

## PART A

**Report to:** Cabinet  
**Date of meeting:** 6<sup>th</sup> March 2017  
**Report of:** Deputy Managing Director  
**Title:** Local Plan Part 2 Submission

### 1.0 **Summary**

- 1.1 Local Plan Part 2 sets out the Site Allocations and detailed Development Management policies to support delivery of the vision and strategy set out in Local Plan Part 1 Core Strategy adopted in 2013.
- 1.2 Local Plan Part 2 has been subject to several rounds of consultation since we first invited stakeholders to let us know what they felt the plan should cover back in November 2012. The most recent was the Publication consultation from August to October 2016 when we published the plan we intend to submit for examination and invited comments relating specifically to the legal and soundness tests set out by government.
- 1.3 The Publication was accompanied by an Equalities Impact Assessment and a Sustainability Appraisal/Strategic Environmental Assessment in the form of an Environmental Report which included assessment of all reasonable alternatives.
- 1.4 29 parties made representations to the Publication consultation raising 173 individual points of which 60 supported the plan, 74 were comments and 39 were objections. The majority of the representations suggested minor wording changes or simply provided information rather than commenting on the soundness or legal tests as required at this stage.
- 1.5 Officers consider the most significant objection in relation to soundness is that raised by Hertfordshire County Council (HCC) Highways about a need for evidence of the ability of the transport network to cope with proposed growth and that the Plan is progressing in advance of the County Council's Growth and Transport Plan which

would provide key evidence (but not until late 2017). They also expressed concern about the need to better understand the transport impacts arising from development at Watford Junction.

- 1.6 Because the timings of the Growth and Transport Plan mean data will not be available in time to inform this Plan without significant delay, officers are working with HCC to find a way forward which would enable them to withdraw their objection.
- 1.7 Officers consider that other comments and objections can be addressed by minor modifications to clarify wording without changing the meaning of the Plan. Such wording changes cannot be made before submission since the Publication plan must be the one we submit (unless significant changes were needed which would require additional consultation and sustainability appraisal). We are able to make such minor changes on adoption of the plan but for completeness the Inspector will be informed of the proposed minor wording changes to consider alongside any more significant changes that come out of the examination process.
- 1.8 Subject to the negotiation of an acceptable MOU with HCC it is recommended that the Local Plan Part 2 be submitted to the Secretary of State for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.9 Due to the time needed to discuss HCC's objection the timetable for submission has changed from February to March and a corresponding update to the Local Development Scheme timetable is required. In March 2016 cabinet agreed that approval of such updates be delegated to the Head of Regeneration and Development (role now incorporated into the Deputy Managing Director post) subject to the agreement of the portfolio holder.
- 2.0 **Recommendations**
- 2.1 That members agree the Local Plan Part 2 should be reported to Council on 21<sup>st</sup> March with a recommendation that the Plan be submitted for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This recommendation remains subject to agreement with Hertfordshire County Council on an acceptable way forward in respect of transport modelling.
- 2.2 That the Deputy Managing Director is delegated authority to agree, in consultation with the Portfolio Holder, any late minor changes / documents needed to accompany the submission such as the agreement with Hertfordshire County Council and the updated Infrastructure Delivery Plan.

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**Report approved by:** Nick Fenwick, Deputy Managing Director

**3.0 Detailed proposal**

3.1 Local Plan Part 2 sets out the site allocations and detailed development management policies to deliver the level of development (including 6,500 homes and 7,000 jobs) and the vision set out in the Local Plan Part 1 Core Strategy, adopted in 2013. Together the 2 parts will complete the Local Plan for Watford for the period 2006-2031.

**3.2 Summary of Local Plan Part 2:****3.3 Taller Buildings:**

Policies TB1 and TB2 set the policy context for taller buildings in Watford. These were developed in response to an increasing number of applications for taller buildings, in order to inform the choice of location and ensure good design. The policies are supported by the Supplementary Planning Document – Skyline – which was adopted in 2016. Policy TB1 identifies the most suitable locations for taller buildings as Watford Junction (Special Policy Area 2), Ascot Road (within the Western Gateway Special Policy Area 6) and Clarendon Road (within the Town Centre SPA1), whilst TB2 sets out criteria for determining whether a tall building is of suitably high quality and delivers an outstanding public realm – to be read along the more detailed guidance in the Skyline SPD. With the population forecasts continuing to increase, with the population of Watford expected to reach 100,000 by the end of this year, there is likely to be continuing pressure from developers for taller buildings as we move forward.

**3.4 Transport:**

The standards for car and cycle parking in the Local Plan Part 2 seek a balance which will encourage a reduction in car use whilst allowing sufficient parking in areas which are not so accessible by public transport. These policies also seek to ensure that secure and accessible cycle parking is provided in new developments. The proposed level of car parking provision takes into account accessibility by setting different standards for accessibility zone 1 (the most accessible locations) and zone 2 (which is less accessible and likely to be more car reliant at present). For residential use the policy recommends 1 car space per unit for homes with 3 or more bedrooms in zone 1 and 2.25 spaces in zone 2, but allows some flexibility for “car lite” developments

where sites are served by significant public transport infrastructure. At least 1 cycle storage space per unit should also be provided. The standards also require provision of electric charging points with a view to the use of such vehicles increasing in future, and to support the use of pool cars or car clubs. An SPD has been drafted to provide additional guidance on cycle parking and storage, which is currently out for consultation.

3.5

However, it is important to note that the Government has made clear in the 2015 Ministerial Statement on Planning (<https://www.gov.uk/government/speeches/planning-update-march-2015>) that they prefer to see the market determine the level of parking and that local authorities should not impose additional requirements unless they have compelling evidence that a particular approach to parking is required to manage the local road network. At present we do not have sufficiently detailed evidence to justify an enforceable policy which means we have reframed the standards as “guidance”. As such they would be used as a guide for negotiating appropriate levels of parking with applicants. This is an area in which additional evidence will be prepared as part of a Parking SPD where flexible standards will be given detailed consideration. This work will help inform the Local Plan Review and will tie in well with the transport modelling work being undertaken by HCC for the Growth and Transport Plan.

3.6

Sustainable Development :

Since the government abolished the Code for Sustainable Homes and moved sustainability requirements into the Building Regulations, we are limited in terms of what we can require in the Local Plan, when it comes to residential development. The government indicated in the March 2015 Ministerial Statement that we should not ask developers to meet a higher energy performance standard than that imposed by the Building Regulations after the commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. Although the Bill has since received Royal Assent the relevant commencement was linked to the introduction of zero carbon homes – an initiative the government has since abandoned. The policy wording therefore continues to seek a higher performance (equivalent to level 4 of the withdrawn Code for Sustainable Homes) for major residential development in the Special Policy Areas. This approach has been discussed with officers at DCLG since the Publication consultation and minor wording changes made to ensure consistency with national policy. The Ministerial Statement did not affect non-residential development, as long as the plan has been assessed for viability - the policy seeks compliance with BREEAM standards ( developed by the Building Research establishment) – seeking a minimum level of “Very Good” across the Borough, with a higher “Excellent” standard expected for major development within the Special Policy Areas. Policies continue to encourage the use of renewable energy in all areas, and to encourage the use of decentralised energy networks - with development in SPAs 1, 2 and 3 expected to contribute towards the provision of such networks.

3.7

Employment:

The employment policies in the Core Strategy and Local Plan Part 2 seek to protect

employment areas from change to other uses. National changes to permitted development rights mean offices can now change to residential use without needing planning permission. In order to protect the town's key office area an Article 4 Direction was made to remove this permitted development right from the employment area covering Clarendon Road, Station Road and Bridle Path in the face of pressure for significant conversion to residential in spite of evidence showing a significant need for additional office space in the borough. Evidence was therefore commissioned to assess the viability of delivering new A Grade office space in this employment area, and if other uses were required for viability, to advise on the amount of such supporting uses likely to be required to deliver the significant uplift in quality office space required. The first finding of the Clarendon Road Study was that in fact new speculative office development was perfectly viable and that other uses such as residential were not required on viability grounds.

3.8 The policy for the Clarendon Road, Station Road and Bridle Path Office Area builds on the Core Strategy policies and emphasises the need for additional modern, high quality office space in this key location. The policy does allow some supporting uses where these add to the vitality and viability of the office area.

3.9 Further detailed work on the future of this key location will be undertaken to inform the Local Plan Review.

3.10 Housing:

The adopted Core Strategy sets a minimum target of 6,500 new homes for the period 2006-2031. 3,615 homes had already been completed by 2015 with a further 1,629 in the development pipeline (under construction or with outline or detailed planning permission). Windfall sites are expected to deliver a further 660 homes based on past trends. Local Plan Part 2 identifies sites capable of delivering 3,093 additional homes which takes the potential housing delivery to 8,997 which is 2,497 above the minimum target of 6,500. This buffer helps ensure there is a choice of sites that we consider suitable for housing available to developers and recognises that not all allocated sites may actually come forward in a plan period, as well as potentially giving some breathing space as we undertake the work required to turn the assessed future housing need into an appropriate target for Watford in the Local Plan Review. We continue to have strong demand for further housing in the Borough and housing is seen as a priority by the Council and central government. Although the Housing White Paper (Feb 2017) is still out for consultation until May 2017, there is pressure to deliver more housing which is likely to remain for some considerable time.

3.11 **Results of the Publication Consultation:**

3.12 29 parties made representations to the consultation raising 173 individual points, of which 60 supported the plan, 39 objected and 74 made comments (such as providing information or suggesting wording clarification). All representations can be seen on

the Local Plan consultation portal: <https://watford.jdi-consult.net/localplan>

- 3.13 The most significant objection is considered to be that raised by Hertfordshire County Council (HCC) Highways about a need for evidence of the ability of the transport network to cope with the proposed growth. The first full run of the new Comet transport model indicates increased congestion in several locations by 2031. Mitigation measures need to be considered and tested to address this. The best way to fully consider mitigation measures and test them would be through preparation of the Growth and Transport Plan, currently in the early stages of preparation by HCC. Waiting for that work to be complete would mean a significant delay to Local Plan Part 2 and officers consider that work would be best used to inform the Local Plan review which is already timetabled to follow on swiftly from Local Plan Part 2. Officers are working to agree a suitable way forward with HCC to enable Local Plan Part 2 to progress.
- 3.14 Other objections are summarised below:
- 3.15 London Concrete objected to the degree of reference to safeguarding of the rail aggregates depot and concrete batching plant at Watford Junction, feeling the wording was not sufficiently strong and that the safeguarded area should be shown on the site map. Minor wording changes are proposed to further clarify the safeguarded nature of these facilities and the area will be shown on the site plan for SPA2.
- 3.16 St William, developers of the Gas Holder site, made several objections, including to the adoption of national described space standards which they had previously supported, to elements of the parking guidance and to the sustainable design requirements. They also objected that no housing figure for their site had been included in the plan. A housing number had not been included because of potential flooding issues which means any number would be dependent on an appropriate scheme being agreed with the Environment Agency. However, a minor change can be made to make it clearer that a housing component might form part of the mix of uses on this mixed use allocation. In relation to the nationally described space standards, a minor wording change is proposed and the evidence supporting the need for the standard has been drawn together to accompany submission. The parking standards are for guidance and no change is proposed. A minor change is proposed to the sustainable design requirements following discussion with officers at the Department of Communities and Local Government, to ensure the policy complies with government guidance.
- 3.17 Historic England asked for more specific reference to listed buildings in the site schedules and for other minor wording amendments to ensure consistency with terminology used in the NPPF, the majority of which we propose including as minor modifications.
- 3.18 Thames Water wanted additional reference to water supply and proposed an additional policy. Further to discussion, and clarification that part of their additions

are already covered in the adopted Core Strategy they have confirmed that they were not formally objecting on soundness grounds and a more minor wording change is proposed.

- 3.19 John Cox made several objections in relation to development at Watford Junction, asking about the alternatives considered, the needs of Network Rail and the future of the Abbey Line. Watford Junction is already identified as a Special Policy Area in the adopted Core Strategy. The operational needs of Network Rail are a matter for them rather than for the Local Plan but they have of course been involved in discussions regarding the future use of the site, and in terms of identifying land available for development.
- 3.20 The National Federation of Gypsy and Traveller Liaison objected to the allocation of a single site and that the plan does not explain the level of assessed need. The level of need and the principle of a single site were recognised in the adopted Core Strategy. Future needs will be assessed in the Plan Review. This has been discussed with the objector and a wording clarification has been agreed to address the concerns.
- 3.21 JLL (on behalf of Orion) felt SPMX2 Mixed Use Allocations should not limit the remaining potential capacity for Ascot Road to 400. The numbers are not expressed as a limit – the figures are purely indicative. No change is proposed.
- 3.22 Natural England, Herts and Middlesex Wildlife Trust and HCC suggested changes to GI10 Managing Biodiversity in New Developments. The wording had already been changed pre Publication to meet the requirements of the Local Nature Partnership. Revised wording has now been agreed which seeks to address the conflicting requests from the different agencies.
- 3.23 The Environment Agency proposed wording changes to policy GI7 (Protection and Restoration of River Corridors and Watercourses). The proposed changes are not considered necessary for soundness but have been included in the proposed minor modifications as they assist clarity.
- 3.24 Hille Holdings asked that the affordable housing requirement be reduced to 20% for the Watford Junction SPA. This is not considered appropriate – any departure from the adopted Core Strategy policy on affordable housing would need to be justified.
- 3.25 NLP (on behalf of Intu) objected to the retention of a 90 % retail (Class A1) frontage in the intu centre as they would like to introduce other uses. We propose defending this policy as we have already designated restaurant hub areas for A3 uses and consider other non retail uses would be better located outside of the main shopping mall.
- 3.26 British Sign and Graphics Association object to mention of the Shopfront Design Guide in Policy UD3 because they were not directly consulted on the preparation of that Guide. Officers do not consider this to be a soundness issue.

- 3.27 St Gobain objected to the allocation of a site they currently lease as Jewson. No change is proposed – the site owner had confirmed they were happy with the allocation of the site.
- 3.28 Sport England and local resident Neil Spicer objected to the proposed housing allocation H2 Lower Derby Road, asking that an alternative location for the skate park be identified. The site schedules already made it clear that the skate park would need to be relocated to an accessible location ahead of any redevelopment but revised wording has been agreed to clarify that a replacement skate park of at least equivalent size and quality should be provided in an accessible location ahead of this site being developed. The Sports Facilities Strategy includes a site for an improved replacement.
- 3.29 Neil Spicer also objected to several other housing sites, suggesting that Bowmans Green Garages should be retained for parking and that the Metropolitan Line Station should be kept for future use and train parking. Transport for London suggested this site as they do not need it for such use. No change proposed to these sites.

### **Risks**

- 3.30 The primary risk with progressing the Local Plan Part 2 to submission is likely to be the objection from Hertfordshire County Council on transport modelling. If a way forward cannot be agreed then officers consider the plan should not progress to submission.
- 3.31 Other risks relate to current uncertainty around the progress of the Metropolitan Line Extension, and the impact changes being introduced by government, including in the Housing White paper announced on 7<sup>th</sup> February.

## **4.0 Implications**

### **4.1 Financial**

- 4.1.1 The Head of Finance (shared services) comments that there are no direct financial implications in this paper.

### **4.2 Legal Issues (Monitoring Officer)**

- 4.2.1 The Head of Democracy and Governance comments that Council has to agree to Local Plan part 2 being submitted for public examination.

### **4.3 Equalities/Human Rights**

- 4.3.1 An equalities impact assessment was undertaken and published alongside the first consultation on Local Plan Part 2. The initial screening found that most policies had a neutral effect or were not relevant (i.e. that whether a person had one of the protected characteristics or not had no relevance to the impact of the policy). No



significant impacts were identified, either positive or negative, which required further assessment. This exercise was reviewed to reflect the policy wording at Publication stage and again found that there were no significant effects. The revised assessment was published for consultation alongside the Publication. No comments were received.

#### 4.4 **Potential Risks**

<b>Potential Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Overall score</b>
Objection from Herts County Council unresolved	1	3	3
Changes to national policy affecting validity of local policies	3	3	9
Insufficient staff available	2	3	6
MLX not progressed	2	4	8
Inspector recommending we go straight to a plan review	1	4	4

#### 4.5 **Staffing**

4.5.1 A Programme Officer will be required to undertake the administration of the examination in an independent capacity to the Council.

#### 4.6 **Accommodation**

4.6.1 A venue will be required for the examination hearings. In line with the equalities duty and commitment in the Statement of Community Involvement, any such venue should be fully accessible. Office space will be required for the Inspector and Programme Officer and space to accommodate the document library during the examination.

#### 4.7 **Community Safety/Crime and Disorder**

4.7.1 The plan contains a policy on Community Safety.

#### 4.8 **Sustainability**

4.8.1 Sustainability Appraisal including Strategic Environmental Assessment has been undertaken and subject to consultation at every stage of plan preparation

## Appendices

- Local Plan Part 2 Publication (available at: <https://watford.jdi-consult.net/localplan/readdoc.php?docid=14>)
- Schedule of Proposed Modifications
- Schedule of Changes to the Policies Map
- Proposed Submission Policies Map and Town Centre Inset Map (draft)

## Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

*The Local Plan Part 2, and all representations can be viewed online at:*  
<https://watford.jdi-consult.net/localplan/readdoc.php?docid=14>

*Key supporting documents can be viewed online at:* <http://watford.jdi-consult.net/localplan/readdoc.php?docid=18>

## File Reference

- SP2.2.3 LP2