

## DEVELOPMENT CONTROL COMMITTEE

16<sup>th</sup> DECEMBER 2014

### UPDATE SHEET

#### Item 8

#### 14/00511/FULM – Watford Health Campus

### **ADDITIONAL REPRESENTATIONS RECEIVED**

#### **Environment Agency**

The Environment Agency has provided comments on the draft conditions and the proposed Heads of Terms of the planning obligation, so far as relevant to the Agency's interests.

#### Planning conditions

The conditions we requested are relevant to the whole scheme. Any conditions applied to the outline element of the application would be applicable to the detailed element too, as well as to any future reserved matters applications. We would not expect to see conditions duplicated on both outline and detailed permissions. If you do intend to separate the conditions for the outline and detailed elements however, then we would expect all of our conditions to be included on each permission.

*Officer comment: As previously reported to Committee, it is considered appropriate to deal separately with the outline and detailed elements of the hybrid application when specifying the conditions that apply to each element. Where relevant, the Environment Agency's conditions have been included in respect of both elements.*

For the outline element of the application, we are happy with draft conditions 8, 9, 10, 14, 15, 16, and 17. We have provided comments below on draft conditions 13, 18, and 38 ... . For the detailed element we are happy with draft conditions 5, 6, 7, 11, 12 and 13. We have provided comments below on draft conditions 10 and 14. The detailed element is currently missing conditions relating to bridge design, biodiversity measures, and river management works.

*Officer comment: The detailed element does not contain conditions relating to bridge design, biodiversity measures and river management works since none of these is relevant to this aspect of the proposed development.*

#### *Outline draft condition 13 and detailed draft condition 10 – flood risk*

This condition requires five pieces of further information on surface water drainage, finished floor levels, flood compensation, flood flows and access / egress. The reason as currently drafted is too specific to the third item of flood compensation. We would suggest that part of the sentence is removed to

accommodate the other aspects of the condition, [by deleting “by ensuring that compensatory storage of flood water is provided”].

*Outline draft condition 18 and detailed draft condition 14 – non native invasive species strategy*

We did not request this condition and so have no comments to make. A similar condition was included at our request on the Highway and Infrastructure Works planning permission which covers the river corridor. We would not expect to be consulted on the discharge of this condition should it be included in any planning permission.

*Outline draft condition 38 and detailed draft condition A – biodiversity measures*

We have some concerns if this condition is intended to incorporate the landscape management plan for the river corridor condition that we requested. We have consequently suggested some amendments below. This condition is missing from the detailed element of the application and should be included.

The condition only requests details for biodiversity enhancements; it does not mention providing details of those green infrastructure assets that are being maintained and protected rather than enhanced. These areas will also require a management plan to ensure their survival.

The condition refers to the ‘development area’; this term requires more clarity. The site area includes the land up to the centre of the river, which applicants do not always realise. Some suggested additional wording is included below in [underlined] text:

*No works of development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled ‘Parameter Plan: Development Areas and Land Uses’ until details of measures to enhance the biodiversity of the development area including the river corridor have been submitted to and approved in writing by the Local Planning Authority. The range of measures to be considered should include green roofs, brown roofs, green walls, bird and bat boxes and habitat creation in addition to the planting of native species. The details shall also include a management plan for the maintenance of the approved measures, as well as for those green infrastructure assets that are being retained and protected. No dwelling or unit within the relevant development phase shall be occupied until the approved measures have been installed as approved, unless otherwise agreed in writing by the Local Planning Authority.*

*Officer comment: The Environment Agency’s suggested amendments to the above conditions have been incorporated in the wording of the conditions in Annex A and Annex B.*

Planning obligation

The Environment Agency is satisfied with the proposal to include the removal of all three river structures in the section 106 agreement.

“In securing this obligation we will not need to object to this application. We also acknowledge that this will remove the need for outline draft condition 45, and there will be no need for a similar condition on the detailed element of the application.

You have proposed the same wording for the section 106 agreement as was provided as a draft condition ... . The following amendments should be made ... :

- As one of the structures is within the Riverside Residential Zone and another within the Industrial Zone South, the scheme should be submitted prior to the commencement of works in either zone;
- The scheme should be approved by the local planning authority;
- Locations to be clarified with a map – the grid references of the structures are NGR TQ1090795326, NGR TQ1060095325 and NGR TQ1070795126;
- The cost limit to be increased to £200,000 to accommodate all three structures;
- Any references to ‘Lakeside Residential Zone’ to be changed to ‘Riverside Residential Zone’;
- Works to be completed prior to any occupation of the Riverside Residential Zone to ensure sufficient time is allowed to achieve these WFD outcomes before 2027.”

*Officer comment: As set out in the report to Committee, the removal of the three river structures is now included in the Heads of Terms of the planning obligation. The previously included draft condition has therefore been removed from Annex A. It is particularly important to note that, as a result of the inclusion of these works in the planning obligation, the Environment Agency has confirmed that it has withdrawn its objection to the proposed development. If the objection had not been withdrawn it would have been necessary to refer the application to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.*

### **Thames Water**

Thames Water has provided comments regarding the improvement and upgrading of sewer capacity.

Thames Water has approved the ‘Modelling Report and Solution Development’ developed by Mott Macdonald. The report was based on some assumptions made and in relation to the sewer network connectivity. These

are to be verified by sewer surveys commissioned by Thames Water, which are still to be undertaken.

Nevertheless, the offsite solution as defined in the Mott MacDonald report has been approved by Thames Water, subject to any further modelling requirements and verification of sewer network connectivity. Thames Water has noted that the offline solution does not need to be implemented until a later date and according to the planned phasing of the proposed development. Thames Water also comments that, whilst it has approved the offline solution to the sewer network, this does not limit other developers from making applications for connections to the public sewer before the offline solution is implemented. This means that the modelling report and offline solution would need to be reviewed at the time when the solution is due to be constructed.

As far as the condition relating to sewerage infrastructure improvements is concerned (Condition 45 in Annex A), Thames Water advises that the requirements of the condition cannot be discharged until the foul sewer surveys have been completed and the sewer network connectivity verified. This will ensure that the existing public sewers that are to be retained remain protected and differentiated from those that are to be abandoned or divested. Most importantly, the condition will ensure that suitable sewerage infrastructure is provided to serve the proposed development.

*Officer comment: The Mott MacDonald report is the study referred to in the Committee report. Thames Water has confirmed that the proposed offline solution is acceptable, subject to verification of the existing sewer network, and that the suggested condition will ensure that suitable sewerage infrastructure is provided to serve the proposed development.*

## **ANNEX A**

After Condition 21, add the following reason:

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2013.