



DEVELOPMENT MANAGEMENT COMMITTEE

Thursday, 6th August, 2015

7.30 pm

Town Hall

Publication date: 29 July 2015

CONTACT

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

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

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SPEAKING AT DEVELOPMENT MANAGEMENT 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 Management 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, S Johnson, I Sharpe, M Turmaine, M Whitman and T Williams

AGENDA

PART A - OPEN TO THE PUBLIC

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

The minutes of the Development Management Committee held on 16th July 2015 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(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. **15/00727/FULM - WIGGENHALL ROAD GOODS YARD** (Pages 5 - 44)

Application for the excavation and creation of permanent piling mat to building platform and excavation and creation of the landforms (external to the location of the buildings) including the attenuation pond, drainage outfall to the river and all associated retaining walls.

5. **15/00767/FULH - 31 LEVERET CLOSE** (Pages 45 - 58)

Application for the erection of a new fence.

Agenda Item 4

PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of Committee	6th August 2015
Site address:	Wiggenhall Road Goods Yard, Wiggenhall Road
Reference Number :	15/00727/FULM
Description of Development:	1. Excavation and creation of permanent piling mat to building platform. 2. Excavation and creation of the landforms (external to the location of the buildings) including the attenuation pond, drainage outfall to the river and all associated retaining walls.
Applicant:	Watford Health Campus LLP
Date received:	15th May 2015
13 week date (major):	14th August 2015
Ward:	Vicarage

SUMMARY

Full planning permission is sought for earthworks to be carried out on a parcel of land which had previously comprised the Wiggenhall Goods Yard and which forms part of the wider Watford Health Campus site.

Planning permission has previously been granted for new industrial/warehouse units on this site under application 14/00511/OUTM (hybrid application for the new Health Campus development, granted planning permission in January 2015). The area to which this application relates is known as 'Business Area South' within the Health Campus masterplan.

The works will involve some excavation, the creation of a permanent piling mat to be used as a building platform and the creation of landforms including an attenuation pond, a drainage outfall to the River Colne and associated retaining walls. This will prepare the land for the subsequent erection of buildings and associated access, parking and landscaping (which themselves are subject to a separate application, expected to be submitted in August 2015). As such, the proposal seeks to facilitate the Business Area South development which forms a key component, and the first phase of development of the Health Campus project after commencement of the initial highways infrastructure works. This is in accordance with the objectives of Policy SPA3 of the Watford Local Plan Core Strategy 2006-31.

The scheme will allow the material which has been left by the concrete crushing facility that formerly occupied part of the site to be redistributed across the land. Not only does this serve to reduce the cost of removing the spoil material off site but is also allows existing material to be recycled, in accordance with the sustainability aims of Policies SD1 and SD4 of the Watford Local Plan Core Strategy 2006-31.

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

BACKGROUND

Site and surroundings

The application relates to an irregular shaped piece of land, which measures 2.66 hectares in area and which is bounded to the south by the River Colne and to the east by Wiggshall Road. A disused railway, which is due to become operational under the Croxley Rail Link, runs adjacent to the western end of the site. The route of the new link road that will link Dalton Way with the Health Campus runs adjacent to the northern boundary of the site.

Up until its recent clearance, the site had been occupied by various commercial operations and had incorporated a number of low-grade, temporary buildings and structures with various types of vehicles, containers, equipment, materials and other goods being stored outdoors. A concrete crushing facility also occupied a large portion of the western part of the site. Prior to this, the site had been occupied by substantially-sized railway carriage sheds which were erected in the first half of the twentieth century to service electric trains. The carriage sheds closed in the mid-1980s and their structures were removed shortly after.

The site is not located within a Conservation Area and does not encompass any statutory or locally listed buildings.

The site is designated as a Wildlife Corridor and a County Wildlife Site as shown on the Watford District Plan 2000 Proposals Map. The southern part of the site is also shown to be in an area at risk from flooding and the Colne Valley Linear Park.

The site also lies within the Health Campus Special Policy Area (SPA3) as identified by the Watford Local Plan Core Strategy 2006-31.

Proposed development

This application follows the grant of a planning consent for the area known as 'Business Area South' as part of the hybrid planning application for the Watford Health Campus scheme (see 'Relevant Planning History' section below). It relates to a parcel of land which lies immediately to the south of the route of the Health Campus access road and to the west of a section of Wiggshall Road. The previous consent allowed the construction of three industrial/warehouse buildings (within use Classes B1(b), B1(c), B2 and B8) on this site as well as the formation of a new access, parking, associated landscaping and new riverside open space.

A large portion of the site was previously occupied by a concrete crushing facility – the use of which ceased in September 2014. However, when the site was vacated, the tenant did not remove the existing spoil heaps that were left over from the concrete crushing use. The disposal of these spoil heaps now rests with the Local Asset Backed Vehicle (LABV) – the joint venture public/private partnership comprising Watford Borough Council and Kier Project Investment which is responsible for delivering the Watford Health Campus project.

The volume of spoil has been estimated to be around 24,000 cubic metres and to dispose of this material off-site would incur significant costs. It is proposed to retain the material on site, re-use it and spread this over the area to the required landform levels. Overall, this will result in an increased land level to the site.

This planning application therefore relates to excavation works, the creation of a permanent piling mat to be used as a building platform for the buildings contained within Business Area South and the creation of landforms (external to the location of the buildings) including an attenuation pond, drainage outfall to the river and all associated retaining walls.

The building platform will occupy the part of the site nearest to the route of the new Health Campus access road. The attenuation pond will be created towards the western end of the site and will be flanked on its eastern side by a retaining wall. A further retaining wall will be constructed to the south of the building platform. A drainage outfall will be provided in the southwestern end of the site to allow surface water to discharge into the River Colne.

Relevant planning history

The parcel of land to which this application relates forms part of the wider Watford Health Campus site. The redevelopment of the Watford Health Campus site (or parts of) has been under consideration for a number of years. In 2001, two inter-linked planning

applications were submitted for the regeneration of the Cardiff Road Industrial Estate and surrounding area.

These planning applications were granted planning permission in 2002 but were never implemented. Opportunities for a wider, more beneficial holistic redevelopment project became apparent and as a result the independent development of the Cardiff Road Industrial Estate was not pursued.

In 2007, an outline application was submitted for a new masterplan for the redevelopment of a larger site comprising Watford General Hospital, Cardiff Road Industrial Estate, the former Carriage Sheds site off Wiggshall Road and Oxhey Park playing fields, an area of 26.4 hectares (65.2 acres):

Ref. 07/00958/OUTM – Outline planning permission for the development of a mixed use Health Campus comprising major acute hospital (Class C2), office and research facilities (Class B1), retail, financial and restaurant uses (Class A1, A2 and A3), hotel (Class C1), residential (Class C3), clinics, creche and nursery (Class D1), formal leisure facilities (Class D2), combined heat and power plant, lake and informal leisure facilities, access road and bridge from Wiggshall Road and link road from Dalton Way.

This application was considered by the Development Control Committee in December 2007 and May 2008 and was granted outline planning permission in July 2010 following the completion of a Section 106 agreement.

Due to the difficult economic conditions since this planning permission was granted and the changing requirements of the West Hertfordshire Hospitals NHS Trust (WHHT) the approved masterplan underwent a fundamental reconsideration in order for a new masterplan to be formulated that was capable of being delivered. In 2012, Kier Project Investment Limited was selected as the preferred bidder to join the Council in the establishment of a Local Asset Backed Vehicle (LABV) to deliver the new Health Campus

project. In September 2013 an application was submitted for a new access road to serve the future Health Campus development:

Ref. 13/00971/FULM – Demolition of existing Cardiff Road Industrial Estate buildings and structures, construction of a new hospital access road (comprising the Access Road and Link Road) between Dalton Way and Willow Lane comprising new carriageway, footpaths and cycleways, new railway over-bridge (vehicular and pedestrian/cycle) ,formation of new road junctions with Dalton Way, Willow Lane and Wiggerhall Road, embankments, drainage works, ground remodelling and flood compensation works, landscaping (permanent and interim), retention of temporary hospital car parking and provision of replacement temporary hospital car parking areas (temporary access via Vicarage Road) construction compounds, soil remediation facility, utilities and other ancillary works.

This application was granted planning permission by Members at Development Control Committee in December 2013. Following this approval, a subsequent application for the new Health Campus masterplan was submitted in April 2014:

Ref. 14/00511/OUTM – Hybrid planning application for the development of a mixed-use health campus accessed from the approved Access Road comprising:

1. Outline element for the construction of new hospital/healthcare accommodation, together with business, retail, office, food and drink, hotel, and leisure uses, and up to 681 new dwellings, safeguarding of land for the expansion of Laurance Haines primary school, new public spaces, play space and landscaping, associated car parking, access roads, footways and cycleways.
2. Detailed element (business area south) for the construction of three industrial business units together associated vehicle and cycle parking, site landscaping and the creation of a new wildlife area.

This application received a resolution to grant planning permission by the Development Control Committee in September 2014 subject to the agreement of the content of and the completion of a s.106 planning obligation. The content of the s.106 was agreed by Development Control Committee and planning permission was subsequently granted on 6th January 2015.

A separate outline planning application was also submitted in April 2014 for the Farm Terrace Allotments site:

Ref. 14/00512/OUTM – Outline planning application for redevelopment of Farm Terrace allotment land for the construction of new hospital/healthcare accommodation and up to 69 new residential dwellings, together with new public spaces, landscaping, new car parking, access roads, footways and cycleways accessed from both the approved Access Road and existing Cardiff Road.

This application is currently being held in abeyance subject to confirmation of the appropriation of the allotments for planning purposes by the Secretary of State.

Relevant Policies

National Planning Policy Framework (NPPF)

Paragraph 17 Core planning principles

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

Section 11 Conserving the natural 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

SS1 Spatial Strategy
SPA3 Health Campus
IP1 Croxley Rail Link
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
INF1 Infrastructure Delivery and Planning Obligations
UD1 Delivering High Quality Design
UD2 Built Heritage Conservation
GI1 Green Infrastructure
GI3 Biodiversity

Watford District Plan 2000 (saved policies)

SE7 Waste, Storage, Recovery and Recycling in New Development
SE20 Air Quality
SE22 Noise
SE23 Light Pollution

SE24 Unstable and Contaminated Land
SE26 Watercourses
SE27 Flood Prevention
SE28 Groundwater Quality
SE36 Replacement Trees and Hedgerows
SE37 Protection of Trees, Woodlands and Hedgerows
SE39 Tree and Hedgerow Provision in New Development
T21 Access and Servicing
T22 Car Parking Standards
E1 Employment Areas
E2 Employment Use Outside Identified Employment Areas
E5 Environmental Considerations

CONSULTATIONS

Neighbour consultations

Letters were sent to a total of 37 addresses that lie within close proximity of the site. No representations have been received.

Site Notice

Site notices placed. Expired on 26.06.15. No responses received.

Press Advertisement

A notice was published in the Watford Observer. Expired on 26.06.15. No responses received.

Statutory consultations

Arboricultural Officer

The level changes generally avoid the mature trees along the riverside. There may be minor encroachment into the rooting areas of some trees, however this should not be

significant and I have no objection to the proposals.

Natural, Historic & Built Environment Advisory Team (Hertfordshire County Council)

The Historic Environment Record notes that the Colne Valley has potential for human occupation/use from the prehistoric period. Therefore this office recommended that archaeological conditions were attached to any consent for 9/13/00971.

As part of the discharge of the archaeological conditions for 9/13/00971, this office recommended that geo-technical test pitting was archaeologically monitored. Although no archaeological remains were found, some of the deposits were of a type which held the potential to contain archaeological information from the prehistoric period.

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

- 1. an archaeological field evaluation of the site before any development commences*
- 2. such appropriate mitigation measures indicated as necessary by that evaluation.*

These may include:

- a) the preservation of any remains in situ, if warranted,*
- b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,*
- c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),*
- d) such other provisions as may be necessary to protect the archaeological interests of the site.*

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 12 (para. 141, etc.) of the National Planning Policy Framework. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

- A. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
 - 1. The programme and methodology of site investigation and recording*
 - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation*
 - 3. The programme for post investigation assessment*
 - 4. Provision to be made for analysis of the site investigation and recording*
 - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
 - 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
 - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

- B. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

- C. The development shall not be occupied/used 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 condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide a design brief detailing the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations. Please allow 5-10 working days for this document to be issued and a further 5-10 working days for consideration of any submitted archaeological Written Scheme of Investigation.

In light of the above comments, the applicant submitted additional information including an Archaeological Written Scheme of Investigation to the Natural, Historic & Built Environment Advisory Team at Hertfordshire County Council on 1st July 2015. At the time of writing this report, no response had been received by the Natural, Historic & Built Environment Advisory Team.

Contaminated Land Officer

I have read the Remediation Strategy, Watford Health Campus, Business Area south, written by Lucy Ford, AECOM Ltd, dated May 2015 ref: 60288684/BAS-RS/LF/IW_0, for the above site and concur with the proposals contained therein. The contaminated land officer will require confirmation that the remediation has been undertaken in accordance with the approved strategy. The officer will also require actual validation results to verify that all works are complete in line with the above proposals.

Environment Agency

Thank you for consulting us on this application and for obtaining the supplementary information that we requested. Following AECOM's letter dated 8 July we are satisfied that this application is intrinsically linked with the Highway Infrastructure Works permission 13/00971/FULM and its associated conditions. We are happy with the proposals and have no comments to make on the application.

Advice to applicant – Flood Defence Consent:

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the culverted River Colne, designated a ‘main river’.

Network Rail

(1)

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

(2)

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.*
- Any future maintenance must be conducted solely within the applicant’s land ownership.*
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be*

liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.

- *Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.*

(3)

It is noted that the proposal has an attenuation pond very close to the railway boundary. If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, “103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere,” We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues ‘elsewhere’, i.e. on to Network Rail land.

Network Rail would not wish to see an attenuation pond sited in such a position, and the developer has not taken into consideration the potential for the pond to seep water which would in all likelihood impact the operational railway and in this case two lines with stability and flooding issues.

Until we have received details of the drainage plans and the plans for the attenuation pond we cannot support this proposal.

We would advise the developer and LPA as follows:

All surface water is to be directed away from the railway.

Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

- *Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.*
- *Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property.*
- *Proper provision must be made to accept and continue drainage discharging from Network Rail's property.*
- *Suitable foul drainage must be provided separate from Network Rail's existing drainage.*
- *Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.*
- *Drainage works could also impact upon culverts on developers land.*

Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.

The developer is advised to contact the Network Rail Asset Protection team in the first instance to discuss this matter.

AssetProtectionLNWSouth@networkrail.co.uk

(4)

Network Rail will need to review all excavation works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. We would need to be informed of any alterations to ground levels, de-watering or ground stabilisation. When under-taking ground works, developers should take all necessary measurements from the boundary with Network Rail land and not the distance from their works to the nearest railway tracks.

We would request a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway.

The NPPF states:

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

(5)

The site may be located on former railway land, which if so, could be subject to a demarcation agreement. Unfortunately my geospatial database does not go back as far as any pre-1996 agreements to give further detail, however, the developer should be aware of this and in addition to any planning consent they would in that case need to gain approval for all works on site from the Network Rail Operational Property Team.

OperationalPropertyLNW@networkrail.co.uk

In light of the above concerns, the applicant provided additional information which was forwarded to Network Rail for review on 30th June 2015. At the time of writing this report Network Rail had provided no further comments.

Herts & Middlesex Wildlife Trust

No comments received.

Hertfordshire Ecology

No comments received.

Hertfordshire County Council Waste and Minerals

No comments received.

Natural England

Statutory nature conservation sites – no objection.

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Natural England (NE) also recommended that the Local Planning Authority consult NE Standing Advice with regard to protected species.

Local Highway Authority (Hertfordshire County Council Highways)

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

I recommend inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the highway authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the highway authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. The highway authority was consulted by Watford Borough Council on the impacts on highway and transport of an application for permission for: 1. Excavation and creation of a permanent piling mat to building platform. 2. Excavation and creation of the landforms (external to the location of the buildings) including the attenuation pond drainage outfall to the river and all associated retaining walls.

The site is at the former Wighenhall Road Goods Yard to the west of Wighenhall Road, Watford.

The information originally submitted in sort of the application of interest to the highway authority consisted of a completed application form, a Design & Access Statement, a folder of 4 Planning Application Drawings, an Environmental Information report, a Remedial Strategy report and a Site Management Plan.

The response to question 6 in the application form indicate that no changes to vehicular or pedestrian access points are proposed as part of this scheme. According to question 10 no change in parking provision is involved. According to question 18 no new floorspace is to be provided.

This application follows the granting of detailed permission for the area to be known as Business Area South. The ground level is to be raised by reuse of the arisings from spoil heaps left on site from its previous use as a concrete crushing plant. A further application to cover the buildings to be constructed on the higher permanent land form is anticipated.

The site drainage and retaining walls that are proposed as part of this scheme will all be within land that is some way removed from the public highway and therefore do not concern the highway authority.

Construction site management is described in some detail in the document Site Management Plan. This is considered to be an adequate coverage of these aspects many of which are already in hand in relation to work already taking place in liaison with the highway authority elsewhere on the Health Campus site in connection with construction of its highway infrastructure.

There are no aspects or implications of these proposals that cause the highway authority to recommend that permission is refused.

Local Lead Flood Authority (Hertfordshire County Council)

The comments of the Local Lead Flood Authority, dated 19th June 2015, are outlined below:

In the absence of an acceptable FRA we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA Technical Note carried out by AECOM Consultants dated May 2015 reference WHC/BAS/EIR/01 submitted with this application does not comply with the requirements set out in the Planning Practice Guide (as revised 6 April 2015) to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the flood risk assessment;

We appreciate that this application is to alter the levels from the previously permitted scheme, however as this application also includes the development and implementation of the drainage scheme to support the future built development, we require full details of the proposed scheme on a plan including the associated surface water calculations for all

rainfall events (1 in 1, 1 in 30 and 1 in 100year) up to and including the 1 in 100 year + climate change event.

We also require a justification with regards to the selection of SuDS, demonstrating that above ground surface water solutions have been considered providing a SuDS management and treatment stage approach. If the most sustainable options are not technically viable this should be explained within the justification. The applicant should also expand on the reason why the previous drainage scheme has been altered.

An assessment should also be provided of the proposed outfall to the main river with regards to how the surface water drainage scheme will function when the river is at bank full and also during a flood event, to ensure the surface water does not back up the system and cause on site flooding.

It would be useful for the applicant to provide us with the previous FRA which was submitted to support the previously approved application along with any comments that were received from the Environment Agency so we may take these into consideration.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

Informative to the LPA:

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

In light of the above, the applicant provided additional information including a drainage strategy drawing (numbered 60288684-INF-SK150 Rev 2.0) and a Flood Risk Assessment Technical Note which was forwarded to the Local Lead Flood Authority for review on 30th June 2015. The Local Lead Flood Authority has provided the following additional comments having reviewed the additional information:

In response to the additional information submitted in response to our letter dated 19 June 2015 we are in a position to remove our objection on flood risk grounds.

We find the proposals satisfactory in principle from a strategic drainage point of view, however we would expect a full detailed scheme as part of the development to include on site SuDS providing source control and conveyance measures prior to the discharge into the regional SuDS pond including detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change event.

It has been clarified that the original outline permission was to establish the strategic SuDS which includes the proposed attenuation pond within the application site. However we note that the outline permission was conditioned as recommended by the Environment Agency, we therefore request that the LPA consults with the EA if they haven't already done so to seek their approval of the proposed drainage as part of this reserved matters application. We are not in a position to comment on another authority's requirements. Also this condition would have been recommended prior to the changes to the NPPG on the 6 April 2015 and therefore we would not have been a statutory consultee when this condition was imposed.

Thames Water

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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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 0800 009 3921 to discuss the options available at this site.

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

sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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

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.

Supplementary Comments:

We have no objections to the proposals on the basis that neither surface nor foul water will drain to sewer, as stated in the submitted application form (dated 15/05/2015).

Thames Water have assessed and responded to the application based on the information provided to date. Should the development proposal change, Thames Water would need to re-assess the application and review the comments accordingly.

A critical Thames Water sewer runs along Wiggenhall Road, adjacent to the proposed development boundary. From the documents submitted it appears that the proposed works may impact this asset and we are unable to assess whether the correct easements are met. Please submit a site layout plan showing the location of all piling works, retaining wall works and excavations in relation to Thames Water assets and the local topography, along with a method statement confirming the type of piling to be undertaken. Please contact Developer Services if you wish to discuss further (0845 850 2777 or by email at developer.services@thameswater.co.uk, heather.purshouse@thameswater.co.uk or laura.toon@thameswater.co.uk). Please use the following reference in all future correspondence: Site Reference Number 40408.

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.*

Principle of development

Policy SPA3 (Health Campus) of the Watford Local Plan Core Strategy 2006-31 has as its objective:

“To deliver a major mixed use development project providing a new quarter for west Watford which seeks to provide new housing, jobs and community facilities with the catalyst of a significantly enhanced new acute hospital. This new quarter will be integrated seamlessly with the existing surrounding neighbourhoods, will enhance the local services and amenities for the existing local communities in west Watford and is expected to provide in the order of 1,000 to 1,900 new jobs.”

The policy also sets out the requirements for the Health Campus SPA as follows:

- Improved major acute hospital providing new facilities for patients and staff.
- Residential development (at least 500 new homes) including affordable housing.
- Commercial office development.
- Local centre shops and community facilities.
- Leisure facilities including the support of Watford Football Club as an important local asset.
- New combined heat and power plant.
- New road access arrangements to alleviate congestion on Vicarage Road and site circulation improvements to assist walking and cycling.
- Traffic signaling improvements to Junction 5 of the M1 motorway.
- Improved quality and quantity of green infrastructure.
- A primary school.

The new development should also be of high quality design, making the most of opportunities for energy conservation, renewable energy provision and water recycling; maintain and add to open space for recreational and biodiversity purposes; provide local employment opportunities and affordable and key worker housing; and be designed to reduce flood risk.

The principle of developing this site, as part of the wider Watford Health Campus project, was accepted under the previous hybrid application 14/00511/OUTM which was granted planning permission in January 2015. The plans approved under this earlier permission

had shown mixed industrial and warehousing floorspace to be provided on site in the area known as Business Area South. The current proposal reflects the original objectives of the hybrid application in that the site will be used to accommodate new industrial/warehouse units. The works proposed under this application do not compromise the objectives of the original scheme but merely seek to ensure that the land is suitably prepared to accommodate the new buildings. In this respect, the proposal will help facilitate the first phase of the Health Campus development following the commencement of the highway infrastructure works and therefore can be seen to meet the objectives of Policy SPA3.

Sustainability

Policy SD1 of the Watford Local Plan Core Strategy 2006-31 seeks to ensure that new development minimises the use and consumption of energy sources including fossil fuels. In addition, Policy SD4 advises that “The council will encourage the use of construction and demolition methods that minimise waste generation and reuse/recycle materials as far as practicable on site”. The proposed recycling of the spoil heap material will ensure that this does not need to be transported off site. This will remove the requirement for vehicles having to come and collect the material from site so that they can drive and deposit it elsewhere thereby reducing emissions.

Impact on visual amenity

From the first half of the twentieth century up to the mid-1980s, the site had been occupied by substantially-sized railway carriage sheds. When these sheds were removed the site was left in a fairly poor physical state and did not offer an attractive environment. Further, the more recent uses to have occupied the site including the concrete crushing facility and goods storage did not contribute positively to the character or appearance of the site or the wider visual amenity of the area. The Health Campus development, to which this development forms a part of, has provided the opportunity for some enhancements to be made to the physical environment in this location. Indeed, once the earthworks to which this application relates have been completed, new industrial/warehouse buildings will be erected on the site, surrounded by some soft

landscaping. A new wildlife area will also be created within the southwestern end of the site.

The existing spoil heaps left over from the previous concrete crushing use measure more than 5m in height in places. These heaps will be removed and their material spread over the site. Whilst this will, in the main, involve an increase to the level of land across the site, it will not degrade the quality of the environment. Levels across most of the site will be increased in height by no more than 1m. The maximum height increase to levels will be 2.5m and this is to occur where a new bund is created adjacent to the attenuation pond.

The site occupies a parcel of land that is separated from other neighbouring buildings and which is bounded by the River Colne, Wiggshall Road, the railway and the route of the new link road. Given the separation provided between the site and the nearest neighbouring buildings, it is considered that the increase in levels will not result in those buildings that are to eventually occupy the site appearing unduly prominent when viewed from the public realm.

The section of new road that is to be constructed immediately to the north of the site (and which is now in the process of being implemented) will, in part, be constructed on a raised embankment and the works proposed under this application will ensure that the buildings contained within the 'Business Area South' will have a suitable relationship with the new road.

The new buildings, associated car parking and landscaping which are to occupy the site will be subject to a separate application which is due to be submitted once the earthworks have commenced.

Impact on neighbouring amenities

At the time of writing, no objections had been received from occupiers of nearby buildings and businesses. The nearby businesses that occupy those premises at the Wiggshall

Industrial Estate to the north of the site will be able to continue to function and carry out their commercial activities whilst the works take place.

The nearest residential property to the site is located some 35m away. The changes to the levels on the site will not reduce the amount of natural light received by neighbouring properties and will not affect neighbours' outlook by virtue of the relatively modest increase in height and the separation distance provided between the site and these properties.

Landscaping and impact on trees

At present, the main central part of the site has been cleared and does not encompass any mature trees. It is acknowledged that there are some mature trees located close to the river, however, the proposed works will generally avoid these. The Council's Arboricultural Officer has been consulted and has confirmed no objection to the proposal.

Once the earthworks have been completed, new landscaping and tree planting can be carried out which will enhance the appearance of the area. The landscaping of the site will be influenced by the building positions which may be subject to change. Therefore, landscaping details including details of new tree planting will be subject to approval as part of the subsequent application for the new buildings once their positions have been finalised.

Access, parking and transportation

The proposal does not seek permission for the creation of any new access and does not seek to create any on-site parking as it relates to earthworks only. Access and parking for the new buildings that will occupy the site will be subject to approval under a separate application.

The Local Highway Authority has been consulted and has raised no objection to the proposal.

Biodiversity

A substantial proportion of the site comprises a cleared, former industrial area and does not contain any statutory designations for nature conservation. However, the site includes a County Wildlife Site (known as Croxley Green Junction Sidings). The concrete crushing facility that had previously occupied the site had expanded into the Wildlife Site.

Consequently, the ecological value of this Wildlife Site has been compromised in the past by the activities of the former commercial occupiers. Notwithstanding this, the proposed Business Area South will incorporate a new wildlife area adjacent to the river. The new attenuation pond to be provided as part of the sustainable drainage system for the site will also be able to support reed and marginal wetland planting.

An Extended Phase 1 Habitat Survey was submitted with the hybrid application which included an assessment of the habitats across the Health Campus site for their potential to support, and evidence of, protected species. Based on the survey work and analysis already carried out, it can be concluded that the proposed development would not be likely to harm a European protected species.

Flood risk and sustainable drainage

The scheme incorporates a number of measures that seek to manage surface water and consequently reduce the risk of flooding both within the site and on adjacent land. These include the provision of an attenuation pond and an outfall to the River Colne.

The Local Lead Flood Authority (LLFA) has been consulted. In their comments dated 19th June 2015 (see 'Consultations' section above), the LLFA recommended that the application be refused unless further information on the proposed drainage scheme that will support the future built development is provided. In response to this, the applicant has provided additional information including an indicative drainage scheme as set out on Drawing 60288684-INF-SK150 Rev 2.0 and a technical note to be read in conjunction with the Flood Risk Assessment submitted with the earlier hybrid application. This information has been sent to the LLFA for further comment. Upon review of the additional information,

the LLFA has now removed its objection and has confirmed that the proposal is satisfactory in principle from a strategic drainage point of view.

Network Rail has been consulted and has submitted a holding objection to the application (received 18th June 2015) regarding the potential for flooding and stability issues on the railway land caused by the proposed attenuation pond. In their response they advise that “the developer has not taken into consideration the potential for the pond to seep water which would in all likelihood impact the operational railway and in this case two lines with stability and flooding issues”. They further advise that “Until we have received details of the drainage plans and the plans for the attenuation pond we cannot support this proposal”. They have also advised that all surface water is to be directed away from the railway.

In response to this, the applicant has provided additional information which clarifies that the top of the bund level to the south of the pond will be lower than the bund level on the north and western sides, helping to direct any overtopping of water from the pond (in the event of a blockage) southwards towards the River Colne and not towards the railway land. This point is reinforced by the detail included on Drawing No. 60288684-IZS-TR-CS-01 Rev A which shows the higher bund levels on the northern side of the attenuation pond.

The additional information received by the applicant had been forwarded to Network Rail on 30th June but at the time of writing they had provided no additional comments. Should any comments be received before the Committee meeting then these will be reported to Members. However, given the additional information provided by the applicant it is now apparent that surface water will be directed away from the railway land. Additionally, the applicant has also confirmed that they have already entered into negotiations with Network Rail and have an ‘Asset Protection Agreement’ in place which seeks to ensure that the works on site do not compromise the use of the adjacent railway land.

Conclusion

The development of a new Health Campus has been a long-term strategic objective of the Council that is enshrined in Policy SPA3 of the Core Strategy. The works proposed under this application seek to facilitate the Business Area South development which forms a key component, and the first phase of development of the Health Campus project after commencement of the initial highways infrastructure works.

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:

Time Limit

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

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

Approved Drawings

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

60288684-IZS-TR-RB-01

60288684-IZS-TR-EL-01

60288684-IZS-TR-GA-01 Rev A – amended plan received 29.06.15

60288684-IZS-TR-CS-01 Rev A – amended plan received 29.06.15

60288684-INF-SK149 Rev 2.0

60288684-INF-SK150 Rev 2.0

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

Hours of Construction

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.

Land Contamination

4. Ground remediation shall be carried out only in accordance with the measures set out within the Remedial Strategy, Watford Health Campus, Business Area South, written by Lucy Ford, AECOM Ltd, dated May 2015 ref: 60288684/BAS-RS/LF/IW_01. Within 3 months of completion of the development, or otherwise agreed in writing, 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 strategy to demonstrate that the site remediation criteria have been met.

Reason: To protect the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

5. 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

Archaeological investigation

6. The development shall be carried out in accordance with the programme of archaeological works set out in the Archaeological Written Scheme of Investigation dated 27/05/15 ref. 60288684. The site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation dated 27/05/15 and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains on the site can be evaluated and recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

Tree and shrub removal

7. No trees, scrub or hedges on the site shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or

hedges and certified in writing to the Local Planning Authority that such works of removal will not harm nesting birds or any protected species.

Reason: To prevent harm to nesting birds and other protected species during the breeding season.

INFORMATIVES:

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. The applicant is advised that under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the culverted River Colne, designated a 'main river'. The Environment Agency can be contacted by telephone on 01707 632390 or by email at sphatfield@environment-agency.gov.uk.
3. The applicant/developer must contact the Network Rail Asset Protection Team (email: AssetProtectionLNWSouth@networkrail.co.uk, telephone: 0121 345 3867) to discuss the proposal and present a method statement and risk assessment of works, which must be reviewed and approved by the Network Rail Asset Protection Team prior to the commencement of any works on site. The Network Rail Asset Protection Team will need to review all excavation, demolition and drainage works.
4. The applicant is advised that the site may be located on former railway land which could be subject to a demarcation agreement. In such a case, approval for all

works on site will be required from the Network Rail Operational Property Team in addition to any planning consent. Network Rail's Operation Property Team can be contacted by email at OperationalPropertyLNW@networkrail.co.uk.

5. The applicant is advised that the storage of materials associated with the construction of this development should be provided on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available from the Highway Authority via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available from the Highway Authority via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. 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 0800 009 3921.

8. 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 0800 009 3921 to discuss the options available at this site.
9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
10. 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.

Drawing Numbers

60288684-IZS-TR-RB-01

60288684-IZS-TR-EL-01

60288684-IZS-TR-GA-01 Rev A – amended plan received 29.06.15

60288684-IZS-TR-CS-01 Rev A – amended plan received 29.06.15

60288684-INF-SK149 Rev 2.0

60288684-INF-SK150 Rev 2.0

Other documents

Design and Access Statement

Environmental Information Report: Technical Note – Working Platform; Technical Note –
Flood Risk Assessment

Archaeological Written Scheme of Investigation

Remedial Strategy

Flood Risk Assessment (from hybrid application)

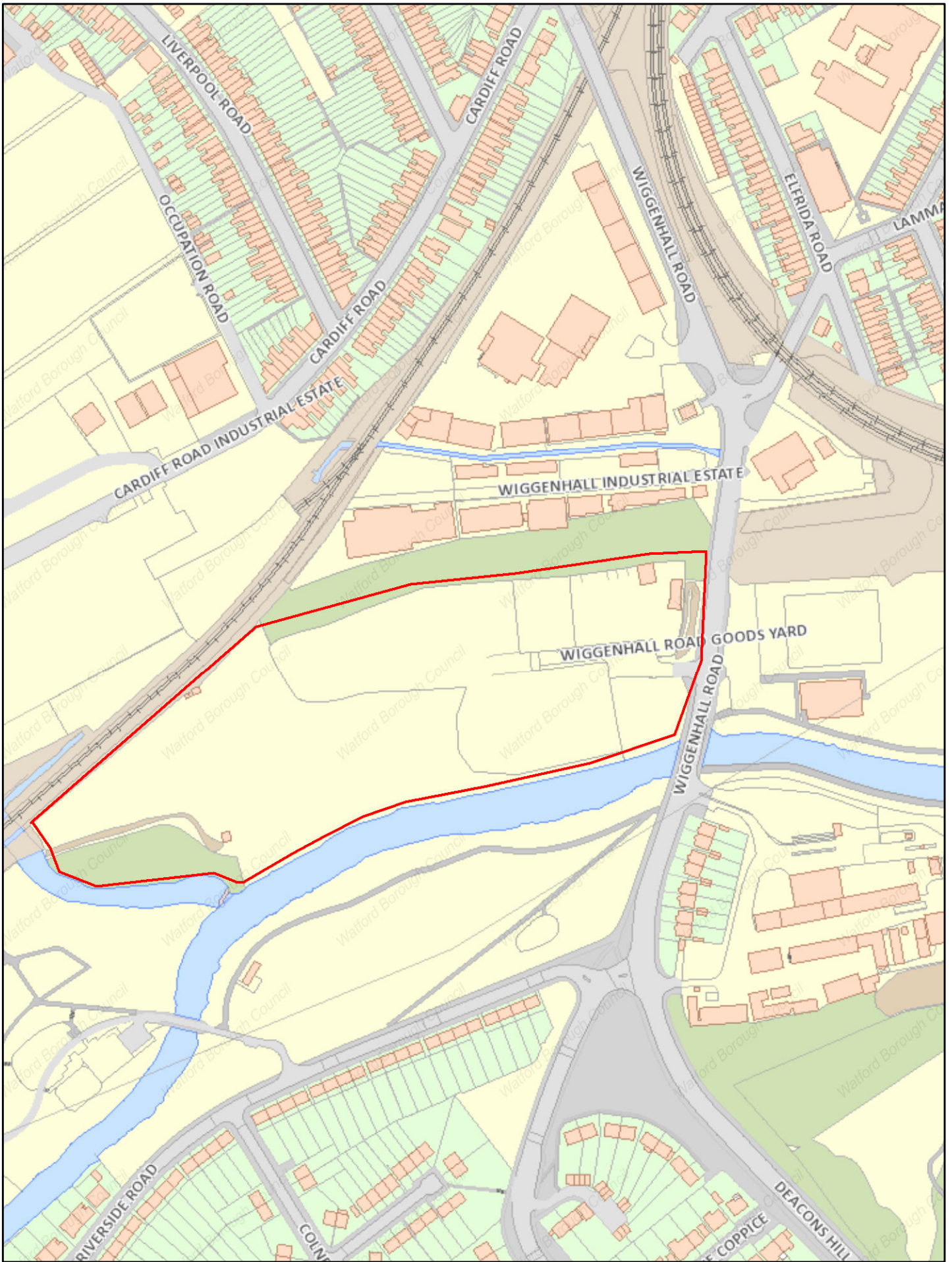
Site Management Plan

Programme of works document

Case Officer: **Simon Hoskin**

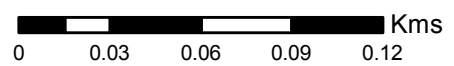
Email: **simon.hoskin@watford.gov.uk**

Tel: **01923 278598**



Wiggenshall Road Goods Yard

Date: 29/07/2015



Scale 1:2,500



PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of committee	6th August 2015
Site address:	31 Leveret Close
Reference Number :	15/00767/FULH
Description of Development:	Erection of a new fence
Applicant	Mr Gary Wood
Date Received:	26th May 2015
8 week date (minor):	28th July 2015 (extended to 10th August 2015 by agreement)
Ward:	Woodside

SUMMARY

Full planning permission is sought for the erection of a new 1.5m high fence around the side garden of the property at 31 Leveret Close. Planning permission is required because the fence is more than 1m high and runs along the highway.

There is an existing fence in place that is 1.8m high and does not have planning permission, this application seeks to replace that fence with one 1.5m high in a slightly different position. It is considered appropriate to allow the shorter fence to ensure security and privacy to the property therefore the Development Management Section Head recommends that planning permission be granted as set out in the report.

BACKGROUND

Site and surroundings

The subject property is a two storey semi detached dwelling on the bend of the cul-de-sac of Leveret Close. The building is set back from the road behind a front garden. The flank elevation runs alongside Leveret Close with an area of grass between the highway and

the dwelling. The area is a uniformly designed residential estate with building commensurate in height, bulk, scale and design. There is a robust orderly layout.

There is an existing single storey flat roof side extension set back from the principle building line of the property. This application has resulted from an enforcement enquiry into the existing 1.8m fence on site.

The building is not listed nor located in a conservation area.

Proposed development

This proposal seeks full planning permission for the erection of a new 1.5m high close boarded fence around the side garden of the property running along Leveret Close. The proposed fence will finish in line with the front wall of the house.

Planning permission is required because the proposed fence runs along the highway and is higher than 1m.

The application was originally submitted on 26th May and the eight week determination deadline was set at 28th July. Due to the number of objections received, it has been necessary to refer this case to the Development Management Committee for determination (rather than determining it under delegated powers). As such the period for determination has been extended (with the applicant's consent) to 10th August so that it can be considered by the Committee at the meeting on the 6th August 2015.

Planning history

Planning permission has previously been sought for the erection of a new attached dwelling to the side of the property (withdrawn 09/14). Planning permission was refused for a two storey side extension in April 2015 for the following reasons:

1. The proposed two storey side extension would double the size of the original house and would not provide a setback of at least 1m, which is contrary to

the council's Residential Design Guide (RDG), due to the height, scale and bulk the extension would not appear subordinate to the original house, the original front elevation would not be readable. The proposed extension would disrupt the balance and proportions of the semi-detached pair of houses (31 and 33 Leveret Close). As such, the extension would fail to respect the semi-detached character of the house and would be harmful to the character and appearance of the street scene.

2. The proposed boundary treatment of a 1.8m high close boarded fence is contrary to paragraph 7.3.25 of the RDG, it is considered to be out of character with the openness of the area and would appear as overly dominant running alongside the access to Leveret Close.
3. The Highway Authority consider that the proposed close board fence would disrupt the line of sight around the corner of Leveret Close causing unacceptable harm to the users of the highway. This is contrary to the National Planning Policy Framework (paragraph 35) which states that any development should be located and designed, where practical, to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
4. Overall, the development would detract from the character and appearance of the property and would have a detrimental impact on the streetscene, contrary to the provisions of the RDG and Policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31. The scheme represents poor design that fails to take the opportunities available for improving the character and quality of an area, contrary to the aims of Section 7 of the National Planning Policy Framework (NPPF).

The fence in this proposal addresses the issues highlighted in the previous application, the height has been lowered from 1.8m to 1.5m high. The position of the fence has also

been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back from the corner with Leveret Close allowing better sightlines for manoeuvring vehicles.

Relevant policies

Development plan

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

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

The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

Watford Local Plan Core Strategy 2006-31

WBC1	Presumption in favour of sustainable development
SS1	Spatial Strategy
UD1	Delivering High Quality Design

Watford District Plan 2000

No relevant policies.

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

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Supplementary Planning Documents

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

Residential Design Guide

The Residential Design Guide was adopted in July 2014. It provides a robust set of design principles to assist in the creation and preservation of high quality residential environments in the Borough which will apply to proposals ranging from new individual dwellings to large-scale, mixed-use, town centre redevelopment schemes. The guide is a material consideration in the determination of relevant planning applications.

Watford Character of Area Study

The Watford Character of area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

National Planning Policy Framework

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development
 The presumption in favour of sustainable development
 Core planning principles
 Section 7 Requiring good design

CONSULTATIONS

Neighbour consultations

The following properties were notified:

- 33 Leveret Close Watford WD25 7AX
- 25 Leveret Close Watford WD25 7AX
- 29 Leveret Close Watford WD25 7AX
- 41 Leveret Close Watford WD25 7AX
- 39 Leveret Close Watford WD25 7AX
- 33 Leveret Close Watford WD25 7AX
- 35 Leveret Close Watford WD25 7AX
- 37 Leveret Close Watford Wd25 7ax
- 27 Leveret Close Watford WD25 7AX
- 37 Leveret Close Watford WD25 7AX

Five responses were received. The points that have been raised are summarised and considered in the table below:

Representations	Officer's response
Angela Fisken, 27 Leveret Close	
Concern that a blind spot is caused by the position of the fence.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>

Deb Mason, 29 Leveret Close	
Concern over existing fence.	The existing fence is 1.8m high and not part of this planning application. This application is to replace the fence with one 1.5m high.
Concern that a blind spot is caused by the position of the fence. Damage has been caused to the property at No. 29 by cars reversing.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>
Alain Williams, 33 Leveret Close	
Concern over existing fence.	The existing fence is 1.8m high and not part of this planning application. This application is to replace the fence with one 1.5m high.
Concern that a blind spot is caused by the position of the fence.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>
Redevelopment of the Police Station site may have access along Leveret Close.	This would need to be considered as part of the proposal for redevelopment – it is likely that different arrangements would need to be made which may improve this junction.
There is a large tree within falling distance of the fence.	The tree falling on the fence is unlikely and would not result in significant damage other than to the fence.
A large tree has previously been removed and should be replaced.	There are no protected trees on the site. This is not a material planning consideration.
Personal comments about the	This is not a material planning consideration.

applicant.	
Patricia Heley, 35 Leveret Close	
Concern that a blind spot is caused by the position of the fence which exacerbates the problem with traffic and parking.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>
Redevelopment of the Police Station site may have access along Leveret Close.	This would need to be considered as part of the proposal for redevelopment – it is likely that different arrangements would need to be made which may improve this junction.
Susan Millican, 37 Leveret Close	
The fence is out of keeping with the rest of the Close, all other front gardens have a low wall/fence and gardens are visible from the street.	It is acknowledged that the other front gardens have low boundary treatments, however this proposal is for enclosure of the side and rear garden. The proposed fence is level with the front wall of the property and therefore does not alter the front garden. It is considered that the residents of the subject property are entitled to privacy in their side and rear garden.
Concern that a blind spot is caused by the position of the fence which exacerbates the problem with traffic and parking.	The position of the fence has been amended for this application from that existing on the site. It now cuts the corner close to the garages and is set back further from the corner with Leveret Close allowing better sightlines. <i>Awaiting Highways response.</i>

Statutory publicity

No statutory advertisement was required for this application.

Technical consultations

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

Awaiting comments.

APPRAISAL

Main issues

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

- (a) Privacy for the occupiers of the subject property
- (b) Impact on the streetscene

(a) Privacy for the occupiers of the subject property

The side boundary fence that is proposed requires planning permission because it is adjacent to a highway and it is more than 1m high. Effectively planning permission is only required for the additional 0.5m. A tall structure is justified here because it is needed to protect the privacy of the rear garden. The proposed fence would be 1.5m high, which is less than the height of a standard garden fence.

It is considered appropriate that the occupiers can fence off the rear garden to provide privacy and ensure security and safety for users of the rear garden, particularly children and pets.

(b) Impact on the streetscene

It is considered that the fence proposed will have less impact on the streetscene than the existing taller fence which has raised objections. The proposed fence would be 1.5m high, which is the height of a standard garden fence. It is not considered that the proposed fence will cause any particular harm to the street-scene.

There is no neighbour near the new fence because it runs along the boundary with Leveret Close. No neighbours will have their amenity harmed as a result of this development.

Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. This proposal is not subject to CIL.

Conclusion

The proposed boundary fence requires planning permission because it is adjacent to the highway. It is considered that a 1.5m high fence is appropriate in this location to protect the privacy of the rear garden.

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 Saved Policy SE22 of the Watford District Plan 2000.

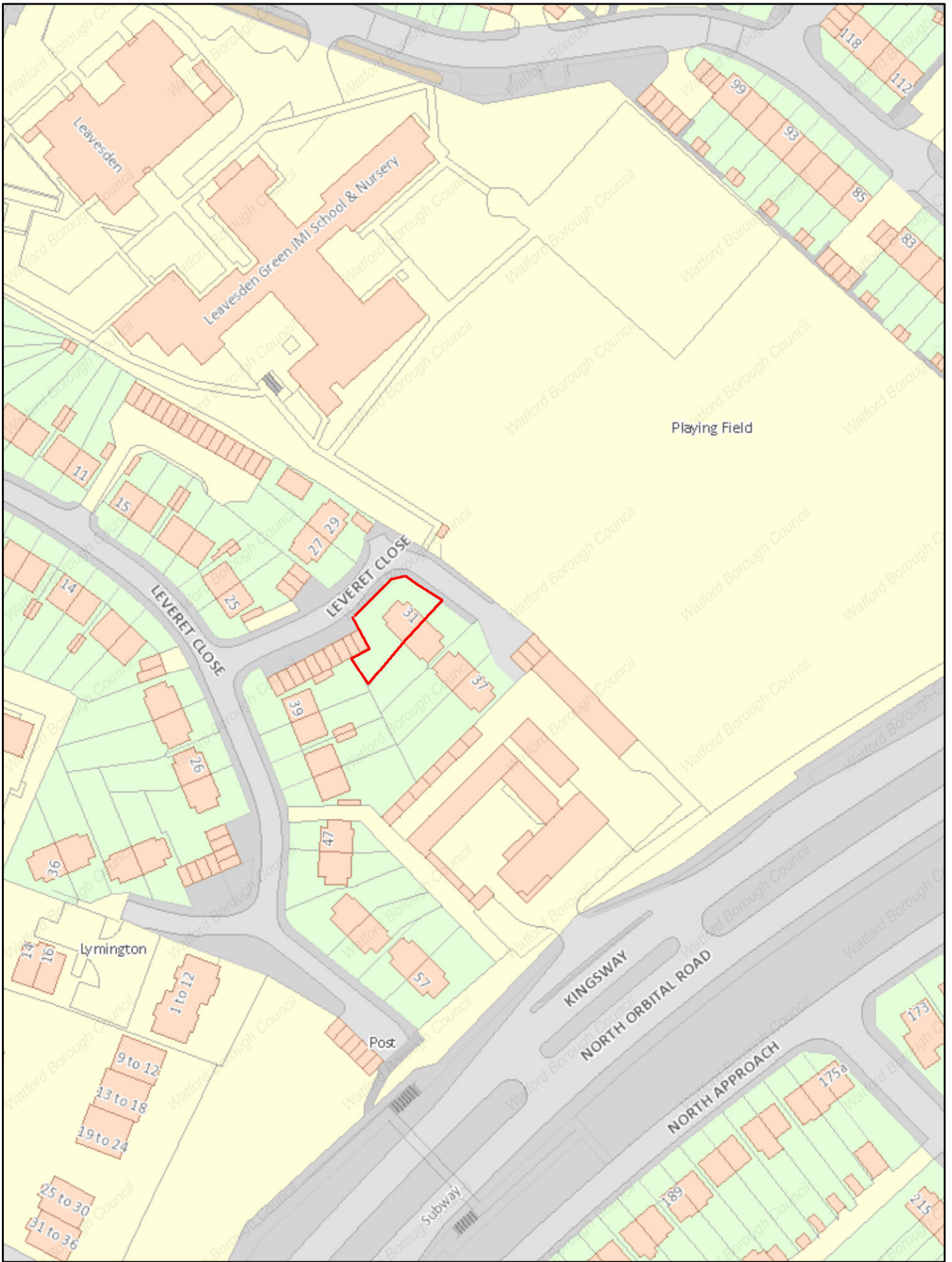
Informatives

1. The existing fence does not have planning permission and must be removed and replaced with a fence in line with these agreed plans.

Drawing numbers

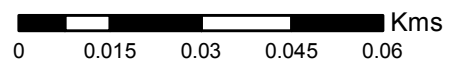
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Case Officer: Ellen Higginson
Email: ellen.higginson@watford.gov.uk
Tel: 01923 278092



31 Leveret Close

Date: 29/07/2015



Scale 1:1,250



