

PLANNING COMMITTEE – 19 MARCH 2020

PART I - DELEGATED

5. 19/2117/FUL - Retention of temporary car park and associated works at CAR PARK, HENBURY WAY, SOUTH OXHEY, HERTFORDSHIRE (DCES)

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 27 March 2020
(Agreed Extension)

Case Officer: Claire Westwood

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Council interest in the land.

1 Relevant Planning History

- 1.1 16/0005/FUL - Hybrid planning application for the phased comprehensive redevelopment of the land at South Oxhey (South Oxhey Central, Maylands Road, Hayling Road and Hallows Crescent) to include the demolition of existing buildings and provision of residential led mixed use development comprising Use Classes C3, A1/A2/A3/A4/A5 and D1/D2, with associated site preparation/enabling works, transport infrastructure works, landscaping works and provision of car parking. Permitted 31.05.16. Implemented.
- 1.2 16/2040/AOD - Approval of Details: Details pursuant to Condition 18 of hybrid planning permission 16/0005/FUL comprising layout, scale, appearance and landscaping for Phase 1B (Station Approach). Permitted 20.01.17. Implemented.
- 1.3 17/1436/AOD - Approval of Details: Details pursuant to Condition 18 of hybrid planning permission 16/0005/FUL comprising layout, scale, appearance and landscaping for Phase 2. Permitted 20.10.17. Implemented.
- 1.4 19/2133/FUL - Full planning permission for the demolition of existing buildings and provision of 345 residential units (Use Class C3) in 2 buildings ranging from 3-7 storeys including a 1 and 2 storey podium; 621sqm of flexible commercial floor space (Use Class A1-A5, B1, D1/D2); 1,754sqm retail floorspace (Use Class A1) podium and surface level car and cycle parking; landscaping; and associated works. Pending.
- 1.5 Various Discharge of Conditions (DIS) applications pursuant to the above applications.

2 Description of Application Site

- 2.1 The application relates to the existing temporary car park accessed from Henbury Way, South Oxhey. The car park has 55 spaces.
- 2.2 To the north and south of the car park are residential properties. To the east to the opposite side of Henbury Way are residential flats constructed as part of initial phases of the South Oxhey redevelopment project. To the west is the Ann Shaw Gardens open space and play area.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the retention of the existing 55 space temporary car park at Henbury Way.
- 3.2 The car park is owned and managed by TRDC and has 50 standard bays and 5 disabled parking bays. The car park is restricted from Monday to Saturday, 8:30am to 6:30pm (excluding bank holidays) and the restriction is up to 4 hours stay with no return within 2

hours, although the car park is open 24 hours per day. The car park does not charge for its use, however, if restrictions are not abided by penalty charges are applied. The car park operates a one-way vehicular traffic system from Henbury Way.

- 3.3 No modifications to the current layout are proposed.
- 3.4 The background to the proposal is discussed in the planning analysis section below.
- 3.5 An amended plan has been submitted during the course of the application in response to comments from HCC as Highways Authority, which provides 3 cycle spaces to the west of the site. The existing hardstanding would be extended to accommodate these cycle spaces. No car parking spaces would be lost.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: [Support application]

I write in connection with the above planning application. WRPC have examined the plans and local councillors know the site well. We wish to fully support this application.

Our Council did not believe that the plan to fully landscape the area would be beneficial to residents. The area is already overcrowded due to lack of spaces, especially around the Precinct, Oxhey Drive and Gosforth Lane due mainly to Phase 1 residents needing spaces, the decision to allow a large garage/showroom next to a primary school, the work on the Swimming pool and the number of contractors working on site. In addition, we have serious concerns regarding the impact of having less than one car per flat in phase 2 and phase 3 meaning that keeping this a car park would be a priority, if we had the back of the local community.

With this in mind, back in August we undertook a community survey in an effort to gauge what the community felt about the proposal to change it to a landscape area. The response was overwhelming with 600+ people responding and over 97% of these supporting keeping it a car park so they can use the local amenities such as the Shops, doctors, Parish Council, Ascend/Step Up etc.

We sent the survey responses to TRDC and Countryside and this application soon followed which we are delighted with.

One thing to note is that we have been, and will continue to seek permission, to allow this car park to be used by traders on Market days: Having spoken with Market Operators, the only way we can achieve a successful market at the proposed sight is to allow traders to park there all day with a permit, so they are nearby to their stalls. We would be asking for a zone for traders to park in within the designated area. TRDC officer David Saunders is aware of our wishes and are awaiting his decision.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Cycle Parking

An on-site scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

COMMENTS / ANALYSIS:

The application comprises of the retention of a temporary car park (to be made permanent) at Henbury Way, South Oxhey. Henbury Way is designated an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

The design and layout of the car park (as shown on submitted drawing number 19173-01-006) is to remain as existing and is considered to be acceptable by HCC as Highway Authority.

Following consideration of the details included as part of the submitted *Technical Note*, it is unlikely that any effects from making the car park a permanent feature would be significant enough to recommend refusal from a highways perspective. Nevertheless it should be noted that making the car park permanent would most likely encourage a proportion of local trips, which could be made on foot or by bike, to be made by car. Therefore it would not be unreasonable to provide a suitable level and type of on-site cycle parking to encourage cycling as a form of travel for local trips to the South Oxhey Centre.

HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above condition.

Officer comment: Amended plans have been submitted which introduce 3 cycle parking spaces.

4.1.3 National Grid: [No objection, informative requested]

National Grid has identified that it has apparatus in the vicinity which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

4.1.4 TRDC Traffic Engineer: No response received.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 42

4.2.2 No of responses received: 1 (support retention of car park)

4.2.3 Site Notice: Expired 10.12.2020.

4.2.4 Summary of Responses:

There is an overload of cars and vans due to the building works and garage.

Residents are not considered.

Very difficult for residents to find safe parking places.

Object to loss of car park.

5 **Reason for Delay**

5.1 To be considered alongside Phase 3 application – extension of time agreed.

6 **Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2019 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM4, DM6, DM13 and Appendix 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Background/Introduction

7.1.1 Planning permission 16/0005/FUL (the ‘Hybrid Planning Permission’ (HPP)) was granted in May 2016 for the phased comprehensive redevelopment of the land at South Oxhey include the demolition of existing buildings and the provision of residential led mixed use development comprising Use Classes C3, A1/A2/A3/A4/A5 and D1/D2, with associated site preparation/enabling works, transport infrastructure works, landscaping works and provision of car parking.

7.1.2 The planning permission was granted in hybrid form, with part in Full (Phase 1a and Satellite Sites) and part in Outline (the remainder).

7.1.3 The HPP included provision of a temporary car park at Henbury Way with the detailed design of the car park reserved by Condition 51 which required a minimum of 53 spaces.

7.1.4 Following detailed design, a scheme providing 55 car parking spaces was submitted pursuant to Condition 51 (ref. 16/1557/DIS), and approved on 22 August 2016. The car park was subsequently constructed in accordance with the approved details and has been in operation since.

7.1.5 Condition 52 of the HPP requires that the temporary car park shall be removed and reinstated as public realm at the point at which they cease to be required, or no later than six years after the date of implementation of the permission. Therefore, as the current arrangement only provides for a temporary car park, this current application seeks full planning permission for its retention in perpetuity.

7.2 Impact on Character, Landscape & Public Realm

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. It states that that development proposals should 'make a clear distinction between public and private spaces and enhance the public realm'.

7.2.2 In addition to the private amenity spaces proposed, the HPP included significant enhancements of the public realm throughout the development but specifically at Henbury Gardens, Henbury Place, Market Place and part of Station Square. This provision of public realm was considered to enhance the development.

7.2.3 Henbury Gardens is comprised of two elements, west and east, with the temporary car park (subject of this application) located within the eastern element and the western element comprising of the Ann Shaw Gardens and Play Area.

7.2.4 The retention of the car park will mean that the eastern element of Henbury Gardens will not come forward as public realm, however, it is recognised that the western element has been completed and that in addition to other public realm areas approved as part of the HPP, the current full planning application (19/2133/FUL) for 'Phase 3' seeks to further enhance the public realm areas within this Phase as part of the detailed design.

7.2.5 In addition, the provision of additional public car parking in a formal area may prevent unauthorised parking in other areas which can be detrimental to the character of the area.

7.2.6 The retention of the car park is supported by the Parish Council.

7.2.7 The car park whilst currently temporary in terms of its use, is of permanent construction in terms of the materials/surfacing. It is not considered to result in harm to the character or appearance of the area.

7.2.8 In summary, the car park is not considered to result in harm to the character of the area. Whilst the eastern element of Henbury Gardens would not come forward as public realm, given the other public realm in the area and benefits associated with the provision of additional public parking (as discussed below in more detail), it is not considered that the proposal to permanently retain the car park would result in demonstrable harm to the character or appearance of the area or wider development to justify the refusal of permission.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy (adopted October 2011) advises that development should safeguard amenity.

7.3.2 The immediate area is residential in nature, with the retail core of South Oxhey located beyond flats to the east.

7.3.3 The car park has been operating without complaint from neighbours regarding its use and it is not considered that the proposal to retain the car park would result in demonstrable harm to residential amenity.

7.4 Highways, Access and Parking

- 7.4.1 HCC as Highway Authority note that the design and layout of the car park is to remain as existing and this is considered to be acceptable.
- 7.4.2 HCC do not consider that any effects from making the car park a permanent feature would result in harm justifying refusal of planning permission. However, they do comment that the retention of the car park may encourage a proportion of local trips which could be made on foot or bike, to be made by car. As such they suggest that on-site cycle parking should be provided to encourage cycling.
- 7.4.3 In response an amended layout plan has been submitted during the course of the application which introduces 3 cycle parking spaces to the west of the site. It is also noted that cycle parking is provided elsewhere within the wider South Oxhey regeneration area, including as part of the current Phase 3 proposals.
- 7.4.4 A condition on any grant of consent would require the 3 cycle spaces to be implemented within a specified timescale.
- 7.5 Sustainability
- 7.5.1 The provision of the additional cycle spaces will encourage local residents to cycle, rather than drive, which will contribute toward a reduction in carbon emissions in line with the objectives of Policy CP1 of the Core Strategy (adopted October 2011).
- 7.6 Wildlife and Biodiversity
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.6.3 The development is existing and no further physical works are proposed. The application has been submitted with a Biodiversity Checklist which does not identify a requirement for any further surveys.
- 7.7 Flood Risk and Drainage
- 7.7.1 Drainage was incorporated to the design and construction of the car park and as such there are not considered to be any flood risk or drainage issues.
- 7.8 Conclusion
- 7.8.1 The proposed retention of the car park will replace previously intended public realm, however, it will provide 55 additional public car parking spaces which would otherwise not come forward. Cycle parking to promote trips by bike is also proposed to be introduced. It is considered that the benefit of additional public car parking on a permanent basis would outweigh the limited harm by virtue of the loss of Henbury Gardens east as public realm.
- 8 Recommendation**
- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be carried out in accordance with the following approved plans: 19173-01-015; 19173-01-007 and 19173-01-006A.

Reason: For the avoidance of doubt, in the proper interests of planning and to meet the requirements of Policies PSP2, CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM4, DM6, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C2 The cycle stands shall be provided within 2 months of the date of this decision and shall be permanently maintained as such thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development

Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

- 13 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.