

Part A

Report to: Cabinet

Date of meeting: 5 July 2021

Report author: Spatial Planning Manager

Title: Submission of the Final Draft Watford Local Plan

1.0 Summary

1.1 The proposed submission Watford Local Plan was published for consultation from 18 January to 18 March 2021. Following comments received, where appropriate proposed modifications for consideration during the examination have been drafted to address objections raised which are to be submitted alongside the final draft Local Plan. This report seeks Cabinet approval to take the final draft Local Plan and the proposed modifications to Council where it will be recommended for submission to the Secretary of State for an Examination in Public which is likely to be held in late 2021 / early 2022.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Plan not recommended for submission to the Secretary of State by Council	Timetable to examination extended. Changes to national guidance may need to be taken into account resulting in amendments and	Engagement with Members and corporate officers to explain key messages in the draft Local Plan.	Treat	6 (2x3)

	<p>additional consultation.</p> <p>Continue to rely on outdated planning policies reducing the Council's ability to manage development.</p>			
<p>Plan found unsound at examination</p>	<p>Adoption delayed.</p> <p>Planning decisions remain heavily weighted on an outdated Plan and national guidance.</p> <p>Reducing the potential to deliver high quality development and manage where it is located.</p>	<p>Engagement with stakeholders and progress Statements of Common Ground to resolve outstanding issues.</p> <p>Obtain legal advice as to Regulation 19 consultation is sufficient</p>		<p>8 (4x2)</p>

3.0 Recommendations

3.1 That, Cabinet recommends to Council:

- a. To agree the final draft Watford Local Plan, attached at Appendix A, and the Final Draft Watford Local Plan inclusive of proposed modifications (track changes), attached as Appendix B, be submitted to the Secretary of State Housing and Local Government for Examination in Public.
- b. That, any minor updates to the Schedule of Proposed Main Modifications and Schedule of Proposed Minor Modifications can be made by the Head of Planning

and Development in consultation with the Portfolio Holder for Commercial Property, Planning and Housing Services.

- c. That, delegated authority be given to the Head of Planning and Development in consultation with the Portfolio Holder for Commercial Property, Planning and Housing Services, to undertake consultation on the Schedule of Main Modifications and Schedule of Minor Modifications, as recommended by the appointed Planning Inspector following the Examination in Public.

Further information contact:

Contact: Jack Green, Spatial Planning Manager

Email: Jack.green@watford.gov.uk

Telephone extn: 8093

Report approved by: Ben Martin, Head of Planning and Development

4.0 Detailed proposal

- 4.1 The final draft Watford Local Plan (Appendix A) was consulted upon from 18 January to 18 March 2021. This consultation asked consultees if the document was compliant with the Tests of Soundness which includes four elements: is the Plan positively prepared, is the Plan justified, is the Plan effective and does the Plan comply with national policy. In addition to this, consultees were asked if the Plan was legally compliant and if the requirements of the Duty to Cooperate had been satisfied. The approach to consultation is set out in Appendix C and is consistent with Watford Borough Council's Statement of Community Involvement (2020).
- 4.2 82 organisations and individuals responded contributing 438 comments (Appendix D). This included 135 comments related to soundness (31%) and were a mix of support (72 comments), objection (63 comments), and general comments (303 comments). The representations related to a variety of issues and primarily focussed on: the growth strategy, housing, retail and the town centre, design, heritage, climate change, infrastructure, transport and site allocations.
- 4.3 Attached as Appendix B, is the final draft Local Plan document as consulted upon inclusive of Proposed Modifications. It is standard practice when referring a Local Plan for Examination in Public that the Proposed Modifications are contained in a separate document and not automatically incorporated into the Local Plan itself, even if the local planning authority accepts them. Ultimately it is for the planning inspector to decide whether to choose to accept the Proposed Modifications.
- 4.4 There are two types of Proposed Modifications; Main Modifications and Minor Modifications. Proposed Main Modifications are changes that directly relate to

decision-making and how the guidance and planning policies included in the Draft Local Plan are applied. The main issues raised that have resulted in proposed modifications, primarily to address issues of soundness, are set out in this report.

- 4.5 Proposed Minor Modifications do not materially affect the document, for example, grammatical amendments and clarifications on diagrams. A list of the Proposed Modifications can be found at the end of Appendix B (identified as Appendix Ba (Proposed Main Modifications and Appendix Bb (Proposed Minor Modifications)).

Growth Strategy:

- 4.6 Most comments suggested the time period covered by the draft Local Plan, 2018-2036, should be amended. It was suggested the plan period should start closer to the time of submission (2021) and be extended to at least 2037 to cover at least 15 years from the time the Plan is adopted, which is a requirement set out in the National Planning Policy Framework. The total housing requirement set out in the draft Plan should be amended to reflect changes to the plan period. It was also suggested that windfall development should not be counted until the fourth year of the draft Plan given the timescale of determining planning applications through to delivery.

- 4.7 In response, proposed modifications include amending the plan period from 2018-2036 to 2021-2037. The total number of housing units required would be reduced from 14,988 units (793 dwellings per year) to 13,171 units (784 dwellings per year). The housing trajectory set out in Appendix B of the draft Local Plan has been amended to reflect anticipated delivery of sites. The windfall figure has been revised so it is taken into account from 2024/25. The windfall allowance from 2024 to 2037 is an average of 156 dwellings per year and makes up approximately 15% of the total housing requirement in the draft Local Plan.

Housing:

- 4.8 The requirement for 35% affordable housing on sites was questioned. The requirement set out in the draft Local Plan is to be carried forward without modification as it has been supported by a viability study completed in January 2021. It was suggested that as part of a late-stage review requirement where a proposal has been granted planning permission without meeting the affordable housing requirement, developers should be able to provide either a financial contribution and/or be able to transfer units to a housing association (rather than just the latter). A proposed modification has been included to reflect these concerns as this would provide appropriate flexibility and support delivery.
- 4.9 The discounted market rent homes required as affordable housing on built to rent developments was challenged on the grounds that it was not compliant with national guidance as nomination rights should be left to the operator of the build to rent scheme. The draft Local Plan has been amended to clarify that nomination rights to discounted market properties is the responsibility of the operator but

should be agreed with the Local Planning Authority. This amendment reflects national guidance.

- 4.10 The requirement for nationally described internal space standards and higher accessibility standards were questioned in terms of their justification. No modifications are proposed in response to these comments based on the need to support health and wellbeing.
- 4.11 It was suggested that the provision of amenity space on large developments may not be feasible on some schemes and more flexibility was required. There are no modifications put forward to reduce the provision of on-site private amenity space. However, the text in the draft Regulation 19 consultation document is considered to be vague when referencing the provision of communal open space. To provide clarity, revisions to the supporting text have been added to clarify the standard carried forward from the Residential Design Guide (2016) of 50sqm if the site is not located within a five minute walk (400m) of an amenity green space that is of 0.1ha in size. This is set out in the supporting text rather than policy recognising that not all schemes may be able to achieve this standard but it should be expected where possible.
- Employment:
- 4.12 It was suggested that retail should be permitted in designated employment areas based on job creation. No modifications have been put forward in response to this given that traditional employment uses such as offices, industry and storage are the focus of the designations. Small-scale retail uses that support existing uses are proposed to be permitted as part of the draft Local Plan. Clarification has been provided about the office impact test to be consistent with the retail impact test (threshold at which the impact of a proposal will have on other designations that accommodate this need in an area). This threshold has been amended from 250sqm to 2,500sqm.
- 4.13 The Colonial Way and Imperial Way industrial area is suggested to be amended to include the nearby concrete batching plant and rail aggregates facility. In the north of the borough, the operators of the Printworks Building located at the Dome roundabout have objected to being included in the designated industrial area. While they are currently being used for employment uses, they do not see their site as being well connected to the main body of the designation or contribute towards the overall objectives of the designation. They have requested the site either be removed from the designated employment area or be included as part of the mixed-use site allocation MU24 (Asda). In response, the draft Local Plan is not able to identify enough land for industrial uses to meet need to 2036, therefore, it is not proposed to remove this site from the designated employment area.

Retail and the Town Centre:

- 4.14 The approach to out-of-town retail uses was questioned in the context that these will not impact upon the types of retail provision in the town centre. There are no proposed modifications in response to this issue given the overall approach to mixed-use redevelopment within the Core Development Area and the intention to focus on the town centre as the key retail destination. Clarification has been added to clarify that when proposals have an area of 2,500sqm then an impact test will need to be carried out to establish if there will be an effect on the town centre.
- 4.15 The proposed policy in the final draft Local Plan that was consulted upon proposed an approach to restrict the location of fast food takeaways when located within 400m of a primary school. It was contested that this blanket restriction was not justified based on local evidence. Health is an important issue and has been sought to be addressed through the draft Local Plan where possible. There is evidence of a relationship between eating habits and obesity but this is limited with respect to being location specific. An amended approach has been set out to require a Health Impact Assessment for fast food takeaway proposals in general to provide better reflect local circumstances. .

Design:

- 4.16 There was a mix of support and objection to the proposed policy approach to building heights. In the Core Development Area and large sites outside of this designation it was stated that the base building height was too low and this underestimated site capacity (number of units per hectare). Outside of the Core Development Area there were concerns the base building height was too high. Proposed text modifications have been included to better explain that if taller buildings are proposed within the Core Development Area and may affect an existing area of lower building height that they should be designed to enable a transition between these two areas of different character. No further modifications are put forward as the building height policy acts as a trigger for further design considerations to be used to ensure development is appropriate and of very high design quality.
- 4.17 A proposed amendment has been put forward to clarify the requirement of no more than eight units off of a single core. This is to better reflect the individual characteristics of a development and ensure that the internal quality space is not compromised.

Heritage:

- 4.18 Several proposed modifications have been set out to make the section easier to read. Further work is being undertaken, at the request of Historic England, on seven sites and screening work on the three Strategic development Areas to better understand what potential impact there could be on nearby heritage assets. Recommendations from the work will be considered as part of the Examination

Historic England has agreed to work on a Statement of Common Ground if required to overcome the objection.

Climate change:

- 4.19 The higher building standards for new non-residential buildings were challenged on the grounds of viability. The viability assessment completed in 2021 indicated development to this standard should be viable, therefore, no modifications are proposed as it is considered an important part of addressing the climate change emergency. Clarifications are been put as to how groundwater protection will be accounted for in the draft Plan at the request of the Environment Agency.

Natural Environment:

- 4.20 Objections were raised on several areas of open space covered by planning policy. The green space located at Blackwell Drive is proposed to be amended to include all of the green space. An amended area covered by open space policy at the Kytes House estate in Garston has been proposed to include extensive tracts of green space but exclude the gardens that were identified on the Regulation 19 consultation Policies Map. It was suggested that Attenborough Fields be included as designated open space, however, no proposed modifications are put forward as the area is protected as Green Belt and it is an identified Priority Habitat so is protected by other policies in the draft Local Plan.

- 4.21 Text modifications are put forward in response to comments submitted by the Environment Agency and Hertfordshire County Council to place increased emphasis on improving green infrastructure and biodiversity as opportunities arise through new development.

Infrastructure:

- 4.22 Hertfordshire County Council requested that further references to primary school provision are set out in the draft Local Plan. Proposed modifications, particularly related to the Core Development Area have been put forward to accommodate this.
- 4.23 The Environment Agency required greater clarification as to how wastewater infrastructure was to be addressed by new development. Proposed modifications to policy and supporting text have been put forward to clarify what is required as part of a planning application. The amendments have been agreed through a Statement of Common Ground.
- 4.24 Hertfordshire County Council requested further references to cycling, walking, bus priority and the former Metropolitan Line Extension corridor to facilitate improvements to the town and mitigate the impact of new development on transport infrastructure. Highways England have sought further clarification about the impact of the proposed development in Watford on the Strategic Road Network. Further work modelling the strategic road network has been undertaken

by the Highways Authority and results are anticipated during the summer. This supplements traffic modelling work undertaken in central Watford and mitigation measures that have been identified and set out in the draft Infrastructure Delivery Plan completed in January 2021. Comments were received with concerns about parking standards and the impact new development could have on existing provision. No proposed modifications are put forward in response to this issue with the focus being on sustainability and addressing climate change.

- 4.25 Comments were received about how infrastructure will be funded. No proposed modifications have been put forward in response to these comments with details set out in the draft Infrastructure Delivery Plan.

Health:

- 4.26 There were no objections to the policies in the Health chapter, however, amendments have been put forward to strength health and wellbeing in the draft Plan following comments submitted by Hertfordshire County Council.

Site allocations:

- 4.27 Comments were submitted in relation to a number of site allocations. The main amendments put forward relate to site allocations located in the Watford Junction area including MU06 ((Land at Watford Junction), MU07 (Land and Building at Astral House) and EM05 (Land at Colonial/Clive Way). The latter has been revised to a mixed-use allocation from employment to be consistent with adjacent allocations. Proposed amendments seek to align the allocations in terms of what they are trying to achieve and how they will contribute towards the long-term vision for the area. The protection of the existing concrete batching plant and rail aggregates depot has also been clarified. Work is progressing on Statements of Common Ground.
- 4.28 The West Hertfordshire Hospitals Trust suggested the site of the Watford General Hospital redevelopment be included as part of the Riverwell site allocation (MU21). It is proposed the site boundary be amended to include the hospital and the development considerations amended to reflect its inclusion. This proposed amendment has also been reflected in the proposed modifications in Chapter 2: Core Development Area, more specifically the Colne Valley Strategic Development Area.
- 4.29 A proposed modification for site HS06 (Land at Russell Lane) seeks to clarify that given the segregation from the Green Belt improvements to improve green infrastructure in the vicinity will be required rather than having to improve connectivity to the remaining Green Belt.
- 4.30 There are two site allocations set out specifically for education provision. Site ED01 (Former Meriden School Site) is proposed to be modified to exclude land at the

north east corner of the site. This will have no impact on the functioning of the site as a school.

- 4.31 Representations requested that the following sites be included in the Local Plan, however, they are not proposed to be added prior to submission:
- Woodside Leisure Park (land owners had been contact earlier in the process but no response to put forward an appropriate use was received);
 - the south part of the former intu shopping centre (not considered appropriate); and
 - a garage site located on Radlett Road (only large enough for three dwellings, threshold for the Local Plan is five dwellings).
- 4.32 Having considered all of the comments and put forward proposed changes these will be considered by the Planning Inspector at the Examination in Public before determining whether changes are appropriate. It is therefore, recommended that the Council proceed with submission to the Secretary of State so that these issues and the evidence base can be fully explored. Should any significant changes arise from the Planning Inspector's input at the examination hearings, these will be advertised and any comments received will be considered by the Inspector before he/she prepares their final report.

The documents to be submitted for the examination is the [Final Draft Watford Local Plan](#) (as published January 2021). This will be supported but other documents including:

- Sustainability Appraisal Report and Habitats Regulations Assessment
- Statement of Consultation
- Comments received in response to the Final Draft Watford Local Plan Consultation (January – March 2021)
- Schedules of Proposed Modifications the Council wish to make in response to consultation for the Planning Inspector to consider
- The set of supporting evidence bases ([background studies](#))

5.0 Implications

5.1 Financial

- 5.1.1 The Shared Director of Finance comments that there is an annual budget to support Local Plan examination in Public. It is expected the cost of examination into the Watford Local Plan will be met from this budget.

5.2 Legal Issues (Monitoring Officer)

- 5.2.1 The Group Head of Democracy and Governance comments that the decision to submit the Draft Local Plan for Examination in Public is a council decision.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Having had regard to the council's obligations under s149 of the Equality Act 2010, an Equalities Impact Assessment have been undertaken at the publication stage. This has been published as part of the consultation material.

5.4 **Data Protection Impact Assessment**

5.4.1 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.5 **Staffing**

5.5.1 The team currently has the staff resources available to prepare and participate in the Examination in Public.

5.5.2 The Planning Policy Team do not anticipate legal representation at the examination hearings at this stage, however, this will be kept under review as necessary.

5.5.3 A Programme Officer has been appointed to assist the Planning Inspector in the lead up to the Examination and for the duration of the Examination. This appointment is a necessary part of the examination process and cannot take place without the post being filled.

5.6 **Sustainability**

5.6.1 A Sustainability Appraisal has been undertaken at all stages of Plan preparation, and the reports have been published for consultation.

6.0 **Appendices**

- Appendix A: Final Draft Watford Local Plan 2018-2036 Submission Version
- Appendix B: Track changes version of the Final Draft Watford Local Plan 2018-2036, inclusive of Proposed Modifications
- Appendix C: Regulation 22(1)(c) Statement of Watford Borough Council in support of the Final Draft Watford Local Plan 2018-2036
- Appendix D: Final Draft Watford Local Plan Consultation Responses

7.0 **Background papers**

- [Statement of Community Involvement](#)
- Equality Impact Assessment