

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **6th November 2014**

Site address: **Gas Holder site, Lower High Street**

Reference Number: **14/01126/FULM**

Description of Development: **Demolition of existing structures, removal of below ground structures and foundations and remediation of the site.**

Applicant: **National Grid Property Holdings**

Date received: **6th August 2014**

8 week date (other): **5th November 2014**

Ward: **Central**

SUMMARY

The proposed works will allow the remediation of this contaminated site, which will include the removal of all remaining buildings and all below ground foundations and structures. The works will leave this contaminated brownfield site 'clean' and available for redevelopment. This will be in accordance with Policy SPA4 of the Core Strategy. Given the historic value of Frogmore House, which forms part of the wider site, the remediation of the garden area should ensure that an appropriate archaeological investigation can be undertaken as well as retaining the existing trees. This can be secured by appropriate conditions.

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

BACKGROUND

Site and surroundings

The site is located on the eastern side of Lower High Street bordered by Waterfields Way to the north and the River Colne to the east and south. Also within the site is Frogmore House, a grade II* listed building, and Frogmore Cottages (nos. 1-4), although both have their own defined curtilages. The surrounding area is dominated by retail parks to the east, south and west.

Proposed development

The proposal comprises all works necessary for the remediation of the land including the removal of all remaining above and below ground structures and foundations (including the base structure of the gas holder and underground storage tanks) and the removal of all contaminated soil.

Planning history

Historically, the site formed part of the Watford and St Albans Gasworks. In more recent years, only the main gas holder remained operational and many other buildings were removed. The gas holder structure above ground level was dismantled earlier in 2014. The southern part of the site has until recently been occupied partly by Reynolds Coaches and partly as car storage for the car dealership at 291-295, Lower High Street. The northern part of the site has been vacant.

Relevant Policies

National Planning Policy Framework

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

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

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

SPA4 Lower High Street

SD1 Sustainable Design

UD2 Built Heritage Conservation

Watford District Plan 2000

SE24 Unstable and contaminated land

SE26 Watercourses

SE28 groundwater quality

SE37 Protection of trees, woodlands and hedgerows

CONSULTATIONS

Neighbour consultations

Letters were sent to nos. 1-4, Frogmore Cottages and 3 commercial properties on Lower High Street. No representations have been received.

Advertisement in local paper/site notices

A public notice appeared in the Watford Observer on 22nd August 2014. A site notice was placed outside the site on 29th August 2014.

Consultations

Environment Agency

The Environment Agency has no objection to the proposed works subject to the imposition of 7 conditions (*these are proposed as conditions 3-9 in the recommendation*).

Hertfordshire Gardens Trust

The Hertfordshire Gardens Trust (HGT) works closely with the Garden History Society, a statutory consultee for historic parks and gardens, and this comment is on behalf of both organisations and logged by them.

HGT has been involved in discussions about the future of Frogmore House and the garden for several years and is familiar with the site and its history. The garden, although derelict, is part of the setting of a Grade II* house, and the only part capable of restoration to enhance the significance of that heritage asset. Ideas have been discussed over several years about restoring house and garden as heritage assets for the community and open to the public.

Georgian town gardens are now rare, there are no others known in Hertfordshire, and any opportunity to investigate and restore such a garden in Watford should be fully explored. Archaeological investigations at Chatham Dockyard, at 4 The Circus, Bath, and other sites have resulted in the discovery of garden features leading to the restoration of these gardens and the enhancement of the significance of their relevant listed houses.

The purpose of the proposed works is to render the site suitable for open storage and use. However, the garden area is a heritage asset and may well contain archaeological features as at Chatham or Bath, which could lead to a greater understanding of the development of Watford, as well as of this period of urban history on a wider scale.

We understand that some trial pits to test contamination were dug in the garden area in 2011 but the results of these are not available with this application. Without this information the case is not made for sealing the area with crushed concrete in this area and thus impeding or destroying the opportunity to investigate and restore the garden.

NPPF Para 126 and 131 stress *the desirability of sustaining and enhancing the significance of heritage assets* .. We would propose that this application does not fulfil either of these criteria and that Para 132 *significance can be harmed or lost through ... development within its setting.* applies in this case. As the heritage asset is Grade II* listed great weight should be given to these considerations.

We oppose the proposal to cover the area with crushed concrete and would urge an exploration of other means of clearing such contamination as has been identified without compromising any historic features. We would also request that a tree survey be carried out before any clearance work and details of protection of the tree and tree root systems be supplied for any future application.

Arboricultural Officer

Whilst the remediation of Frogmore House is not the main part of the work reference is made to it and this could have a significant impact on the trees located there. If the top 600mm of earth/ground is removed this will cause significant harm to the trees located within this area resulting in their loss. Some of these trees are highly visible being located adjacent to the public highway and their loss would be noticeable.

No other significant trees on the site should be affected by the remediation work although some less significant trees may be lost.

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*.

Land allocation

The site is located in the Lower High Street Policy Area on the Proposals Map of the Watford District Plan 2000. It is also identified as a Key Development Site (RA2). In the Core Strategy, the site falls within Special Policy Area 4: Lower High Street.

Within Policy SPA4 of the Core Strategy, the site is specifically referred to with any redevelopment proposals for the site expected to include:

- measures which will secure the restoration and future use of the Grade II* listed building;
- measures to satisfy the Environment Agency requirements regarding flood defence;
- measures required for groundwater protection; and
- measures to ensure the safe decontamination of the land.

The proposed remediation works will satisfy the latter requirement for the safe decontamination of the site. This will ensure the site is then suitable for redevelopment which will, in turn, facilitate the restoration of Frogmore House and, ultimately, its future use. The Environment Agency has proposed appropriate conditions to ensure the existing flood defence wall and groundwater quality are not prejudiced by the works (*proposed conditions 3-9*). The proposal is therefore in accordance with Policy SPA4.

Land contamination

The site historically formed part of a wider gas works site and has a high potential for contamination. Site investigations have identified high levels of contamination in the southern part of the site, associated with the former above and below ground purifiers, coal storage, condensers and washers, and underground fuel storage tanks. The remaining above ground buildings and structures, their foundations, underground tanks and structures and all contaminated ground are to be removed. In the northern part of the site, all above ground buildings and structures have previously been removed. Other than potential hot spots of contamination, contamination is low in this area. All contaminated ground is to be removed together with all below ground foundations and structures. Once the remediation is complete, the site will be suitable for commercial use.

The proposed works will therefore remove all contamination from the ground together with all redundant buildings and structures and all below ground foundations and structures. The works will leave this contaminated brownfield site 'clean' and available for redevelopment.

Frogmore House

Frogmore House is a grade II* listed building and this status applies equally to the curtilage of the building (including the garden area and boundary walls). Although no works are proposed to the building itself, the garden area contains low levels of contamination that will need to be removed. The garden area has the potential to contain below ground features and structures from its historic use as a Georgian family home and opportunity should be provided as part of the proposed remediation for this area to be investigated and recorded. It is the Council's intention that upon the restoration of the building, the garden area should also be restored and be open for public access. Any below ground features and structures that still remain would not only add to the local history of this era but would also inform the restoration of the garden area.

The original proposals involved the standard remediation procedure of removing the top 600mm of soil, inserting a membrane and then replacing the soil with crushed concrete. It has been agreed with the applicant that this is not a suitable method for the garden area and that appropriate conditions can be imposed to secure a bespoke remediation method for this area. The archaeological investigation of the garden area can be secured by condition (*proposed Condition 10*) with the remediation method to be used to be compatible with such an investigation. This can also be secured by condition (*proposed Condition 11*).

Trees

The only significant trees on the site are located within the garden area of Frogmore House, with a line of 8 trees along the western boundary with Lower High Street and 4 trees located along the eastern boundary with the main gas holder site. Any remediation of the garden area should ensure that the roots of these trees are not damaged and that the long term retention of the trees is not prejudiced. A method statement for the remediation of the garden area can be secured by condition (*proposed Condition 11*).

Conclusion

The proposed works will allow the remediation of this contaminated site, which will include the removal of all remaining buildings and all below ground foundations and structures. The works will leave this contaminated brownfield site 'clean' and available for redevelopment. Given the historic value of Frogmore House, the remediation of the garden area will ensure that an appropriate archaeological investigation can be undertaken as well as ensuring the retention of the existing trees.

HUMAN RIGHTS IMPLICATIONS

The siting and appearance of the proposal is considered acceptable and complies with national and Development Plan policies. The planning merits of the proposal have been considered in reaching the conclusion above. Having regard to the advice in PPG8 and decisions of the Courts, it is not considered that the proposal as detailed will infringe the human rights of third parties to such a degree as to merit a refusal of planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:-

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

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

2. Development works shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays or at any time on Sundays and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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. No development shall take place until a scheme incorporating the requirements set out below has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- ensure no raising of ground levels;
- ensure access to and protection of the existing flood defences;
- define areas and procedures for stockpiling and storage of materials on site
- provide details of any below ground excavation works;
- ensure the effective management of the surface water drainage system, including the water quality for any discharges to a waterbody;
- assess the structural impact of any works that may have an impact on the integrity of the river wall.

The scheme shall be implemented as approved in full and shall, where relevant, be maintained thereafter, in accordance with any agreed timing or phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: The site is located adjacent to the River Colne, its associated flood defences and is within a high risk flood zone. This condition is to ensure that operations carried out as part of the proposed development do not increase flood risks. Specifically to prevent flooding by ensuring the satisfactory disposal of surface water from the site, to ensure the structural integrity of existing flood defences and to reduce the risk of flooding to the proposed development and the surrounding areas.

4. No development shall take place until a scheme incorporating the requirements to deal with the risks associated with contamination of the site set out below has been submitted to and approved in writing by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) 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.
- (4) 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall require the express written approval of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect sensitive groundwater resources. The site is located within a Source Protection Zone 1, indicating that groundwater beneath the site will reach public water supplies within 50 days. The former use of the site as a gas works has led to contamination of the site.

5. No occupation of any part of the application site 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 protect sensitive groundwater resources. The site is located within a Source Protection Zone 1, indicating that groundwater beneath the site will reach public water supplies within 50 days. The former use of the site as a gas works has led to contamination of the site.

6. No development shall take place until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect sensitive groundwater resources. The site is located within a Source Protection Zone 1, indicating that groundwater beneath the site will reach public water supplies within 50 days. The former use of the site as a gas works has led to contamination of the site.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by 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 protect sensitive groundwater resources. The site is located within a Source Protection Zone 1, indicating that groundwater beneath the site will reach public water supplies within 50 days. The former use of the site as a gas works has led to contamination of the site.

8. No infiltration of surface water drainage into the ground at this site shall take place other than with the express written approval 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 protect sensitive groundwater resources. The site is located within a Source Protection Zone 1, indicating that groundwater beneath the site will reach public water supplies within 50 days. The former use of the site as a gas works has led to contamination of the site. Infiltrations drainage/soakaways through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution.

9. Piling or any other foundation designs using penetrative methods shall not be used except with the express written approval 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect sensitive groundwater resources. The site is located within a Source Protection Zone 1, indicating that groundwater beneath the site will reach public water supplies within 50 days. The former use of the site as a gas works has led to contamination of the site. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

10. (a) No works of remediation shall commence within the curtilage of Frogmore House (identified as the Frogmore House Remediation Area on drawing no. HC14001-D005B) 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 remediation 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 site investigation and post investigation assessment shall be 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.

11. No works of remediation shall commence within the curtilage of Frogmore House (identified as the Frogmore House Remediation Area on drawing no. HC14001-D005B) until a method statement for the remediation of the land has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) measures to facilitate the archaeological investigation and recording of the site (as approved under Condition 10);
- (ii) measures to ensure the protection and long term retention of the existing trees within the site;
- (iii) a capping system that will allow the future restoration of the garden area.

Reason: In the interests of the heritage value of the site and the amenity value of the existing trees, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31 and Policy SE37 of the Watford District Plan 2000.

Drawing numbers

HC14001-D001, HC14001-D005B

Case Officer: **Paul Baxter**
Tel: **01923 – 278284**
Email: **paul.baxter@watford.gov.uk**