

The house and flats within this site will have no adverse impacts on the adjacent houses and flats.

#### Site D

This detached house has windows on all four elevations and consequently will experience good levels of sunlight, daylight, outlook and privacy. Its front elevation faces north-east and overlooks the new open parking court. Its rear elevation faces south-west onto a private garden area of 36m<sup>2</sup>. As with the house in Site B, this garden area is below the minimum standard of the Residential Design Guide 2008 and 2014 (both 50m<sup>2</sup>) but due to the limited area of the depot site, this is considered acceptable in this case. Bin and cycle storage are accommodated within the garden area.

In order to protect the privacy of the adjacent house and garden to the south (No. 173), the first floor window on the rear elevation to the bedroom is angled to the west to prevent any direct overlooking.

### **Affordable housing**

All of the new dwellings are to be affordable dwellings, thereby giving a 100% provision. It is intended that all those within Sites A, B, C/C1 and D will be for affordable rent and those within Sites E, F and G for social rent. Policy HS3 of the Core Strategy requires a 35% provision of affordable housing with a tenure mix of 20% social rented, 65% affordable rented and 15% intermediate/shared ownership. This tenure mix will not be achieved for the dwellings within Watford Borough nor across the site as a whole. However, there will be a significant planning benefit in securing a net increase of 31 affordable dwellings across the site. Given the unique complexities of site ownership and local authority jurisdiction across the estate, it is considered appropriate in this case for the exact tenure mix to be negotiated between Watford Borough Council, Three Rivers District Council and the Watford Community Housing Trust. The nomination rights to the dwellings will also need to be negotiated separately between the three parties.

### **Highways, servicing and car parking**

The alignment and direction of travel along Boundary Way will remain unchanged but various changes are proposed within the carriageway and verges. Within the carriageway, existing pedestrian crossing points will be upgraded and new crossing points created. Within the verges, which primarily consist of strips of grass that add little to the appearance of the estate, new on-street parking bays are to be created, interspersed with new tree planting, together with some new footpaths. Existing footpaths within the highway will also be re-paved. The formation of new car parking spaces within the highway will help to address one of the main issues raised by local residents of inadequate parking within the estate. This issue has been the subject of a detailed estate wide parking survey as part of the submitted Transport Assessment.

The current provision for car parking within the estate is as follows:

- End-on spaces within street and parking courts - 252
- On-street parallel parking spaces - 101
- Garages - 159
- Garage forecourt spaces – 39

Of the 159 garages, it should be noted that only 86 are rented to residents of the estate.

In accordance with standard practice, two night-time surveys of the estate were undertaken to record the actual level of parking by local residents. These were undertaken at 1am in the morning of 4<sup>th</sup> and 5<sup>th</sup> March 2014. The average results of the two surveys are summarised in the table below:

Location	Survey Average			
	Total Spaces	Cars Parked	Free Spaces	% Stress
Parallel to kerb	101	77	25	76%
End-on bays	252	197	56	78%
Garage forecourt	39	6	34	14%
Illegal/other	-	30	-	-
Totals	392	310	115	-

The survey revealed that 310 cars were parked on the estate (excluding any vehicles in garages) with 115 free spaces, albeit that 30 cars were parked illegally outside of available spaces. This highlights another finding of the survey that the distribution of parking within the estate is uneven. Of the 8 main garage/parking courts within the estate, 4 were fully parked (100% or above) and these were located at the eastern and western ends of the estate (all are proposed development sites, comprising Sites C, D, F and G). Within the central part of the estate, 2 garage/parking courts were 88-89% occupied (one of these is Site E) and the other 2 at 53-63% occupied (one of these comprises combined Sites A and B).

By using this empirical data, the known tenancy of garages by residents of the estate, and the potential car parking demand from the new dwellings, it is possible to calculate the required car parking provision for the estate. As Three Rivers District Council's car parking standards for new development are slightly higher than Watford Council's, and given that the majority of the new dwellings are within Three Rivers District, it is appropriate to use their standards for this calculation. As a worst case scenario, it has been assumed that all of the 86 garages occupied by residents of the estate are used for parking a car (although, in reality, this is unlikely to be the case).

Based upon the net gain in dwellings, the parking requirement for the new dwellings can be calculated as follows:

	Net Gain/Loss	TRDC Parking Standard	Spaces
1 bed flat	-1	1.75	-1.75
2 bed flat	22	2	44
2 bed house	5	2	10
3 bed house	5	2.25	11.25
Total			63.5

The total parking requirement for the estate with the proposed development is therefore:

Observed cars parked	310
Garages	86
New dwellings	63
Total requirement	459 spaces

Following consultation with local residents, it is now proposed to retain 30 of the existing garages. The actual provision within the estate is therefore:

Parking spaces (on-street and within parking courts)	472
Retained garages (no forecourt spaces)	30
Total provision	502 spaces

Based on this analysis, there will be a surplus provision of 43 spaces which will be available for the use of visitors to the estate. This is considered to be an acceptable level of provision across the estate. It is more difficult to ascertain whether the distribution of these spaces will result in an improved distribution of parking across the estate. Due to the estate layout, it is not possible to work out with any certainty where individual residents are likely to park as the parking spaces (both on-street and within the parking courts) will remain distant from a significant number of dwellings. However, a basic analysis can be undertaken using the car parking survey data and the fact that only 86 of the 159 garages (54%) on the estate are occupied by local residents. Two of the areas that are partly within Watford Borough and within high parking stress areas, Sites D and F, are analysed below. In addition, Site E has also been analysed due to the specific objections received and the fact that part of this area is also within Watford Borough, although the site was found to be of moderate parking stress.

Development Site	Occupied Garages (54% of existing)	Observed Parked Cars	Requirement for New Dwellings	Total Requirement	Actual Provision (Garages and Spaces)
Site D	5	21	2	28	33 (+5)
Site E	16	16	8	40	37 (-3)
Site F	14	35	7	56	63 (+7)

This indicates that the proposed development of development sites D and F will help to ease the existing levels of parking stress that have been observed. With regard to Site E, this will experience a potential shortfall of 3 spaces. The row of garages to be removed within Watford Borough will result in no loss of parking and no additional parking demand being generated. The proposed 4 new houses within this development site which will

result in the direct loss of garages and the generation of additional demand occurs within Three Rivers District and is therefore a matter for Three Rivers District Council to determine. Furthermore, the garages are in the ownership of Three Rivers District Council who therefore have direct control over their retention or redevelopment.

### **Trees and landscaping**

Where existing trees are in good condition and contribute to the appearance of the estate, they have been retained wherever possible. One of the most recent changes to Site C was to retain an existing tree, previously proposed for removal, at the request of local residents. In addition to this, the proposed soft landscaping scheme seeks to achieve significant environmental enhancement through new tree, hedge and shrub planting both along Boundary Way and within each of the development sites. In total, 97 new trees are to be planted, excluding those to be planted within the 2 community gardens. All species proposed for the new planting scheme are native.

### **Ecology**

An Extended Phase 1 Habitat Survey has been undertaken for the estate. This concluded that the site has the potential to support bats and nesting birds. The survey identified potential bat roosting features within several buildings that are due to be demolished within the development (Sites A, B and D) and recommended that further surveys be undertaken between May-September to establish whether any roosts were present. This work is currently being undertaken. The main nesting opportunities for birds were within the private garden areas of the houses. The survey also recommended the use of plant species of value to wildlife within the soft landscaping scheme to provide ecological value in the long term, and this has been incorporated.

### **Open space and children's playspace**

The estate currently has 2 children's play areas. The larger area is located within the centre of the site next to the shop/community facility (within Site B). A smaller play area for younger children is located in the western part of the estate (within Site G). There is no meaningful public open space within the estate other than these 2 areas. As part of the

application proposal, both these existing play areas will be retained and completely renewed. In addition to this, a new area of open space is to be created on the area currently occupied by car parking to the north of the shop/community facility, within Site A. This will provide a new community open space of 480m<sup>2</sup>. The proposal will therefore enhance the existing play areas and also provide new open space. This provision will need to be assessed against the additional demand likely to arise on these facilities from the additional 31 dwellings to be provided within the estate.

The larger play area and the new community open space are both located within Three Rivers District where all of the additional dwellings will be located. The adequacy of these facilities to meet the additional demand arising from the proposal will be for Three Rivers District Council to assess. The smaller play area is within Watford Borough where there is no net increase in dwellings. However, the size of dwellings will change, from 12 no. 1 bedroom flats to 9 no. 2 bedroom flats, 1 no. 2 bedroom house and 1 no. 3 bedroom house, leading to an increase in demand for children's play facilities. Based upon the guidance in *SPG10: Open Space Provision*, a financial contribution of £10,835 would be sought to meet this demand. However, subject to the details of the enhanced play area being submitted, it is considered that this enhancement is sufficient to meet this limited additional demand, in conjunction with the improvements to the other play area within the estate. As such, it is not considered justified to seek a financial contribution in this case.

There will be no increase in demand on open space from within Watford Borough and so no financial contribution is sought.

### **Sustainability**

The applicant has submitted a Code for Sustainable Homes Design Stage Pre-Assessment, an Energy Assessment and a C-Plan Sustainability Checklist (required by Three Rivers District Council) to support the application.

Policy SD1 of the Core Strategy seeks compliance with the current standards of the Code for Sustainable Homes with the emerging Development Management Policies requiring a



minimum Level 3 for all development outside of the special policy areas (SPAs). The Code for Sustainable Homes Pre-Assessment demonstrates that the proposal will achieve the following 'targeted' (minimum likely to be achieved) and 'possible' (maximum potential) scores:

- Targeted Score (Houses) 59.15% (Level 3)
- Possible Score (Houses) 76.17% (Level 4)
- Targeted Score (Flats) 57.23% (Level 3)
- Possible Score (Flats) 78.22% (Level 4)

The minimum score for Level 3 is 57% and the minimum for Level 4 is 68%.

Policy SD2 aims to minimise water consumption, surface water run-off and non-fluvial flooding. The emerging Development Management Policies aim to achieve a water use of 105 litres/person/day. All dwellings are to be fitted with low flow fittings and appliances to achieve this level. All dwellings will also be provided with water butts to allow rainwater re-use for irrigation purposes and reduce surface water run-off. All of the development areas will also have a sustainable surface water drainage system installed in the form of porous paving and underground attenuation tanks within the parking courts. The surface water will be discharged into the existing surface water sewer within Boundary Way but with the maximum discharge rate from each of the development areas limited to 5 litres/second (Greenfield rate). This will reduce the existing volume of run-off by a cumulative total of 68% for the development areas. This will significantly reduce the overall run-off rate for the estate as a whole and thereby reduce the probability of surface water flooding or downstream fluvial flooding.

Policy SD3 seeks to maximise energy efficiency and reduce overall energy demand. In this respect, all dwellings will achieve a minimum 5% reduction in CO<sub>2</sub> emissions over the Building Regulations. Photovoltaic panels will be installed on all dwellings where viable to achieve a 10% reduction in CO<sub>2</sub> emissions through the use of renewables.

Overall, the proposed development will accord with these policies and achieve a sustainable form of development.

### **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 will need to be sought for the whole development and this is to be done through a single Section 106 agreement signed by Watford Borough Council, Three Rivers District Council, Hertfordshire County Council and the Watford Community Housing Trust. The contributions sought by the County Council are set out below and reflect the net increase in dwellings and the change in unit sizes and tenures. 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

- Primary education £56,885
- Secondary education £16,358
- Nursery education £9,383
- Childcare £2,971
- Youth £326
- Libraries £2,871

ii) Sustainable transport

- Sustainable transport £25,250

Any contributions sought towards open space and children's playspace will need to be calculated and agreed by Three Rivers District Council.

The agreement will also secure the provision of affordable housing and any necessary fire hydrants to serve the development.

**Consideration of objections received**

Many of the objections relate to existing parking problems and the adequacy of the proposed parking provision. This has been discussed in detail within the report. With regard to the loss of garages, there is no planning objection to the replacement of garages with parking spaces although it is appreciated that this may result in inconvenience to local residents who have rented garages for many years. However, as all of the garages are in the ownership of either Three Rivers District Council or Watford Community Housing Trust, this is really a matter between them and their tenants. It should be noted that 30 garages are to be retained within the estate in response to residents' concerns.

Objections relating specifically to Site C and, to a large extent, Site E are matters for Three Rivers District Council as these areas fall wholly or largely within their jurisdiction.

Issues relating to loss of amenity to existing residents from proposed dwellings have been addressed through the use of angled windows, redesigned internal layouts and the removal of balconies. Again, many of these potential impacts occur within Three Rivers District.

### **Conclusion**

The proposal will achieve significant improvements to the layout and appearance of the site with the removal of poorly sited lock-up garages and the creation of open, landscaped parking courts. New dwellings will front the highway and overlook the parking courts, enhancing the street scene and providing passive surveillance. The central area of the site will also be rejuvenated with new dwellings and a new shop, community facility and community garden with improved accessibility to form a new focus to the estate. The scale and design of the new dwellings will complement the existing dwellings, particularly those that have recently benefited from external wall cladding, whilst also forming new landmark buildings within the estate.

The removal of the underused lock-up garages will allow the provision of increased and improved parking facilities across the estate and address existing parking issues identified by residents. Overall, the proposal will significantly enhance the estate in terms of its layout, appearance, landscaping and car parking as well as providing a net increase of 31 affordable dwellings.

---

### **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.

---

## RECOMMENDATIONS

- (A) That planning permission be granted subject to the completion of an agreement under s.106 of the Town and Country Planning Act 1990 to secure the following obligations and subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To secure financial payments to the County Council of:
- a) £56,885 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
  - b) £16,358 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
  - c) £9,383 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
  - d) £2,971 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - e) £326 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - f) £2,871 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
  - g) £25,250 (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 Core Strategy 2013;

- ii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.
- iii) To secure all of the 55 new dwellings as affordable housing.

Conditions

- 1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The development shall only be constructed in accordance with the following approved drawings, unless otherwise agreed in writing by the Local Planning Authority:

422\_PL\_001B, 002B, 003, 004B, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016A, 017A, 018, 019, 020, 050, 051, 052, 053

C-120217-X-00-DRG-100\_1.0, 101\_1.0, 102\_1.0, 103\_1.0, 104\_1.0, 105\_1.0, 106\_1.0, 200\_1.0, 201\_1.0, 202\_1.0, 203\_1.0, 204\_1.0, 205\_1.0, 206\_1.0

Reason: For the avoidance of doubt as to what has been permitted.

- 3. 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.

4. No development shall commence until the scheme has been registered with the Considerate Constructors Scheme and a certificate of registration has been submitted to the Local Planning Authority. The construction shall be carried out in accordance with the requirements of this scheme.

Reason: To safeguard the amenities of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed.

5. No development shall commence until a Development Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include for each phase a site plan delineating the following works to be undertaken in that phase:

- i) the dwellings to be constructed;
- ii) the parking spaces to be constructed;
- iii) the garages to be refurbished;
- iv) the improvement works to be undertaken within the highway;
- v) the footpath improvement works to be undertaken.

No dwelling shall be occupied in any given phase until all works within that phase and each preceding phase have been completed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is undertaken in a way that minimises the impact on existing residents and that each phase of the development has adequate parking and servicing facilities.



6. No development shall commence within any phase as approved in the Development Phasing Plan until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. This Plan shall include details of contractors' parking, arrangements for the delivery and storage of materials, any temporary access/egress points to adjoining highways, measures to mitigate noise and dust, and wheel washing facilities. The Plan as approved shall be implemented throughout the construction period for each phase.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

7. No development shall commence within any phase until fencing of a style, height and in a position to be agreed in writing by the Local Planning Authority shall have been erected to protect all trees which are to be retained. No materials, vehicles, fuel or any other items shall be stored or buildings erected or works carried out inside this fencing and no changes in ground level shall be made within the spread of any tree or shrubs (including hedges) without the prior written approval of the Local Planning Authority.

Reason: To safeguard the health and vitality of the existing trees which represent an important visual amenity during the period of construction works in accordance with Policies SE37 and SE39 of the Watford District Plan 2000.

8. No construction works shall commence until full details and samples of the materials to be used for the external surfaces of the buildings (including walls, roofs, windows, doors, balconies and solar panels) have been submitted to and

approved in writing by the Local Planning Authority. The development shall only be implemented 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.

9. No construction works shall commence until details of a lighting scheme for the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved prior to the first occupation of each phase of the development to which it relates.

Reason: To meet the needs for safety and security for users of the site and to ensure no adverse impacts on the adjoining public highways or adjoining properties, in accordance with Policy SE23 of the Watford District Plan 2000.

10. No construction works shall commence until a Design Stage Assessment has been undertaken to demonstrate that the development can achieve Code Level 3 of the Code for Sustainable Homes and this has been submitted to and approved in writing by the Local Planning Authority. Within 3 months of the occupation of each dwelling, a post-completion certificate, to certify that Code Level 3 has been achieved, shall be submitted to the Local Planning Authority.

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2006-31.

11. No removal of trees, scrub or hedges shall be carried out on the site between 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a suitably qualified ecologist has previously searched the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal may proceed.

Reason: In order to avoid harm to nesting birds which are protected.

12. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Sustainable Drainage Strategy by Conisbee (ref. 120217/TG dated 16 June 2014) and the approved drainage layout drawings, with each hydro-brake flow control having a maximum discharge flow of 5 litres/second.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants, in accordance with Policy SE30 of the Watford District Plan 2000.

13. All hard surfaced areas shall be finished in accordance with the materials and details shown on approved drawing no. L-204, unless otherwise approved in writing by the Local Planning Authority.

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

14. The approved soft landscaping scheme shown on drawing no. L-502 shall be carried out not later than the first available planting and seeding season after completion of each phase of the development to which it relates, unless otherwise approved in writing by the Local Planning Authority. 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, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

15. No dwellings shall be occupied in any phase of the development until the respective refuse and recycling facilities and cycle storage facilities to serve the dwellings, as shown on the approved drawings, have been constructed. These facilities shall be retained as approved at all times.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy SE7 of the Watford District Plan 2000.

16. No dwelling shall be occupied until the respective vehicle parking accommodation, as shown on the approved Development Phasing Plan has been provided and made available for use. This parking accommodation shall be permanently retained and shall not be used for any other purpose than the parking of vehicles of occupants of the development or visitors to the site.

Reason: To ensure that the development makes adequate provision for the parking of vehicles of the future occupiers of the development and their visitors in the interests of highway safety and to accord with Policies T22 and T24 of the Watford District Plan 2000.

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

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

amenities of adjoining occupiers in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Informative

1. This planning permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of education facilities, childcare facilities, youth facilities, library facilities and sustainable transport measures for the Borough of Watford. In addition the agreement also secures the provision of affordable housing and requires the provision of necessary fire hydrants to serve the development.

Drawing numbers

422\_PL\_001B, 002B, 003, 004B, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016A, 017A, 018, 019, 020, 050, 051, 052, 053

C-120217-X-00-DRG-100\_1.0, 101\_1.0, 102\_1.0, 103\_1.0, 104\_1.0, 105\_1.0, 106\_1.0, 200\_1.0, 201\_1.0, 202\_1.0, 203\_1.0, 204\_1.0, 205\_1.0, 206\_1.0

---

**(B)** In the event that an acceptable planning obligation under Section 106 of the Town and Country Planning Act 1990 has not been completed by 12<sup>th</sup> September 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for the application for the following reasons:

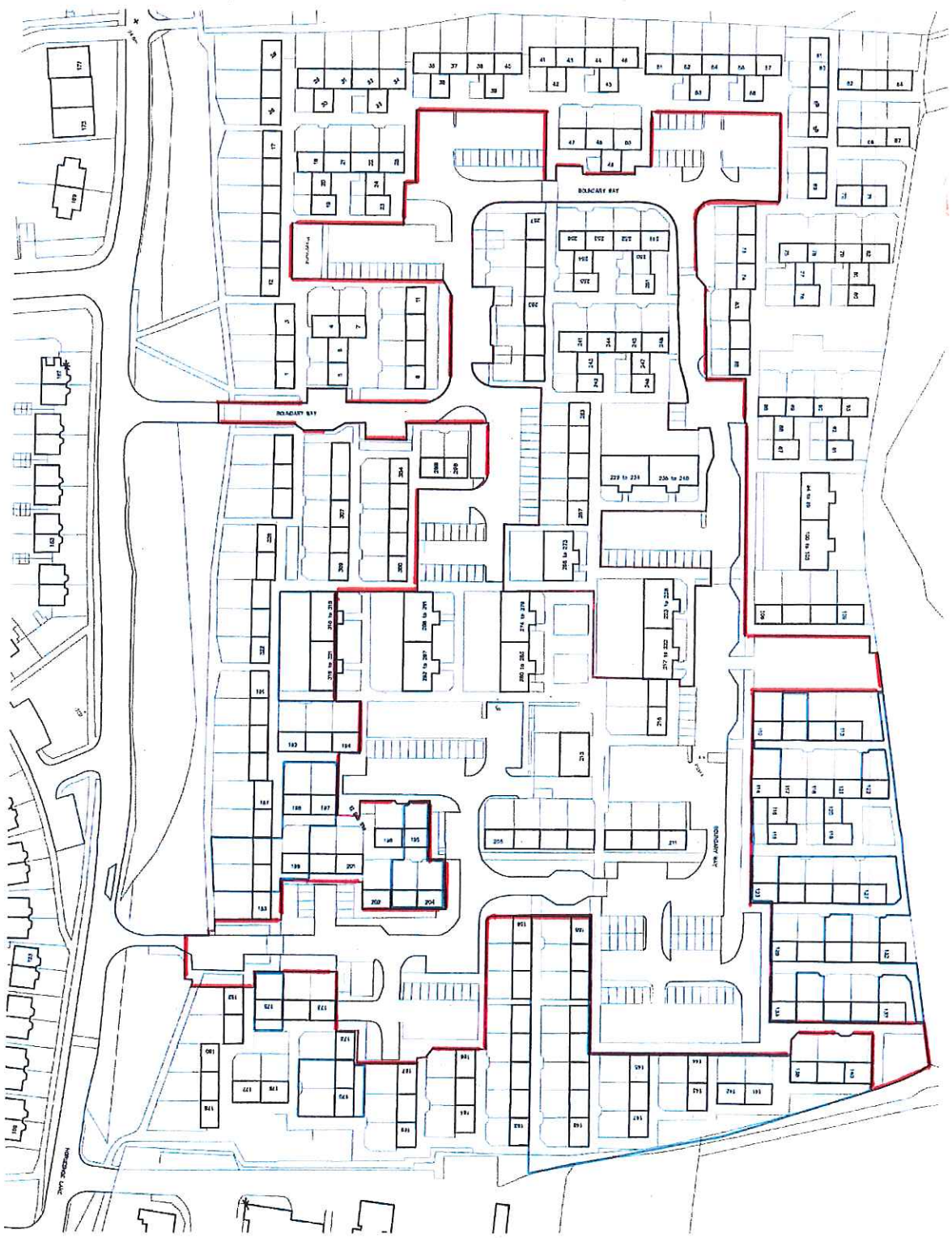
1. The proposal fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.

2. The proposal fails to contribute to the provision or improvement of community facilities (childcare, youth facilities and libraries) for 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.
  3. The proposal fails to contribute to the provision or improvement of education facilities for 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 proposal fails to make provision for affordable housing on-site 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.
- 

**Case Officer: Paul Baxter**

**Tel: 01923 – 278284**

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



**KEY**

— Planning application Boundary (Boundary Way Main Site Application)

— Adjacent land ownership boundary

**SITE LOCATION PLAN**

**GENERAL NOTES**

This drawing is © 2014 PTE architects

Use figured dimensions only. DO NOT SCALE.

All dimensions are in millimetres unless noted otherwise

All levels are in metres above ordnance datum unless noted otherwise

This drawing must be read in conjunction with all other relevant drawings and specifications from the Architect and other consultants

If in doubt, ask

Existing building and roads information based on Ordnance Survey (c) Crown Copyright 2011. All rights reserved. Licence number: 100020449

14100889 PLAN  
BOUNDARY WAY

TOWN AND COUNTRY  
DEVELOPMENT LIMITED

- 1 JUL 2014

WATFORD COUNCIL

REF	DATE	DESCRIPTION	BY	APP
B	01/07/14	CS resp copyright and licence number disclosed	PT	PP
A	23/06/14	Site boundary amended	PT	PP

**PLANNING**

**Pollard Thomas Edwards**

Director: What  
38  
London N1 8JY  
020 7356 7777  
forename.surname@ptea.co.uk  
@ptearchitects  
www.pollardthomasedwards.co.uk

Boundary Way, Combined Sites  
Watford

11-422 PT PP 1.1550@A3 JUN14

**Site Location Plan** **PL001** **B**

This page is intentionally left blank



## DEVELOPMENT CONTROL COMMITTEE

7<sup>th</sup> AUGUST 2014

### UPDATE SHEET

#### Item 9

#### 14/00859/FULM – Boundary Way estate

#### ADDITIONAL REPRESENTATIONS

a) A letter has been received from solicitors acting on behalf of local residents that raises a number of points. These are summarised below with the comments of the Council's Head of Democracy and Governance in *italics*:

i) Special treatment is being given to WBC by TRDC as TRDC has an arrangement to sell its land to WBC.

*The Council is not intending to purchase any land from TRDC in order to facilitate this development.*

ii) There is an inequity of arms between the high quality planning, legal and public relations advice employed by the developer and that of private individuals.

*Most large developers employ professionals to design and advise on their schemes. It is the Council's role to judge the planning application on its merits and its conformity to planning policies.*

iii) The proposal is in direct contravention of the human rights of individuals, namely Article 1 (Right to peaceful enjoyment of possessions and protection of property) and Article 8 (Right to respect for private and family life, home and possessions).

*The Council is aware of the need to consider the human rights implications of the application and these are referred to in the report. The Council has to undertake a balancing act when coming to a decision on whether or not to grant planning permission.*

iv) Whether health and safety for residents and contractors employed on the proposed site E is sufficient in accordance with legislation.

*Health and safety of residents during any construction of the proposed development is not a material planning consideration.*

v) The proposed dwellings on site E appear to have walls/boundary fences that will be attached to existing boundary walls that may be owned by private individuals.

*Land ownership is not a material planning consideration. It is perfectly legal for an applicant to apply for planning permission in respect of land he does not own; whether he will then be able to implement that permission is not a matter for the Council.*

- vi) Many of the properties on Boundary Way are subject to easements and covenants and regard should be had to these.

*These are civil matters and not material planning considerations.*

- vii) The applicant may believe that WBC and TRDC will exercise their powers of land acquisition to overcome any rights/easements in the event of any planning permission being challenged.

*There is no intention by either WBC or TRDC to use any compulsory purchase powers to facilitate this development. I am not aware that the WCHT has asked either council to do this. If such a request were made, the matter would have to be considered by the Council's Cabinet. The Development Control Committee has no locus to authorise the exercise of such powers.*

- b) Three Rivers District Council has received 82 letters of objection and 1 letter of support. A summary of these objections, as taken from the officer report to committee, is given below. The application is to be presented to committee for determination on 14<sup>th</sup> August with a recommendation for approval.

- i) Loss of garages, parking and highways:

Will narrow the road to accommodate the new buildings, example of overdevelopment; One way entrance and exit into Site C; Could emergency vehicles be able to access to the sites without damaging cars?; Objects to removal of garages to be replaced with open parking spaces; A number of residents have valuable and vulnerable vehicles which residents keep close to their homes and under watch; The additional properties will increase the need for parking provision which is already at a premium; If garages are removed family cars will be exposed to vandalism; The pedestrian paths around the new parking areas will not be sufficiently wide enough to allow safe walking and to prevent any possible impact damage to residence which has occurred in the past; Local school children use this path who could be injured by resident parking and deliveries; A wider footpath should be included in the final plans to create a buffer; Insufficient parking will cause issues for the residents; Current scheme is worse than previous proposal; Emergency and delivery vehicles will find it difficult to access site and properties; removal of garages mean cars will be exposed to vandalism; Loss of garages will cause hardship to less able bodied residents; Garages provide parking for two cars one in and one outside; Reference PPG 13 and that consideration should be given to existing residents; Trees adjacent to parking areas will damage cars through bird droppings; Loss of garages will impact on insurance; Loss of storage provision; No objection to loss of garages as do

not see many people using them for cars; Need garages for safekeeping and ease of access to vehicles; Under parking has been calculated within the areas; People in Area A will park within Area E; Layout of Area E is currently restricted for vehicular access development will make it worse; Existing garages are in a state of disrepair but could be refurbished; Narrow roads will be blocked by insensitive parking along proposed footpaths; Siting of parking bays opposite each other will cause safety hazard;

ii) Impact on area:

Overdevelopment; Overpopulation; Boundary Way is already overdeveloped; Adverse affect on trees; Development will shoehorn properties into an already overcrowded estate; Number of new dwellings will cause chaos in an already busy area; Development will impact on protected tree; Boundary Way is a unique estate that is built to capacity; Loss of green spaces will have a negative impact on character of the area; Plans give impression of space and light, this is not the case; Buildings will not be in keeping with Three Rivers side; WCHT and Three Rivers have never been able to work together; Existing grass areas are not maintained; Development will take away play areas; Boundary Way is already back to back in concrete; Development is a step too far; Existing area is grey and run down therefore welcome development; Development is built for maximum density with maximum privacy; New properties will be undersized; The new buildings will not blend in with existing properties that have not been cladded; Existing garages are ugly however they are single storey so allow for air circulation; Garages required to keep cars and contents safe; Loss of garages will make residents prisoners in own homes in the evenings due to lack of parking within the estate; Development will create a claustrophobic feel to the estate; Garages have been removed to open the estate out and remove secluded walkways; Introduction of balconies would make the development unlike the rest of the estate; Development must not impact on Ash tree; Loss of grass verges removes most of the green open area within the estate; Loss of trees which contribute to the visual amenities of the area creating an urban environment; Site C1 is too small to accommodate development;

iii) Impact on residential amenities:

Overshadowing; Loss of privacy; The area currently used as a builders' depot for the last two years will presumably be used again as a depot which will lead to further irritation and inconvenience, blocking cars and disrupting traffic flow; The construction vehicles will be hazardous for small children; Loss of view; New development will impact on value of existing properties; Loss of light; Construction vehicles will block access to homes; Additional residential properties will result in increased noise and disturbance; Properties will be overbearing; Less daylight and sunlight to existing properties; Residents were not listened to at steering groups; Overlooking of main habitable rooms; Residents opinions have previously been ignored directly affecting quality of life on Boundary Way; Development will cause stress to residents; Loss of sense of privacy; Loss of aspect; Storage facility serving the dwelling in Site E will impact on neighbouring properties through noise and disturbance;

Development will have an affect on residents' well-being; The two storey dwellings will appear as three storey to neighbouring properties due to the land fall; Loss of garages will lose provision for mobility scooters; Headlights will shine into new homes in Site E; Loss of a grit bin;

iv) Impact on Safety and security:

New Community Centre would be useful but could WCHT guarantee no anti-social behaviour; The new community garden will result in noise and disturbance to neighbouring properties through drinking, smoking and games being played; Health and safety issues demolishing garages with asbestos roofs and cement dust will ruin the external cladding; The new gardens will provide an area for increased risk of anti-social behaviour disturbing residents; CCTV will make no difference; Development will, including grass verges, create areas for anti-social behaviour; Development will attract all local children; Alleyways created will provide areas of opportunity for anti-social behaviour; Active CCTV should be provided within the community gardens;

## BAT SURVEY

A bat survey has been undertaken on behalf of the applicant in respect of the two blocks of flats that are to be demolished. This has found that there is a common pipistrelle maternity roost with up to 28 bats in one of the blocks. The demolition of this block will therefore require a licence to be obtained from Natural England.

The Herts. & Middx. Bat Group have made the following comments on the submitted bat survey:

“The grid reference in the survey report at 1.2 – TL110702 is for Stow Road in Cambridgeshire rather than for the site surveyed. If the data searches undertaken used this erroneous reference then the results would be irrelevant.

The size of this colony has been grossly underestimated, we counted 115 bats emerging from the building next door on 20th July 2014 and evidence of roosts were obtained from a number of other very nearby buildings. This clearly shows that this colony is moving around this estate, most likely due to changes in the life stage of the colony and weather conditions.

As the 2 blocks proposed for development are of similar construction it is likely that both buildings are used by this colony at some stage.

No internal surveys of the roof space have been undertaken. As the buildings are single skinned with a mono pitch roof, unusually pipistrelle droppings *could* be located within the roof void if a roost has been present. HMBG therefore strongly recommend that a full internal inspection of the roof void is undertaken by a suitably experienced and licensed surveyor at least 8 weeks prior to any planned demolition.

More concerning is there has been no mitigation suggested or proposed to enable the LPA to correctly consider the 3 tests in the Habitat Regulations or the merits of this application.

As bats are known to be present and will be affected by these development proposals, a mitigation strategy and suitable compensation is required to enable the LPA to satisfy the third Habitat Regulation test to be applied when it determines the application. In this situation an EPS licence will also be required and should be conditioned.

We have attached a flow chart from “Bat Survey Guideline” 2012 to further assist, but consider that insufficient information has been provided at this stage to allow the LPA to properly consider this application.”

In light of these comments, an additional Condition 18 is proposed (see below)

#### AMENDED RECOMMENDATION

A viability report has been submitted to TRDC and has been assessed by consultants on behalf of the Council. This has demonstrated that the scheme is unable to support the s.106 contributions sought by Hertfordshire County Council, as set out in the committee report. As such, it has been agreed by TRDC that these contributions will not be sought. As there is a net loss of 1 dwelling within Watford and the net gain of 31 dwellings is all within TRDC, this approach is considered acceptable in this case.

TRDC also do not intend to secure the provision of affordable housing through a s.106 agreement but intend to use a condition. This is not an approach that the Council would advocate and the advice of the Head of Democracy and Governance is that a s.106 undertaking should be used to secure the 11 dwellings within Watford as affordable units.

Recommendations A and B are therefore amended as follows:

- (A)** That planning permission be granted subject to the completion of a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 to secure the following obligations and subject to the conditions listed below:

#### Section 106 Heads of Terms

- i) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.
- ii) To secure all of the 11 new dwellings within Watford Borough as affordable housing.

## Conditions

Conditions 1-17 remain as printed.

18. No demolition shall commence until a further bat survey of the two blocks of flats to be demolished (nos. 274-285 and 286-297) has been undertaken, to include full internal inspections of the roof voids and a bat mitigation strategy and method statement, has been submitted to and approved in writing by the Local Planning Authority. The survey shall be undertaken at least 8 weeks prior to the demolition of the buildings. The demolition shall only be undertaken in accordance with the approved bat mitigation strategy.

Reason: All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally or recklessly kill, injure or take any individuals or to deliberately capture or disturb individuals. It is an offence to intentionally or recklessly damage or destroy a roost, to obstruct a roost, and to disturb an individual whilst occupying the roost.

- (B)** In the event that an acceptable planning obligation under Section 106 of the Town and Country Planning Act 1990 has not been completed by 12<sup>th</sup> September 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for the application for the following reasons:

1. The proposal fails to make provision for affordable housing on-site and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
2. 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.