

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee **7th August 2014**

Site address: **Charter Place Shopping Centre**

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

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

Applicant: **WRP Management Ltd**

Date received: **2nd June 2014**

13 week date(major): **1st September 2014**

Ward: **CENTRAL**

SUMMARY

On 5th February 2014 planning permission was granted for the redevelopment of the Charter Place Shopping Centre (ref. 13/00972/FULM). The approved scheme secured many of the key objectives of the adopted Charter Place Planning Brief (2006) including new and refurbished retail units (providing an additional 10,000m² of floorspace), 10 new restaurant units, a 9 screen cinema (including an IMAX screen), a leisure unit and a new indoor market, together with a high quality public realm. Following the grant of planning permission, further design work has been undertaken on the scheme and a series of amendments are now proposed to the approved cinema unit. These are detailed in the report and include an increase in the height of the IMAX screen and projector (by approximately 1.5m), a new high level fire escape corridor (increasing the height by approximately 2.4m) and a change to the roof profile of the cinema (increasing its height by approximately 0.8m).

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

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

BACKGROUND

Site and surroundings

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

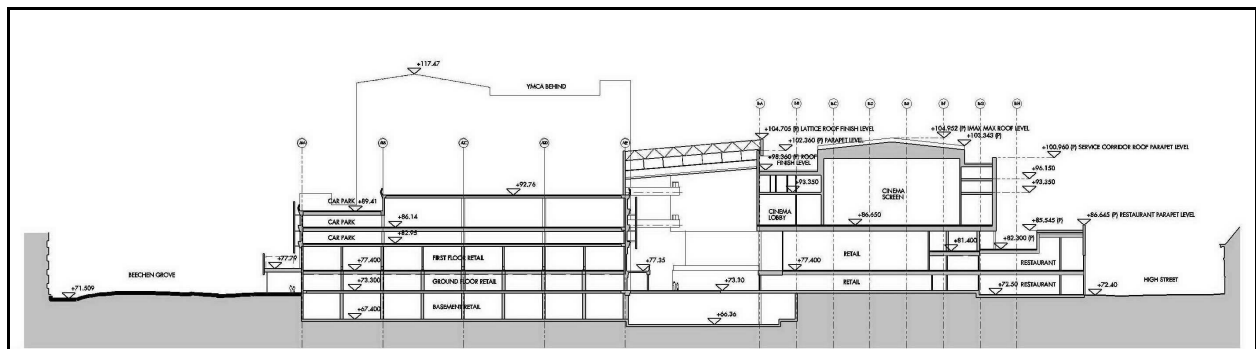
Grove to the north, *intu Watford* to the east, High Street to the south and properties fronting High Street and Clarendon Road to the west. Pedestrian access is from High Street (Meeting Alley and Charter Way (adjacent to HSBC Bank)), *intu Watford* and Beechen Grove (Grove Walk). Vehicular access is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

Proposed development

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

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

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



Section

Planning history

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

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

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

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

Relevant policies

National Planning Policy Framework

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

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

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

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

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

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

Watford District Plan 2000

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

Supplementary Planning Documents

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

CONSULTATIONS

Neighbour consultations

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

i) Mrs Forsyth

Has expressed no specific views regarding the proposal.

ii) LCP Securities Limited (LCP)

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

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

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

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

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

Advertisements in local paper/ site notices

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

Consultations

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

Urban Design and Conservation

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

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

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

View 8 No significant change.

View 9 No significant change.

Conclusion:

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

APPRAISAL

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

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

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

Procedure for s.73 applications

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

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

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

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

Environmental Impact Assessment Screening Opinion

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

Land allocation

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

Principle of development

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

Impact on vitality and viability of the town centre

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

Watford Market

This element of the scheme remains unchanged.

Other economic considerations

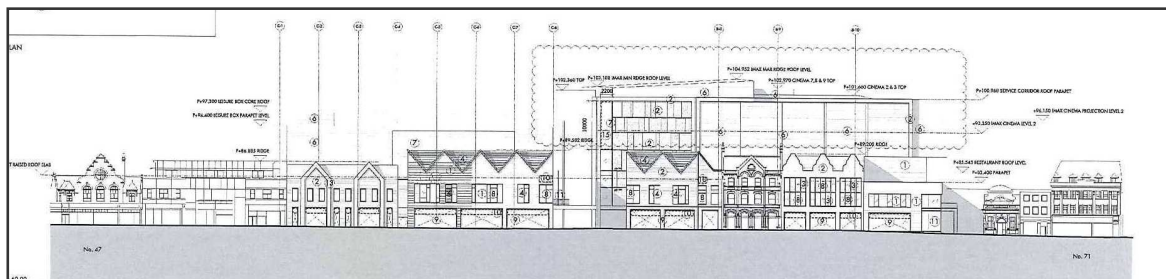
In addition to enhancing the vitality and viability of the town centre, the proposed development will generate a number of other direct and indirect economic benefits:-

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

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

Layout and design

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



High Street elevation

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

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

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

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

Heritage assets

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

Townscape and visual impacts

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

Character Areas

i) Charter Place

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

ii) High Street

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

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

iii) St Mary's Conservation Area

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

Townscape views

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

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

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

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

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

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

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

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

Transport and highways

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

Sustainability, energy and waste

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

Flood risk and drainage

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

Noise impacts

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

Planning obligation

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

Conclusion

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

HUMAN RIGHTS IMPLICATIONS

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

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

RECOMMENDATIONS

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

Section 106 Heads of Terms

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

Conditions

Time Limit

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

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

Approved Drawings

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

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

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

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

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

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

Hours of Construction

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

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

Considerate Constructors Scheme

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

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

Construction Method Statement and Phasing Plan

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

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

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

Site Waste Management Plan

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

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

External Materials

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

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

Waste and Recycling Storage

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

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

Delivery and Servicing Management Plan

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

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

BREEAM Assessment and Green Guide for Tenants

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

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

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

Sustainable Drainage Scheme

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

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

Foul Water Impact Assessment and Drainage Strategy

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

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

Impact Piling

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

Shop front Design

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

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

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

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

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

Hard Landscaping and Street Furniture

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

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

Lighting Scheme (buildings and spaces)

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

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

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

Detailed drawings of buildings

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

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

Details of Grove Walk elevations

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

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

Details of glazed canopy

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

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

Travel Plan

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

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

Cycle Parking

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

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

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

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

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

Off-site highways improvement works

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

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

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

Archaeology

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

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

External plant noise levels

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

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

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

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

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

Noise emission from leisure uses

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

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

Fume extraction from restaurant uses

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

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

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

Palace Charter car park opening hours

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

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

Land contamination

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

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

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

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

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

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

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

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

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

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

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

High St/Beechen Grove pedestrian link

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

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

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

Listed building at 63-65, High Street

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

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

Informatives

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

Drawing numbers

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

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

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

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

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

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

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