

## PART A

Report to: **Development Management Section Head**

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

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

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

Applicant **Sainsbury Supermarkets Ltd**

Date Received: **11th February 2014**

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

Ward: **MERIDEN**

### **Summary**

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

floorspace by 700m<sup>2</sup> and resulting in a significant improvement to the internal layout of the store.

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

The proposal will result in the increase of an existing retail store and does introduce additional retail floorspace. The applicant has demonstrated that the increase in retail floorspace will be in line with the recent national policy guidance. Further, the applicant has demonstrated that the proposals will involve the improvements to the store to help to address existing inadequacies and the extent of current overtrading at the store as well as providing an improved shopping environment and facilities for customers. Whilst the proposed floorspace, at 700m<sup>2</sup>, is below the threshold for a retail impact assessment, nevertheless the applicants have provided an impact assessment analysis which demonstrates that the proposal will be a complementary use to the existing shopping provision in the locality.

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

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

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

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

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

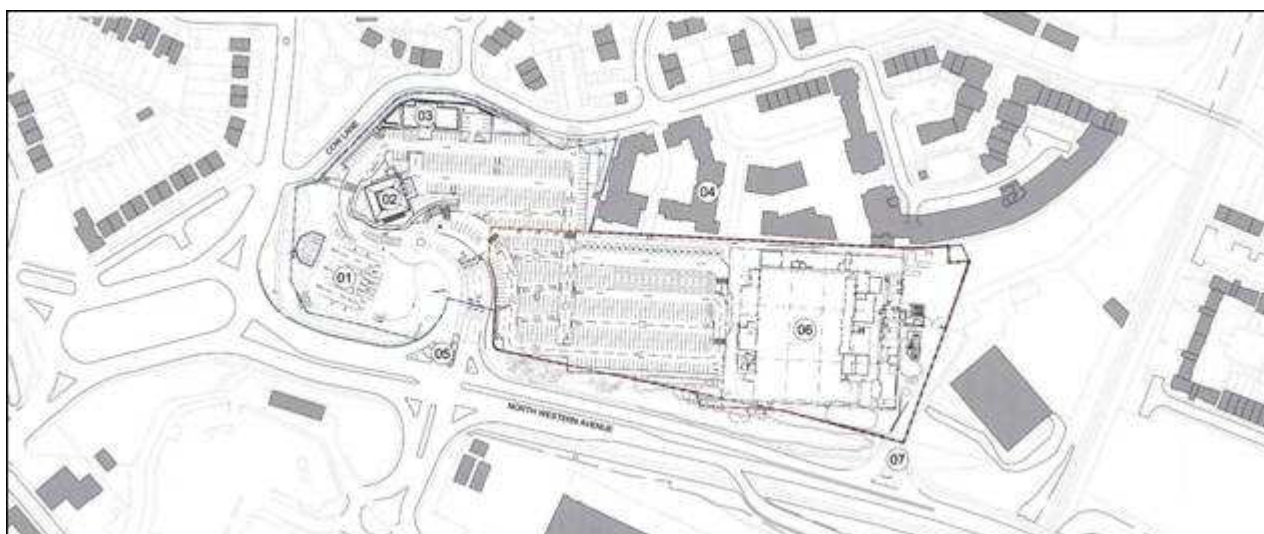
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## **BACKGROUND**

### **Site and surroundings**

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

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



Location plan

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

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

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

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

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

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

### **Proposed development**

The proposal is to extend the building to the front by about 5m across the width of the store, together with some internal refurbishment. The proposal will provide a new JS Restaurant, new toilets, a new lobby a new concession. The total additional floorspace will be about 1000m<sup>2</sup> gross external (700m<sup>2</sup> internal).

### **Planning history**

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

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

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

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

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

### **Relevant planning policies**

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

- Section 1 Building a strong, competitive economy
- Section 2 Ensuring the vitality of town centres
- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change

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

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

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

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

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

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



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

### **Watford District Plan 2000**

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

### **Neighbour consultations**

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

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

### **Site notices**

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

### **Consultations**

#### **Hertfordshire County Council (Highway Authority)**

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

**Application type**

*Full application*

**Proposal**

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

**Decision**

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

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

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

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

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

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

*Reason In the interest of highway safety and efficiency.*

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

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

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

*The current store has a Gross External Area (GEA) of 6,201m<sup>2</sup> and 450 parking spaces and the planning application seeks an extension to the GEA of 1,018m<sup>2</sup> to the supermarket by creating a new lobby, customer restaurant, ATM's and concession. The corresponding change in net sales area is an increase of 702.6m<sup>2</sup>. The extension would allow for additional shelf space, enabling Sainsbury's to keep greater quantities of key lines on the shelves, thereby reducing the necessity for restocking during shop opening hours. The improvements will enable a broader range of convenience and comparison products to be sold from the store mainly, the applicant argues, to existing customers.*

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

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

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

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

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

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

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

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

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

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

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

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

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

## ***Nick Gough***

### Planning Policy

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

### Arboricultural officer

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

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## **APPRAISAL**

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

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

### **Planning considerations**

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

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

### *Land use impact*

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

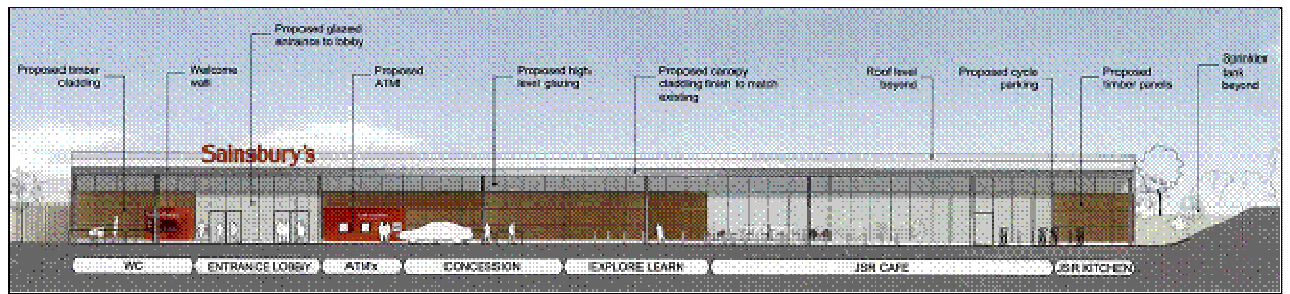


Floor plan

### *Aesthetics and the quality of the environment*

As outlined above the character of the existing area around the Dome in physical terms is far from ideal. The existing massive shed type structures of the two superstores and the associated car parks and arterial roads have created a very poor environment. In particular the pedestrian environment is dominated by road and is particularly hostile.

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



West elevation as proposed

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

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

#### *Highways issues*

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

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

### *Amenity*

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

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

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

### *Other issues*

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

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

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

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

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

### **Planning obligation**

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

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

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

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

Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

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

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. The contributions proposed are directly related to the proposed development, are fairly and reasonably related in scale and kind to that development and are necessary to make the development acceptable in relation to the Council's adopted policies. Accordingly, the requirement for such contributions meets the tests in

Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application.

### **Conclusion**

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

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

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

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### **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.

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## **RECOMMENDATION**

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

### Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
  - a) £38,000 (index linked) towards the design and the cost of improvements to the public realm within vicinity of the site including the Dome Roundabout in accordance with Policy SPA5 of the Watford Local Plan Core Strategy 2006 31;
  - b) £1750 in respect of the Council's administrative and monitoring charge.
  
- ii) To secure financial payments to the County Council of:
  - a) £75,000 (index linked) towards upgrading of the railway underpass to the north east of the store;
  - b) £7,500 (index linked) towards a pedestrian network study in the area around the store and the Dome Roundabout.

## **Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason In the interest of highway safety and efficiency.

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

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

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

### **Informatives**

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of the pedestrian and local environment.
2. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.
3. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the development; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

### **Drawing Numbers**

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

### **Documents**

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

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

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

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Case Officer: **Habib Neshat**

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