

Town and Country Planning Act 1990 and

The Acquisition of Land Act 1981

Public Local Inquiry into:

THREE RIVERS DISTRICT COUNCIL (LAND AT HENBURY WAY, OXHEY DRIVE, BRIDLINGTON ROAD, ST ANDREWS ROAD, THE PARADE, PRESTWICK ROAD, FAIRFIELD AVENUE AND STATION APPROACH, SOUTH OXHEY) COMPULSORY PURCHASE ORDER 2016

Statement of Evidence

Pursuant to Rule 15 of

The Compulsory Purchase (Inquiries Procedure) Rules 2007

of

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On behalf of Three Rivers District Council

On matters relating to planning considerations

28 October 2016

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1. INTRODUCTION

1.1 Qualifications

I am Adrian Barker. I am a Director of Lucid Planning Ltd based in Hampshire. I hold a Bachelor of Town Planning and a BA (Hons) degree in Town and Country Planning from the University of the West of England and a Diploma in Management Studies from Leicester University. I am a member of the Royal Town Planning Institute.

1.2 Experience

1.2.1 I have over twenty-two years of experience in town and country planning. Prior to forming Lucid Planning Ltd I held positions as Planning Director at Peter Brett Associates (2015 to 2016), Technical Director at Terence O'Rourke (TOR), Associate Director at Turley Associates, Senior Consultant at the Tyler Parkes Partnership and Senior Development Control Officer at Wellingborough Borough Council.

1.2.2 I have experience in a wide range of town planning matters as consultant, including the promotion of major projects through planning policy and planning application stages. I act for clients on a wide variety of significant development projects predominantly in London, southern and eastern England. I have extensive regeneration knowledge having worked on projects such as South Acton in Ealing, Fresh Wharf in Barking, Alma Estate in Enfield and Beam Park in Havering.

1.2.3 I have a good knowledge of South Oxhey, having been involved in the site for a number of years. Whilst at TOR I worked with Three Rivers District Council (TRDC) initially looking at the baseline position, subsequently co-coordinating and implementing a public consultation strategy and then inputting to the South Oxhey Initiative (SOI) of December 2011.

1.2.4 My most recent involvement related to assisting TRDC in the selection of an appropriate development partner, providing general planning support, responding to bidder queries and sitting in one of the bidder dialogue sessions.

1.2.5 I am familiar with the plans and documents relevant to this Inquiry.

1.3 Scope

1.3.1 The CPO has been made pursuant to S226 (1)(a) of the Town and Country Planning Act 1990, with Guidance to acquiring authorities set out in the October 2015 Guidance.

1.3.2 Subsection (1)(a) of Section 226 provides that:

a local authority must not exercise the power under paragraph (a) of sub section (1) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects-

- a) **The promotion or improvement of the economic well-being of their area;**
- b) **The promotion or improvement of the social well-being of their area;**
- c) **The promotion or improvement of the environmental well-being of their area**

1.3.3 Paragraph 76 of the October 2015 Guidance makes it clear that one of the three main factors that the Secretary of State (SoS) should be expected to consider in making a decision is whether the purpose for which the land is being acquired *'fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Policy Framework'*.

1.3.4 My evidence is an independent assessment and demonstrates that the proposals for which the Order Land is required are entirely in line with adopted policy. In doing this I describe the scheme and background, the planning policy context, the scheme detail and consider compliance with policy. I then consider issues raised by objectors, where relevant to planning, and subsequently conclude my evidence.

2. BACKGROUND

2.1 Planning Policy Background

2.1.1 The South Oxhey Estate was built in the 1940's and early 1950's as an 'overspill' estate to alleviate housing pressure in London. It was transferred to TRDC in 1980. TRDC subsequently transferred its stock of social housing to Thrive Homes (TH) in March 2008. Over its lifetime the estate has gone through significant change.

2.1.2 South Oxhey has, for a number of years, been identified as a deprived area with a consequent local and policy aspiration to see improvement. The 2002 Local Plan encouraged the potential regeneration of South Oxhey, which was then taken forward through the Core Strategy (CS) adopted 2011 and subsequent local policy documents.

2.1.3 CS (paragraph 2.2) highlights that:

While the District as a whole is ranked low in terms of deprivation, there are inequalities. South Oxhey is particularly affected by income, barriers to education, skills and training, living environment and crime and disorder

- 2.1.4 The same paragraph identifies that in South Oxhey some housing stock is *'now in need of significant updating'*. It is also recognised that the *'structural condition of the main shops...showing signs of deterioration'*.
- 2.1.5 The Spatial Vision of the CS highlights one of the priorities for the future as being:
- g) To reduce inequalities across the District, in particular through regeneration of the South Oxhey area**
- 2.1.6 Policy PSPS2 k) also identifies the need for development in key centres to:
- k) Promote regeneration in parts of South Oxhey to improve housing stock quality and reduce inequalities...**
- 2.1.7 The need to support economic opportunities is recognised at CS policy CP6 m) which supports *'opportunities for economic development in the South Oxhey area as part of plans for regeneration'*.
- 2.1.7 A photographic record of the condition and context of the South Oxhey central area is contained within CD6.13
- 2.1.8 To inform emerging policy, South Oxhey Initiative (SOI) was produced in December 2011 to support local aspirations to improve the estate, to meet the contemporary requirements of the local community and assess *'the appropriate level of intervention needed to affect the regeneration of the area'* (SOI Executive Summary). The SOI was already underway when the Core Strategy was adopted, and it is acknowledged in policy PSP2 h) (Development in Key Centres).
- 2.1.9 The SOI was based upon extensive consultation with the community, including key stakeholders and the wider public. The initiative set out a sequence of recommendations at Section 5 (pages 30 to 32) which were subsequently used by TRDC to take forward the initiative to the current position. The evidence of Alan Head of TRDC gives further detail on the steps taken and actions.
- 2.1.10 I produce at appendix 1 a table which details the numerous stages and consultation events which have taken place on the regeneration of South Oxhey since work commenced on the CS Preferred Options in 2009. For completeness it also highlights key committee meetings, policy adoption dates, the timing of the hybrid planning submission and its determination. This clearly illustrates how the framework for regeneration has evolved, the extensive consultation and stages where the public, and those with property interests, had the opportunity to input to and influence the process and policy formulation. Indeed, the general public was given the opportunity to engage on no less than 13 occasions. Tenants of the

central area were given additional dedicated sessions as were key stakeholders. Given the interests of TH they were invited to stakeholder workshops as well as at least three periods of direct dialogue meetings (refer to the evidence of Alan Head for detail).

- 2.1.11 It is apparent that there has been extensive engagement by TRDC to ensure that the way forward is informed by South Oxhey residents and considerable steps were taken to make the community aware of what was being done at different stages. As evidenced, there was scope for input throughout this process.

2.2 **Planning Application 16/0005/FUL Process**

- 2.2.1 Planning application 16/0005/FUL was submitted to TRDC on 4 January 2016. The application was a hybrid, part in full and part in outline. Only access was to be considered relative to the outline elements (please refer to CD3.1). The description of development read:

Phased comprehensive redevelopment of 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 C3, A1, A2, A3, A4, D1 and D2, with associated site preparation/ enabling works, transport infrastructure works, landscaping works and provision of car parking

- 2.2.2 The application was accompanied by a range of supporting material as detailed in the application schedule of submitted documents contained in the Foreword to the Planning Statement (SO:15), January 2016. It followed consultation with the community (please refer to submitted Statement of Community Involvement CD6.2) and technical stakeholders. Scheme detail also evolved through formal pre application liaison with officers of TRDC.
- 2.2.3 As detailed at section 4 of the officer's report to committee, the application consultation carried out by TRDC attracted 26 responses from the 5,555 letters issued. A petition containing 39 different names was submitted relative to one of the satellite sites (not associated with the Order Land). Oxhey Hall Residents Association also made numerous comments on scheme design and detail, whilst Watford Rural Parish Council raised concern about the 7 storey element of the design.
- 2.2.4 Relative to technical consultees, a number of organisations did not offer comment, whilst specific 'no objections' were received from the EA, the British Pipeline Agency, HCC Archaeology, HCC Flood Risk (initial objection removed), HCC

Highways, HCC Minerals and Waste, Crime Prevention Officer, HCC Public Health, Herts Ecology, Herts Valley Clinical Commission Group, Highways England, Network Rail, Thames Water, Sport England, Three Rivers Principal Planning Officer, Three Rivers Environmental Health Officer, Three Rivers Environmental Protection Officer, Three Rivers Leisure Development Manager and Three Rivers Principal Landscape Officer.

- 2.2.5 A limited number of requirements and suggestions were raised (please refer to officer's report CD3.2). Requests for appropriate financial contributions were made by NHS England and HCC's Planning Obligations Officer.
- 2.2.6 The planning application received a positive resolution at Planning Committee on 17 March 2016. It was, however, subsequently returned to the Planning Committee meeting of 21 April 2016 following TH raising concerns relative to the adequacy of the serving of the required land ownership certificates. It was supported by an addendum to the original officer's report (please refer to document CD3.2) detailing comments and issues raised by TH and again the application received a positive resolution.
- 2.2.7 Planning permission 16/0005/FUL was issued on 31 May 2016 following completion of an appropriate S106 agreement which secured the following financial contributions.

S106 Obligations:	Amount:
Nursery and childcare services	£69,067.02
Primary education	£481,708.53
Secondary education	£150,758.87
Youth facilities	£4,055.13
Library provision	£41,247.72
NHS England	£218,691.53
Total:	£965,528.80
S38 negotiations may also secure payment towards highway works or street tree maintenance.	

Table 1- Application 16/0005/FUL Financial Contributions

2.2.8 Following receipt of planning permission 16/0005/FUL a non-material amendment application was submitted. This sought two changes to the approval. The first was an amendment to the approved parameter plans to provide a new development zone within Station Square between blocks 2A and 2B, to potentially deliver a single storey unit circa 100sqm for A1-A5 or D2 uses. The second was to include Class B1 (office use) within the permitted 'town centre uses'. The overall level of non-residential floorspace is not to be altered.

3. PLANNING POLICY

3.1 The National Planning Policy Framework (NPPF) 2012 details the Government's planning policies, making it clear how these should be applied. As paragraph 14 highlights, a key element of national policy is '*a presumption in favour of sustainable development*' which for decision makers means '*approving development proposals that accord with the development plan without delay*'.

3.2 The need for applications to be determined in accordance with the development plan is also detailed at Section 38 of the Planning and Compulsory Purchase Act 2004.

3.3 The development plan for the approved scheme (planning permission 16/0005/FUL) associated with the Order Land comprises of:

3.3.1 The Core Strategy (CS), 17 October 2011

3.3.2 Development Management Policies Local Development Document (Management LDD), July 2013

3.3.3 Site Allocations Local Development Document (Allocations LDD), November 2014

3.4 The most relevant policies in the above LDD's are listed in paragraph 5.2.

3.5 I refer to the particular provisions of policy in more detail at section 5. I also refer to the officer's report which provides the Council's own assessment of the scheme.

4. THE SCHEME

4.1 Proposal

4.1.1 The regeneration plans, as consented by way of planning permission 16/0005/FUL (refer to CD3.4) propose the redevelopment of what is primarily a monotenure social housing estate and local retail precinct, to provide a new centre and mixed tenure community that capitalises on the areas good transport links. It can be seen to be a major opportunity to create a new contemporary place that better serves the needs of local residents.

- 4.1.2 The nature of the scheme is similar to other regeneration projects that have taken place in urban areas and which are proving successful in delivery of urban renewal, examples include South Acton in Ealing, Woodbery Down and North Prospect in Plymouth. I attach a brief commentary on each as appendix 3.
- 4.1.3 The broad chronology of the application, including the specific public consultation, is set out at appendix 1.
- 4.1.4 On 4 January 2016 Countryside submitted the planning application which is for the following development:
- Phased comprehensive redevelopment of 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 C3, A1, A2, A3, A4, D1 and D2, with associated site preparation/ enabling works, transport infrastructure works, landscaping works and provision of car parking**
- 4.1.5 Up to 514 dwellings were proposed across four sites, 96 of which are to be affordable (social rent).
- 4.1.6 The hybrid application includes some elements in detail and some in outline (CD6.1(xv)). For the outline elements only access was considered at the time of the planning application.
- 4.1.7 Full (detailed) planning permission was applied for:
- (a) Development of South Oxhey Central Phase 1A (the south west corner of the main site) comprising 84 residential dwellings for private sale
 - (b) Temporary car parking- not within the Order Land
 - (c) Development at the satellite sites (Maylands Road- 26 affordable units, Hallows Crescent- 22 affordable units and Hayling Road- 8 residential dwellings for private sale)- not within the Order Land
 - (d) Site preparation/ enabling works, landscaping, access, transport infrastructure and car parking.

4.1.8 The proposed housing mix for the detailed elements is as follows:

	1 bed	2 bed	3 bed	4 bed	Total
<i>South Oxhey Central Phase 1A</i>	29	55	-	-	84
<i>Maylands Road</i>	17	1	6	2	26
<i>Hayling Road</i>	-	-	8	-	8
<i>Hallowes Crescent</i>	10	8	4	-	22
Total	56	64	18	2	140

Table 2 - Housing Mix Phase 1

4.1.9 Outline planning permission was sought for the remainder of the proposed development. The outline components included:

- (a) Up to 374 residential dwellings (in addition to the 84 dwellings in Phase 1A), including a minimum of 48 affordable homes
- (b) Up to 5,137 sqm of town centre uses, including a foodstore of up to 1,754 sqm
- (c) Re-development of Station Approach
- (d) Temporary car parking
- (e) Site preparation/ enabling works, access and transport infrastructure

4.1.10 The illustrative housing for the outline elements was given as:

	1 bed	2 bed	3 bed	4 bed	Total
South Oxhey Central	111	241	18	4	374
Total	111	241	18	4	374

Table 3 - Illustrative Housing Mix Phases 2 and 3

4.1.11 The overall schedule of affordable and private sale residential accommodation for all four sites, as approved, is as follows:

Mix	No. dwellings	%
Affordable apartments/ Affordable houses	93/ 3	18.1%/ 0.6%
Total affordable	96	18.7%
Private apartments/ Private houses	374/ 44	72.8%/8.5%
Total private	418	81.3%
Total dwellings	514	100%

Table 4- Tenure Mix

Dwelling type:	Size:	No. of units:	
Affordable apartments	1 bed	41	
	2 bed	37	
	3 bed	15	Total affordable apartments = 93
Affordable houses	3 bed	1	
	4 bed	2	Total affordable houses = 3
Private apartments	1 bed	126	
	2 bed	248	Total private apartments = 374
Private houses	2 bed	20	
	3 bed	20	
	4 bed	4	Total private houses = 44

Table 5- Overall Housing Mix

4.1.12 The planning application was considered by the Planning Committee and a decision to grant planning permission, subject to completion of a Section 106, was made on 17 March 2016. In order to address concerns from TH the application was, however, returned to Committee on 21 April 2016. The Committee considered the wider representations made on behalf of TH. The Committee again resolved to

grant planning permission. Planning Permission was issued on 31 May 2016 (refer to section 2 for further detail) following signing of the necessary S106.

- 4.1.13 The proposed mixed use scheme, including residential and retail development, at South Oxhey is a direct response to local policy aims. The uses proposed are all appropriate, in line with local policy objectives and will enhance the vitality and viability of South Oxhey. The scheme will facilitate the transformation and regeneration of the area.

4.2 Phasing

- 4.2.1 It is intended to bring forward development in 3 phases (please refer to CD6.1 (vi)). The first phase of development is to be provision of the detailed element secured by planning permission 16/0005/FUL followed by phases 2 and 3 respectively, for which reserved matters submissions would need to be made. The applicant envisages that development would be completed by 2022.

- 4.2.2 Phase 1 (please refer to CD6.1 (vi) (c)) will see delivery of 84 private for sale flats within four storey blocks, including the key landscape areas of Henbury Gardens and Henbury Place, at South Oxhey Central. There will also be provision of a temporary car park with 53 spaces within the centre. Outside of the central area there will be provision of 26 residential units at Maylands Road, 8 residential dwellings at Hayling Road and 22 units at Hallows Crescent. Initial residential development will also be supported by site preparation, landscaping a transport infrastructure.

- 4.2.3 The phasing of development will be controlled through the provisions of planning condition O4 which highlights the need for a:

programme which sets out the phasing of the development in accordance with approved plan number 1275-O-262 B, the order and timescales for the submission of reserved matters applications, the phasing of provision of affordable housing, the phasing of commercial elements of the scheme, the strategy for the discharge of conditions and access details for each phase shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out other than in the sequence detailed in approved plan number 1275-o-262B.

4.2.4 The intended phasing is summarised in the following table and detailed in CD6.1 (vi))

Phase:	Works:
1A	Demolition of garages along Henbury Way and closure of existing car park and taxi office, development of Parcel 1A, temporary car parks open
1B	Commencement of redevelopment of Station Approach area
2A	Demolition of The Ox public house, Baden Hall, Luffenham House and northern part of The Parade and shops along St. Andrews Road; development of Blocks D1, M, N
2B	Demolition of shops to northern part of Bridlington Road; development of Blocks H and I
3A	Demolition of Pennard House and southern part of The Parade and St. Andrews Road shops; development of Blocks O, P and Q and Parcels 1C and 1D
3B	Demolition of remaining shops on Bridlington Road; development of Blocks J, K and L

Table 6- Phasing Summary

4.2.5 The hybrid planning permission includes the Order Land and the satellite sites. The satellite sites are integral to the delivery and timing of Phase 1. New homes will be built on the 3 satellite sites first, which will provide new homes for some of the people currently living in Central South Oxhey. As occupiers move out, demolition work and construction work within the Order Land will then take place on a phased basis as above.

4.2.6 48 social rent homes are being provided on the Satellite Sites for TH tenants living to the North of St Andrew's Road. These will be ready for those residents to move into early in 2018. This will release the 'North Block' for demolition.

4.2.7 The satellite sites will be used to provide affordable and private housing. At Maylands Road it is proposed that 26 affordable homes will be built. Hayling Road is the former Jet public house site. The proposal is that eight private family dwellings will be built at Hayling Road. Hallows Crescent is the site of the former Crescent Club and it is envisaged 22 affordable flats will be created here.

- 4.2.8 All 96 TH tenants will be provided with suitable alternative accommodation. To minimise disruption, it is also intended that all tenants will only have to move once.
- 4.2.9 Further detail on the intended phasing and justification for this is given within the evidence of Alan Head (section 12).

4.3 Relocation to Satellite Sites

- 4.3.1 As existing social rent tenants currently located within the central area are to be decanted to the satellite sites it is worth considering how these sites might work. As with the development to take place in the central area the new housing will be masterplanned and designed to be of a high standard. The units will be high quality, utilising sustainable construction whilst satisfying Lifetime Home standards.
- 4.3.2 Each unit will be served by private amenity space, through either gardens or balconies, whilst there will also be access to public amenity space. There will be clear differentiation between public and private areas.
- 4.3.3 Importantly, the accommodation to be provided for relocated social rent tenants will be targeted to their current requirements, as established by Home Group at the time of submission of planning application 16/0005/FUL.
- 4.3.4 Although the sites are slightly further from the central area they will not be isolated and will continue to be part of the wider South Oxhey community. It can be seen that all three satellite sites are well connected in terms of vehicular routes, whilst Hayling Road and Oxhey Drive are part of the public transport routes in the area, with services every 30 minutes. The sites are no more than 100m from these routes.
- 4.3.5 In terms of access to day to day retail it can be noted that Maylands remains within a 7 min (550m) walk of the main centre, whilst Hallowes Crescent accommodates its own retail parade immediately adjacent to the development site.
- 4.3.6 Relative to school provision, the Maylands sites is in close proximity to Oxhey Wood School (within a 5 min walk) with Hallowes Crescent being within a 10 minute walk of St Joseph's Catholic Primary School.
- 4.3.7 All sites will be closer to the green belt/ landscape designation areas for informal recreation, whilst for those with children there will continue to be easy access (within 5minute walk) to formal play areas.
- 4.3.8 Those community services which are located in a central sustainable location, such as the surgery, library and parish council offices, will continue to be accessible to

residents on the limited occasions that they are needed. Although Hallowes Crescent is furthest from these uses at 1.5km it would still be possible to easily walk to them within 20 minutes.

- 4.3.9 Accordingly, the relocation of existing tenants is unlikely to impact on their ability to access services and facilities, whilst there will be clear environmental benefits resulting from the move.

4.4 **How the Development Will Be Perceived**

- 4.4.1 To understand the step change that the scheme will deliver it is worth considering how the development would appear to a user/ visitor. Accordingly, I detail what it might be like to arrive at South Oxhey from the Carpenters Park Railway Station in the future.
- 4.4.2 On emerging from the station underpass users will emerge into Station Square. As illustrated in CD6.1 (vii) (b) and (c) this will be an inviting, pedestrian friendly, active and enclosed area which provides high quality public realm with seats and areas to dwell. Befitting of its proximate location to the station it will be a thriving and well used space with commercial uses aimed at serving people's daily needs. It will continue to be used as a transport interchange, with bus and taxi provision across a shared surface. The space will be contained on two sides by modern buildings of up to three storeys in height, providing a sense of enclosure and giving the open space a human scale. The area will signify a clear arrival point into a contemporary development, announcing the start of something more significant beyond Prestwick Road. The layout, enclosure and shared materials palette will ensure that the developments on both sides of Prestwick Road feel part of a larger masterplanned development.
- 4.4.3 The new and higher density development to the west of Prestwick Road will be obvious from Station Square, particularly the taller building on the corner of Fairfield Avenue and Prestwick Road, making it clear that this is a significant destination. Users will be aware of the ground floor activities, which wrap around the corner into Fairfield Avenue, noticing ground floor shops, cafes and services as they approach. There will be trees which serve to break up a further extensive area of shared surface/ hard landscaping, which provides car parking. There is also provision for the market to take place which will create activity and a sense of community. Areas of outside seating are provided by the cafes and there is a continental feel to the space. Even above the ground floor there will be some activity as people have their windows open and use their balconies and overlook the Prestwick Road frontage. This is a vibrant and exciting modern space.

- 4.4.4 On arriving at the Market Square the quality of both the public realm and building design will be apparent. At the end of the continued area of commercial activity (blocks M, N and O) block P will be apparent, stepping forward from the other blocks and announcing the location of a supermarket so as to attract high levels of footfall. Although there are areas of car parking this is not a car dominated environment, but rather a space which is inviting and allows users to meander through the area.
- 4.4.5 Whilst moving southwards along the Prestwick Road frontage there will be glimpses of more domestic scaled development extending in a westerly direction, served by shared surfaced/ low traffic roads. In entering these roads and heading towards Henbury Place the level of activity reduces. There is more variety in the architectural style and massing of buildings. Buildings will be 2 to 3 storey houses and will have open and active areas either through balconies, terraces or rear gardens. There will be doors onto streets, as well as windows and balconies overlooking the road, providing a sense of interaction and security.
- 4.4.6 The end of the street is emphasised by a 4 storey apartment block with parking to the rear. Again there is ground floor activity, with overlooking of the public spaces. To the north of Bridlington Road are further 4 storey blocks, whilst there is a large landscaped area (Henbury Place) encouraging movement further westwards through this safe pedestrian friendly connection. The landscape quality will be clear in both the materials used and the planting, with seating providing a pleasant place to stop and observe the community in action, without fear of conflict with vehicular traffic.
- 4.4.7 Beyond Henbury Place there is an area of clearly enhanced green space where children can be heard to be playing in a modern recreation facility. There is also a further area of green space which emphasises that the centre is being left behind. This will be a good area to meet and talk with friends.
- 4.4.8 The new housing to be provided will be diverse and well planned, responding to current requirements. It will be sustainable in its construction and provide all residents with access to private amenity space, as well as improved public spaces. Quality materials will be used and an appropriate level of available car parking will be provided. Importantly there will be a feeling of improved cohesion and safety.
- 4.4.9 The use of different building heights, architectural styles, broad grid pattern and perimeter block approach all serve to make this a legible area which is easy to navigate through, either on foot or by bicycle. Even if a wrong turn were taken there would be no sense of panic.

4.4.10 The development will assist creation of a modern and vibrant community, delivering the type of focal point and '*heart*' that the local residents require. It will be an area to be proud of, not only for the residents located within the development, but also the wider community. It will be transformational.

5. PLANNING ASSESSMENT

5.1 As highlighted at paragraph 1.3.3 one of the main questions for the SoS to consider is:

whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Policy Framework.

5.2 As highlighted at paragraph 3.1.3 the Order Land is covered by an adopted and up to date development plan. Within the development plan there are a number of policies which are of particular relevance to the development. These are:

5.2.1 CS2011: Spatial Vision, CP1 Overarching Policy on Sustainability, CP2 Housing Supply, CP3 Housing Mix and Density, CP4 Affordable Housing, CP6 Employment and Economic Development, CP7 Town Centre and Shopping, CP9 Green Infrastructure, CP10 Transport and Travel, CP12 Design of Development, PSP2 Development in Key Centres

5.2.2 Management LDD 2013: DM1 Residential Design and Layout, DM3 The Historic Environment, DM4 Carbon Dioxide Emissions and On Site Renewable Energy, DM6 Biodiversity, Trees, Woodland and Landscaping, DM11 Open Space, Sport and Recreation Facilities and Children's Play Space, DM12 Community, Leisure and Cultural Facilities, DM13 Parking and Appendices 5: Parking Standards

5.2.3 Allocations LDD 2014: H29 South Oxhey Town Centre, SA4 Retail Allocations and SA6 South Oxhey

5.3 Appendix 2 contains extracts of the key planning policies, being The Spatial Vision, PSP2, CP2, H29, SA4 and SA6.

5.4 A full copy of the committee reports and associated addendums are in CD3.2. These review matters of planning policy compliance from the Local Authority perspective. Appreciating this I have reviewed the submission and provide an overview of the scheme's compliance with adopted policy.

5.5 Principle of Regeneration

5.5.1 The NPPF highlights that a fundamental element of national policy is 'a presumption in favour of sustainable development' which for decision makers means 'approving

development proposals that accord with the development plan without delay' (paragraph 14). Paragraph 17 encourages effective use of previously developed land and promotes 'growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable'. At paragraph 23 there is also appreciation of the need to recognise centres as the hearts of their communities, whilst 'defining a network of town centres that is resilient to anticipated future economic changes'.

- 5.5.2 The adopted CS's Spatial Vision seeks development to support a range of priorities, including communities and to provide for their needs in the most sustainable way, to locate growth in the most sustainable locations, improve access to housing and affordable housing, maintain vitality and viability of existing centres, promote sustainable transport options, reduction of inequalities across the district, in particular through regeneration of South Oxhey, and making the best use of land.
- 5.5.3 The proposed development clearly represents a scheme to regenerate the South Oxhey area. It will serve to retain and improve a retail/ commercial offer at the site. As demonstrated through the assessment provided by LHS, the proposed use configuration and rationalisation of layout will make the centre more robust, whilst provision of an appropriate anchor store will make investment more likely, being attractive to a range of operators. The new configuration also provides flexibility and will deliver significant aesthetic improvements.
- 5.5.4 The development is to take place on previously developed land in line with the aspiration of CS policies CP2 and PSPS2 (a and b), which seeks approximately 75% of housing in urban areas and 60% of the district's housing to be in key central locations. The site also sits in close proximity to an overland railway station and frequent bus services.
- 5.5.5 The growth in housing provision will serve to address existing deficiencies in the quality of housing stock. There will be an increase in unit numbers, as well as the tenure mix, typologies and size range of dwellings available to the existing and future residents of South Oxhey. This is supported by CS Policy PSP2 k) which identifies the need to '*improve housing stock quality*', as well as CP3 which highlights the need to cater '*for a range of housing needs*'.
- 5.5.6 SA6 of the Site Allocations DPD highlights that the Council will promote the regeneration of South Oxhey to deliver:
- (a) Improved access to services
 - (b) Improved access to sustainable modes of transport

- (c) Improved housing quality and access to housing
- (d) Better quality leisure and community facilities
- (e) Improved shopping facilities
- (f) Reduced levels of deprivation
- (g) Facilitate improved access to employment
- (h) Facilitate access to education, skills and training

5.5.7 Neither the Order Land nor the application site associated with Planning Permission 16/0005/FUL cover all of the South Oxhey area and they represent a smaller area than was considered within the SOI. Particular omissions include land at the north western end of Bridlington Road, land to the rear of 85 to 125 Prestwick Road, south of Oxhey Drive and the existing leisure centre at Gosforth Lane. The proposals relate to the main central area which the community identified as a key priority (Public Open Day 7 April 2011). Despite the reduced area, as is summarised at paragraph 6.6.2, it will deliver a range of significant improvements and consequently constitute appropriate regeneration of the area.

5.5.8 In the context of PSP 2(h) of the CS and SA6 of the Allocations LDD there will be provision of increased numbers of residential units sitting in close proximity to services, including new retail and some residential town centre uses which will be more focused. The new dwellings will also be proximate to existing community facilities such as the library and surgery, which will not be effected by the scheme.

5.5.9 The development will increase housing in close proximity to rail and bus facilities, whilst walking and cycling are to be promoted through provision of legible and safe streets, making the most of the site's accessible and sustainable location.

5.5.10 As well as housing numbers increasing, the new dwellings will be a significant improvement on the existing units on site. The new housing will benefit from increased fabric efficiency, accessibility, a planned layout, internal arrangements, access to private amenity space, clear connection with the adjacent streets and improved passive surveillance. The housing provision also responds to local requirements as indicated by the Council's Housing Options Manager, as well as increasing the tenure and unit options available locally. Additionally, the area will benefit from new and improved linked public spaces, improved children's play area and financial contributions totalling £965,528.80 to go to identified local services.

- 5.5.11 The development will address concerns about the retail provision being too dispersed, with a clear focus of activity, whilst the buildings are currently in a poor state of repair and do not provide the flexibility that modern retailers require. Shopping provision will be more focused, based on the key entry points into the area, whilst the floor space will be reconfigured and more flexible to maximise attractiveness to operators. The introduction of an anchor retail store in a prominent location, which is responding to the identified need to have an improved food supermarket offer, will better serve local needs and capture spend which is currently going outside of the centre/ District (around 86%/ £22m of potential convenience retail expenditure within the catchment is currently spent outside of South Oxhey). The new arrangements will serve to make the centre more robust and self-financing, removing the need for the Council to subsidise rents.
- 5.5.12 Although not directly providing education facilities, a contribution of £701,534.42 is to be made to education, whilst a stronger centre, including a larger supermarket, will generate a range of long term employment opportunities for local residents. This will be in addition to the construction jobs that are to be created during the course of development. The developer is also well versed in working with local contractors and providing both apprenticeships and work placements.
- 5.5.13 The scheme will deliver mixed use development, including housing, retail and community uses, in compliance with policy. It will contribute to the objectives for the regeneration of the area and accord with Policy PSP2.

5.6 Housing

- 5.6.1 Housing is a significant issue at South Oxhey Central, for as identified at paragraph 2.2 of the CS:

Housing stock in the district is generally of a good quality and does not present particular concerns. The exception is in South Oxhey where some of the stock is now in need of significant updating

- 5.6.2 H 29) of the Allocations LDD identifies South Oxhey Central as having a capacity of 360 residential units to be delivered between 2016 and 2026. This is against the developments intended 458 units. Such additional provision will assist the Council in achieving required housing numbers and responds positively to the Government's push for increased housing delivery. The sites capacity should not be artificially constrained if local amenities can be adequately protected through an appropriate design solution. The scheme will significantly improve access to high quality housing provided in a range of sizes and tenures.

- 5.6.3 The proposal would accord with policy CP2 of the CS in providing a significant proportion of the district's planned housing supply.
- 5.6.4 The development of South Oxhey Central is to provide a range of unit types (140x 1 bed, 296x 2 bed, 18x 3 bed and 4x bed). The focus on increased provision of smaller 2 bed units reflects growing demand, the sites central sustainable location, significant element of apartments and the need for efficient use of previously developed land. This provision compares with the existing which is 64x 1 bed/ studio, 23x 2 bed, 30x 3 bed and 10x 4 beds.
- 5.6.5 CS Policy CP4 seeks overall affordable housing provision of 45%, which as a guide should be made up of 70% social housing and 30% intermediate. The policy does, however, make it clear that:

in assessing affordable housing requirements, including the amount, type and tenure mix, the Council will treat each case on its merits, taking account of site circumstances and financial viability

- 5.6.6 As detailed in table 5, 96 social rent affordable housing units are to be provided through the scheme. 48 are to be provided in phase 1 on two of the satellite sites, whilst a further 48 are to follow in phase 2.
- 5.6.7 The mix of affordable units on the satellite sites matches the current housing needs of residents in the North Block as established at the time of the planning application. A further 48 social rent homes are to be provided in blocks D, D1 and N as part of on Phase 2 of the central site. This will be completed in early 2020 in time for the re-housing of the TH tenants currently living to the south of St Andrew's Road. This will then release the 'South Block' for demolition.
- 5.6.8 In view of the particular shortage of two bed social rent homes in the area the Council's housing team requested that the mix for the further 48 replacement homes to be provided on the central site (in blocks D, D1 and N) contain more two bed and fewer three and four bed homes than the mix it is replacing and this is the basis for the agreement with the Developer.
- 5.6.9 The development will deliver 96 (18.7%) affordable units, being provision of the number of existing social rented properties on the site. The provision falls below the 45% sought by policy CP4. However, in the present case a reduction in the level of affordable housing was considered justified to support the viability of the scheme. This decision was reached following independent advice. Importantly, it is noted that there will be no net loss of affordable housing as a result of the consented development.

5.7 Mix and Distribution of Uses

- 5.7.1 Policy SA4 of the Allocations LDD makes it clear that retail development is acceptable in principle in district centres, that accessibility will be a key consideration and that:

New shopping facilities will be encouraged where they are supported by up to date evidence of need, where they contribute to the vitality and viability and general economic well-being of the area and where they do not impact detrimentally on existing centres.

Relative to retail, in the Inspector's report following the EiP into the Allocations LDD at paragraph 40 it is recognised that policy is '*seeking to rebalance and reinvigorate provision in South Oxhey as part of a comprehensive redevelopment of the Central Area*', whilst concluding that there was '*no reason to question the soundness of the SALDD in respect of shopping*'.

- 5.7.2 The existing commercial units are quite dispersed and do not create a vibrant centre. The proposal will consolidate the retail activity into a food store and approximately 25 commercial units focused around the station and Prestwick Road, being the 'shop front' of the development. Approximate 6,356sqm of retail/commercial floor space is to be replaced by 5,137sqm. While the quantity is decreasing, the quality and use of the space will be very significantly enhanced.

- 5.7.3 The LHS report (Retail and Leisure Study 2012) provided TRDC with guidance on the status of South Oxhey Centre. It noted of South Oxhey that:

The centre, whilst serving a basic retail function is heavily subsidised by the council. Rents are kept low, and in some cases, extremely low to maintain occupancy and vitality but this is not a viable long term proposition

- 5.7.4 Significantly, there was an identified outflow of 86.5% (£22.19m) of convenience food expenditure for the zone and for obvious reasons it was suggested that there should be an objective to retain this spend. '*In order to achieve this, the centre would require a main food outlet to provide the level and range of goods to meet customer demand*' (paragraph 7.24).

- 5.7.5 The analysis accompanying planning application 16/0005/FUL demonstrated that the existing local shops in South Oxhey do not provide a main food shopping destination, whilst not meeting 'top up' food shopping requirements. In part, as a consequence of this, there is considerable leakage of trade to large out of centre food stores around Watford. The developer has presented a case to support the

size of the food store now proposed, without having an unacceptably adverse impact on the existing network of food stores in the wider area.

5.7.6 The food store would be in a prominent location with good visibility to those arriving at the station or travelling through the area, helping to draw in custom and aid viability and spin off trade. The mix of uses is also likely to extend trading hours into the evening and night and aid with creating a vibrant centre, increasing surveillance and improving safety on the estate.

5.7.7 The proposed food store would be consistent with policy SA4 (Retail Allocations) and is supported by a retail study.

5.7.8 Planning condition O10 sets out that

no more than 60% of the net internal floor space of the commercial units hereby permitted shall be used for any purpose within class A1 of the Town and Country Planning (Use Class) Order 2005 (as amended) ...

5.7.9 This condition has been imposed '*to ensure the vitality of the town centre and an appropriate mix of business uses*'. The remaining floor space would be available for A2, A3, A4, A5, D1 and D2 uses, representing an entirely appropriate range for a viable centre capable of servicing local daily needs. It can also be noted that should there be increased demand for non A1 floor space the condition is sufficiently flexible to allow this to happen.

5.7.10 The development accords with CP7 of the CS as it supports opportunities for economic development in South Oxhey.

5.7.11 In line with NPPF aspirations, as detailed at paragraph 23, which supports retention of markets, the South Oxhey market will continue to serve the area, albeit that its location will be changed to be in a dedicated and highly visible/ accessible, market area at the entrance to the centre.

5.8 **Transport and Parking**

5.8.1 The masterplan framework is punctuated by high quality open spaces, splitting the main area of development into three, rather than the current situation of two. This will improve permeability and encourage a walkable neighbourhood. There is to be a clear hierarchy of streets, car parking strategies to support the different character areas, highways designed to reduce speeds, rationalised vehicle circulation in Station Square with the creation of a more pedestrian friendly space and enhanced access to the wider pedestrian/ cycle network.

- 5.8.2 The NPPF makes it clear that *'the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel'* (paragraph 29), whilst paragraph 34 is clear that developments that could create significant movement are located to maximise *'use of sustainable transport modes'*.
- 5.8.3 The planning application was supported by a detailed Transport Assessment, in line with policy requirements. It is noted that the change in floor areas and increase in residential development will actually result in a reduction in trip generation compared to the existing lawful uses. Car movements will be reduced, as will pedestrian activity (reflecting the decrease in commercial floor space), with an increase in public transport trips. It is noted that HCC's Highways Officer confirmed that it was unlikely to have a significant impact on the surrounding highway work.
- 5.8.4 P10 of the CS deals with transport and travel, making it clear that access to public transport, walking and cycling is viewed as being of particular importance. Major developments will be expected to be located in areas accessible to the most sustainable modes of transport and to people of all abilities in a socially inclusive and safe manner.
- 5.8.5 The Order Land is well served by public transport, being proximate to the Carpenters Park overland railway station, with 3 trains an hour to Watford junction/ London Euston. It is also well served by buses with stops on Station Approach, Fairfield Avenue, Prestwick Road, Oxhey Drive and Station Square with services including routes R16, W17 and W19. The development would increase use of both forms of travel.
- 5.8.6 The planning application was also supported by a Framework Travel Plan with the aim of maximising the accessibility of the site by all modes, ensuring strong public transport, walking and cycling links. It seeks to maximise permeability through the site and access to sustainable transport networks. It can be noted that Station Square will still provide a bus stop, drop off, taxi area, servicing bays and parking.
- 5.8.7 Policy DM13 of the Development Management Policies DPD highlights the need for parking to comply with the standards set out in appendix 5 of the document. The appendix sets out a range of standards per use type, whilst making it clear that the *'lower percentage does not represent a minimum'*. It is emphasised that *'in areas of high accessibility and good service provision a reduction in the levels of parking for C3 Residential may be appropriate'*.
- 5.8.8 As a reflection of South Oxhey's sustainable location, parking provision is to be constrained. The car parking approach will seek to ensure that there is sufficient, but not excessive, parking throughout the development.

- 5.8.9 As paragraph 39 of the NPPF makes clear parking requirements need to take into account *'the availability of and opportunities for public transport'*.
- 5.8.10 The development is to provide:
- (a) 140 spaces to serve the commercial element
 - (b) 37 of the central houses would be assigned 1 space
 - (c) 289 residential spaces would give a ratio of 0.69/unit
 - (d) The ratio would fall to 0.55 serving the apartments to the east of the site with 0.79 to the western side
- 5.8.11 The commercial car parking proposed would give 1 space per 37sqm compared to 1 space per 46sqm as is currently the case.
- 5.8.12 The reduced level of residential parking provision reflects the accessibility of the site and nature of development, with apartments and smaller units having lower typical car ownership levels. It is also noted that South Oxhey already has relatively low levels of car ownership (less than 0.75 per household).
- 5.8.13 Policy compliant disabled and cycle parking facilities will be secured through reserved matters submissions.
- 5.8.14 To deal with loss of the Bridlington Road car park through phase 1a, and Station Approach car park through 1b a temporary parking facility is to be provided to ensure that the centre remains adequately served. Predominantly this will be on the eastern half of Henbury Gardens, providing 53 spaces. A further 22 spaces will be provided in other locations, as will be agreed and delivered through the requirements of planning condition 51.

5.9 Design

- 5.9.1 Paragraph 17 of the NPPF highlights the need to secure high-quality design, whilst at paragraph 56 it emphasises that *'good design is a key aspect of sustainable development, and is indivisible from good planning'*, albeit that *'decisions should not attempt to impose architectural styles or particular tastes'* (paragraph 60).
- 5.9.2 Paragraph 69 of the NPPF is clear in promotion of:
- safe and accessible environments where crime and disorder, and fear of crime, do not undermine quality of life or community cohesions; and safe accessible developments, containing clear and legible pedestrian routes, and**

a high quality public space, which encourages the active and continual use of public areas

- 5.9.3 Policy CP2 reiterates the need for high quality design which has regard to local context, protects residential amenity, reduces energy and waste, designs out crime, assist with informal surveillance, uses quality finishes, makes clear the difference between public and private space as well as providing convenient, safe and visually attractive areas for parking.
- 5.9.4 Unlike the existing arrangement along Fairfield Avenue and Oxhey Drive the scheme design will see provision of a strong built frontage along the perimeter of blocks. There is to be introduction of an appropriate range of different building forms and dwelling types, considered important to the creation of a rich and vibrant urban environment. They will create interesting, varied streetscapes and rooflines which are not present currently. Similarly, all of the buildings are to be surrounded by high quality landscapes, whether public or private.
- 5.9.5 Use of a landmark building on the north east corner will provide a clear focal point aiding identity and legibility. Legibility will be further assisted through creation of view corridors and gateways.
- 5.9.6 Natural surveillance will be increased through the layout with the introduction of more doors on to streets and windows overlooking public areas. There is also to be clearly defined public/ private realms and provision of high quality open spaces.
- 5.9.7 The masterplan recognises the unique context and design requirements effecting the different parts of the site. This is to be articulated through clear definition of character areas at Station Square, Market Place, The Mews and the Western Apartments. Materials, building forms, uses, scale, elevations and landscaping will be used to differentiate these areas.

5.9.8 **Station Square**

The improved area is to create a welcoming and attractive first impression of South Oxhey. The space will be rationalised to become a more pedestrian friendly public space, albeit that it will continue to act in part as a transport interchange. The variety of uses in close proximity to the station will serve to create a thriving well used open space, which is clearly defined.

5.9.9 **Market Place**

The concentration of retail uses will bring vitality to the centre, with the market place proving a focal point for the community. It will create an active frontage and a safer

environment through enhanced passive surveillance. In addition to providing car parking there will be scope for shops and restaurants to spill out into the open space. The retail space is to be as flexible as possible.

5.9.10 **The Mews**

In recognition of the proximate residential development, the Mews will contain a range of 2-3 storey houses. All homes will have either balconies, terraces or rear gardens providing private amenity space which is lacking within the majority of existing dwellings within South Oxhey.

5.9.11 **Western Apartments**

There will be perimeter blocks comprising predominantly 4 storey apartments and a strong green focal space provided by Henbury Place. There will be clearly defined residents' parking, including part undercroft.

5.9.12 **Heights**

The heights strategy presented within the scheme seeks to recognise the site's central position and sustainable location, the need to make efficient use of this sustainable location, whilst having regard to the surrounding area.

5.9.13 It is noted that the heights presented within the approved scheme exceed those put forward within the Land Use Plan contained within the Allocations LDD. This approach was, however, put forward as general guidance without detailed testing. The current scheme has been tested for impact and deemed acceptable.

5.9.14 It can be noted that it is common for a town centre to be more prominent and of an increased scale than neighbouring residential areas. The different scales and proportions of the streets and spaces will provide visual interest, resulting in a legible townscape and a sense place.

5.9.15 The western, predominately 4 storey apartments provide an urban scale and an appropriate frontage to Henbury Gardens. The Mews area will be a more traditional domestic scale. On Prestwick Road the range in heights (5 to 7 storeys) should provide interest and identity. Taller buildings are to be used to mark key corners. The 7 storey landmark building Prestwick Road/ Fairfield Avenue defines the gateway to the regenerated town centre. The building will also entice people from Station Square and define the main civic space. The reduced massing at Station Square reflects the proximate existing properties and the constraint imposed by overhead cables.

- 5.9.16 It is evident that the scheme design has sought to recognise and respond to site context. It has followed common urban design principles through provision of a clear block structure utilising perimeter forms, with a network of streets where pedestrians and cyclists are welcomed. There will be obvious improvement in the site layout and quality of housing stock along with a range of connected quality open spaces and sustainability improvements. There will be clearly defined public/private spaces, with the introduction of doors on streets and overlooking from residential and non-residential uses to greatly enhance passive surveillance and improve safety.
- 5.9.17 It is considered that the design ethos presented is appropriate having regard to national and local guidance, whilst respecting paragraph 60 of the NPPF which highlights decision makers should not impose particular tastes.

5.10 Sustainability

- 5.10.1 New homes will be a significant improvement over the existing stock. They will be more fuel efficient, accessible and designed in line with 'secure by design' principles.
- 5.10.2 Policy CP1 of the CS sets out key policy on sustainable development requirements, making clear the need to tackle climate change through reducing carbon emissions, avoiding development in areas at risk of flood, promotion of the use of suitable drainage systems, making efficient use of land and the requirement for applications to be accompanied by a CPLAN demonstrating how proposals will produce at least 25% less carbon dioxide emissions than Building Regulations Part L (2006). Policy DM4 of the Management LDD takes this forward with an updated requirement of a 5% reduction on carbon dioxide based on Building Regulations Part L (2013).
- 5.10.3 Through use of measures including high performance building fabric and insulation, low energy light fittings, high efficiency boilers and partial provision of photo voltaic cells the proposal will comply with these policy requirements. This will represent a significant improvement on the existing arrangement at the site. Delivery of the detailed sustainability measures is to be controlled through planning condition 36.

5.11 Open Space

- 5.11.1 As highlighted at paragraph 73 of the NPPF, access to high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well-being.
- 5.11.2 CS policy PSP2 m) xiv emphasises the need to improve the quality of, and access to, children's play space at South Oxhey.

- 5.11.3 CP9 highlights that the Council '*will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces*'.
- 5.11.4 Being a development of more than 25 units policy DM11 seeks on site open space and play space provision (10% open space, including 2% play). The scheme will deliver a policy compliant amount of public open space, with provision exceeding the policy target sought in DM11.
- 5.11.5 As the Officer's Report to Committee confirms the area is well served by a variety of open spaces. The site has good access to amenity green spaces (5 such areas are within 400m and 13 within 1km).
- 5.11.6 The existing precinct performs an important function for the community providing a meeting and gathering space, which also accommodates the local market. This said, a significant uplift to the quality of this space, and other spaces, is required in order to transform South Oxhey's environment.
- 5.11.7 The development will deliver a significant uplift in the quality of the public realm and open space within the site. This will be through:
- (a) New public realm and useable public space at Station Square;
 - (b) the Market Place which will provide flexible space for the community;
 - (c) Henbury Place providing green amenity and informal recreation and play; and
 - (d) Significant enhancement to the existing green area to the west of Henbury Way.
- 5.11.8 These works, combined with street tree planting will make a significant contribution to creation of a linked network of open spaces to the benefit of social and environmental well-being, in line with CP9 and S226 (1)(a) of the Town and Country Planning Act 1990. Additionally, the enhanced permeability at the site will assist access to existing spaces in the wider area.
- 5.11.9 As noted in the Officer's Report to Committee (7.9.15) overall it is considered that the proposal would result in significant uplift in the quality of the public realm and public open space throughout South Oxhey Central.
- 5.11.10 In considering the adequacy of open space it should also be recognised that, unlike the existing situation where residents have limited private space, all homes are to be served by their own private amenity space, either through rear gardens (townhouses and terraced houses), balconies and roof terraces (Mews houses) and

roof terraces (urban house) balconies or a deck level communal garden (apartments). This will greatly improve the lives of residents within the central area, helping their health and well-being, as well as stimulating interaction and pride in their surroundings.

- 5.11.11 The proposed public realm and open space provision will represent a significant improvement over the existing situation aiding character, usability and environmental quality.

5.12 **Landscape**

5.12.1 Currently the public realm at South Oxhey is tired and in need of improvement. It is also lacking planting, whilst areas like The Parade are dominated by car parking. The main open area of St Andrews Road, although having received some paving treatment, is possibly too big with little interest and presents an unwelcoming environment.

5.12.2 The proposed development will deliver a number of landscape improvements:

- (a) New centrally located market place;
- (b) Additional tree planting;
- (c) Station Square to be enhanced with planting, seating and hard surfacing to reduce the dominance of the car;
- (d) Use of native and wildlife friendly planting to enhance biodiversity;
- (e) Use of shared surfaces;
- (f) Provision of Henbury Place, to be a pedestrian friendly location of hard and soft landscaping; and
- (g) Henbury Gardens is to be retained, although it will be improved through provision of planting, additional seating and children's play equipment.

5.13 **Cultural Heritage**

5.13.1 Given the distance separation between the development and proximate Conservation Areas and listed buildings, as well as the lack of likely archaeological significance at the site, it is considered that the proposal will not offend the provisions of the NPPF, policy DM3 (Management LDD) or CP12 (CS). Paragraph 7.21 of the officer report to committee (CD3.2) considers the issues of impact on the historic environment in more detail.

5.13.2 It is clear that planning application 16/0005/FUL has recognised the detail of the development plan, whilst being assessed against it at length by TRDC. In this regard, having reviewed the content of the planning application it is my professional opinion that the scheme is in compliance with local and national policy and an on balance view should be taken of any reduced levels of provision on issues such as affordable housing provision in recognition of the circumstances of the site, the significant benefits that the development will deliver, scheme viability and the design solutions that have been presented. As such the SoS should be comfortable that the CPO satisfies the test (paragraph 76 of the October 2015 Guidance). It is also clear that making of the Order will bring about economic, social and environmental improvements in line with the requirements of S226(1)(a) of the Town and Country Planning Act.

6. OBJECTIONS TO CPO

6.1 From review of the objections put forward to the Order it appears that there are 11 key issues which are relevant to planning (wider objections are addressed in the evidence of others). These are:

- 6.1.1 Thrive Homes Consultation;
- 6.1.2 Why Rebuild;
- 6.1.3 Public Interest;
- 6.1.4 The Extent of Land being Acquired (Station Approach);
- 6.1.5 The Scheme is Only About Housing;
- 6.1.6 Loss of Affordable Housing;
- 6.1.7 Loss of Car Parking in Phase 1;
- 6.1.8 Construction and Residential Impacts;
- 6.1.9 Phasing Necessitating Fresh Environmental Assessment;
- 6.1.10 Impact on Conservation Area; and
- 6.1.11 High Rise Development Not Appropriate.

6.2 Each of these issues is commented on below. I note by way of context the High Court's guidance in The Alliance Spring Co Ltd and Others V the First Secretary of State [2005] EWHC 18 that:

'It is not in my view appropriate for an Inspector to take a different view on planning considerations which have already been considered unless there is fresh material or change in circumstances'.

6.3 I am not aware of any such material or change. All the matters raised now were raised and considered at the time of planning application 16/0005/FUL.

6.4 **Thrive Homes Consultation**

As is clear from the evidence of Alan Head TRDC has sought to involve TH on many occasions in the development of the regeneration strategy over many years (also see paragraph 2.1.16 and appendix 1). Although TRDC was satisfied that TH, and their tenants, were aware that planning application 16/0005/FUL had been formally submitted, following concerns relative to service of ownership notices the planning application was returned to Planning Committee on 21 April 2016 to allow the notice to be issued. The wider issues of concern raised by TH were also considered before planning permission was granted. The associated Report to Committee was updated by way of an addendum. The views of TH were thus considered ahead of Planning Permission being issued and as such they were not disadvantaged through the omission of the notice.

6.5 **Why Rebuild**

6.5.1 From a planning perspective this issue is already answered in adopted policy SA6 (allocations LDD) and its supporting text, which establishes in policy the principle of redevelopment, with the Council having *'decided that modernisation of South Oxhey should take place through redevelopment of the Precinct and surrounding area'*.

6.5.2 Adopted policy reflects the outcome of consultation and an evidenced based approach (further information on the process leading to this position can be found in the evidence of Alan head and the chronology contained at appendix 1 of this document).

6.6 **Public Interest**

6.6.1 The benefits of the proposed development, along with the wider regeneration of the Order Land, has been raised. This evidence has detailed a number of significant benefits that would be derived from the redevelopment. Detail is also provided in the evidence presented by others.

6.6.2 The benefits can, however, include, in summary, the following:

- (a) Delivery of an improvement to the centre (being a local aspiration- public consultation event 7 April 2011);

- (b) Provision of an active centre which is attractive to the market and thus can be viewed as being more economically sustainable than the existing underperforming and subsidised centre;
- (c) Provision of an anchor store will improve the centre's stability, whilst attracting other retailers and allowing the local community to better fulfil weekly shopping needs;
- (d) Delivery of a concentrated area of retail/ non residential activity creating a vibrant centre, adding activity, interest and security;
- (e) New retail arrangement will serve to retain an increased level of local retail spend;
- (f) Provision of community focus and sense of identity, including a clear masterplanned approach which uses spaces, heights and building design to add legibility and a sense of cohesion. This will improve the image of the area, giving it a clear identity and make it a place that residents want to be associated with;
- (g) Delivery of a mix of housing products in terms of type, size and tenure that responds to current requirements;
- (h) No reduction in the level of social rented units within the site;
- (i) All affordable housing units will be designed to lifetime homes standards;
- (j) All homes will benefit from their own private amenity spaces, whilst there will be clear differentiation between public and private spaces;
- (k) Reconfigured uses will serve to ensure that the site is used in a more efficient way with an increase in housing numbers;
- (l) The site's accessible location, providing increased housing in a location well served by public transport;
- (m) Securing jobs, including retail, non retail and construction. The phasing will serve to maintain existing retail operations as long as possible, thus protecting employment. A better range of shops will also create additional employment opportunities, especially flexible and part time provision within the anchor store. The developer places a high priority on employing local people and will seek at least 20% of the workforce from the local community. The developer also utilises local suppliers. They support apprenticeship schemes and work experience opportunities;

- (n) The proposed layout will significantly increase surveillance bringing seating areas, front doors and windows down to the ground floor overlooking key areas, serving to improve the safety of all users;
- (o) The perimeter block structure to masterplan will remove intimidating spaces between blocks, such as the situation between St Andrews Road properties and Luffenham House and Pennard House;
- (p) Provision of increased and improved public realm which will make the central area a place where people want to live, work, shop and generally spend time;
- (q) Better hard landscaping, increased planting, provision of seating and children's play;
- (r) Improved sustainability and accessibility of proposed buildings;
- (s) Improved access to services through providing housing in close proximity to facilities;
- (t) Economically robust approach giving less exposure to development risk, with the lowest requirement for capital funding and greatest scope to cross subsidise wider improvements, including public realm enhancements;
- (u) Securing over £900,000 of development contributions to be spent locally, including contributions towards nursery and childcare facilities, primary education provision, secondary education, youth facilities, library and health;
- (v) Removal of the need for TRDC to continue to subsidise retailers currently located in South Oxhey centre;
- (w) Minimising crime and disorder;
- (x) Improving housing quality across the central area;
- (y) Drawing a significant amount of spend into the area, supporting local businesses and wider employment opportunities; and
- (z) Reducing the level of deprivation as a consequence of the foregoing (refer to evidence of Alan Head).

6.7 The Extent of Land being Acquired (Station Approach)

- 6.7.1 Paragraph 9.1 of the Allocations LDD recognises that '*South Oxhey is a highly sustainable location with good transport links*', with policy SA6 promoting improved access to sustainable modes of transport and improved shopping facilities.

- 6.7.2 A key element of the sites sustainably in transport terms is its proximity to Carpenters Park Railway Station. As such, it is important to ensure that links between the new central development and the station are maximised. It is for this reason that station approach is considered fundamental to the proposed regeneration of the area.
- 6.7.3 It can be noted from page 40 of the Allocations LDD that Station Approach is identified as being an integral part of the existing centre, containing identified retail frontage.
- 6.7.4 The broad strategy for Station Square, as now being progressed, evolved from the Land Use Plan consulted upon in May 2012 and as detailed in policy by way of the Allocations LDD (policy SA6). It represents a key element of the intended regeneration of the central area and exclusion of any part of this area would be damaging to the aesthetic improvements intended, whilst diluting the masterplan ethos.
- 6.7.5 Station Approach currently lacks an identity and sense of place and consequently does not represent a welcoming environment to those arriving via Carpenters Park Railway Station. The former bank building does not address the corner and presents what feels like a side elevation to Station Approach. The area to the north does not create a strong frontage, and is broken to give access to car parking. To the south the lack of significant built form provides views of a petrol station glimpsed through high level fencing. The current arrangement of buildings and uses does not provide a sense of enclosure. It is not a well-used space and is car dominated. Generally, the area appears unloved with a number of vacant units, whilst the buildings and public realm clearly require attention. There are no strong connections to the west of Prestwick Road and it does not have the feel of being part of something bigger. As an arrival point it is rather underwhelming.
- 6.7.6 As detailed with the Design and Access Statement submitted with the hybrid planning application there is a need to address this, which will be done through a comprehensive approach to make it clear that Station Square is part of the wider regeneration, providing identity and enclosure of the space to improve the appearance, provide a sense of place and feeling of security.
- 6.7.7 The area will operate as an active area flanked on two sides and will accommodate pedestrians, cyclists and other transport modes, with shared surfacing, landscaping and seating areas.

6.8 The Scheme is Only About Housing

6.8.1 It cannot be denied that the site and redevelopment has a significant role to play in TRDC being able to achieve its ambitious target of 180 dwellings a year until 2026 (CS policy CP2). 75 % of this provision is required to be in the existing urban areas, with 60% to be in key centres such as South Oxhey

6.8.2 Indeed, with regard to residential development the Allocation LDD Inspector noted that:

the need for regeneration makes for a powerful case in principle.

(paragraph 105)

It is clear that the initiative has encountered some early difficulties insofar as the Council's preferred development partner has withdrawn, but this is early days and apparently unrealistic expectations regarding the proportion of affordable housing were at least partially to blame.

...The scale of town centre regeneration called for maximises the importance of delivery, not just for the sake of the community in need of regeneration, but in terms of the housing land supply for the district in the present plan period.

(paragraphs 108 and 109)

6.8.1 The Allocation DPD (H29) identifies the central area as having a capacity of 360 units. The proposed development actually seeks to deliver 458. In line with national policy it is entirely appropriate to make the most efficient use of this central and sustainable site.

6.8.2 Regardless of housing delivery, the regeneration initiative is underpinned by the need to secure South Oxhey as a viable and defined retail and service centre which will better serve the needs of the soon to grow local community.

6.8.3 The intended retail approach in terms of overall floor area and format, with inclusion of an anchor retail store, has been informed by commercial considerations considered as part of the bids process. Consideration of the range of wider benefits that the regeneration will deliver is set out at paragraph 6.3.2 making it clear that although there will be the necessary growth in residential floor area, the overall development will deliver significant wider improvements for South Oxhey.

6.9 Loss of Affordable Housing

- 6.9.1 There is no net loss of affordable housing. As described at paragraph 5.3.9, the redevelopment will not deliver 45% affordable housing. It will, however, reprovide 96 social rent units. This will serve to replace the number of social rented properties that currently exist on site and accordingly there would be no net loss of affordable housing provision as a result of the development. The consented scheme would consequently provide sufficient affordable homes for all existing social tenants within South Oxhey central. The new units are also to be targeted to the identified needs of these existing tenants, as established by Home Group ahead of application submission.
- 6.9.2 Condition 25 of Planning Permission 06/0005/FUL deals with the issue of affordable housing, requiring the submission of a scheme 'for the provision of ninety-six dwellings', whilst the first 46 units required for decant of existing tenants within the area effected by phase 1a of the development are required to be provided before market dwellings on phase 1a are occupied.
- 6.9.3 I am also instructed that there is flexibility within the Developer Agreement to potentially deliver increased affordable housing which would be funded by TRDC should the Council have sufficient funds. The evidence of Alan Head provides more detail on this issue.

6.10 Loss of Car Park in Phase 1

- 6.10.1 Both TRDC and Countryside were mindful of the importance of retaining an appropriate level of car parking through all phases of development to ensure that future and existing retail and service operators are not unduly impacted upon. Such issues were fundamental to the evolution of the overall phasing approach as now presented.
- 6.10.2 In recognition of the loss of the car parks at Station Approach and Bridlington Road the scheme intends to provide 75 temporary spaces. There is to be a new temporary car parking area capable of accommodating 55 spaces at the eastern end of Henbury Garden. A further 20 spaces will be provided at the site of Baden Hall (now demolished) until 2017. Further on street parking will be made available in the locality by mid 2017 to replace Baden Hall parking. Once an appropriate level of permanent provision becomes available, the area of temporary provision will be landscaped for open space use.
- 6.10.3 Planning condition 51 deals with the issue of temporary parking provision and requires submission of details and creation of 75 spaces to be '*made available for*

public use prior to Ground Works and Site Preparation Works at South Oxhey Central area or closure of the existing Bridlington Road car park'.

- 6.10.4 Although there will be some inevitable inconvenience to users, this approach will serve to ensure that the centre continues to be adequately served by parking, protecting all traders.

6.11 Construction and Residential Impacts

- 6.11.1 Construction activity is always likely to have some impact and cause inconvenience to local residents, but this is rarely of sufficient scale to justify planning permission being refused.

- 6.11.2 Planning condition 23 requires submission of a Construction Strategy and phasing programme. Amongst other things this will require agreement of:

- c) **A phasing programme including details of block by block construction work commencement dates; construction traffic routing and parking; highway works, public realm works and landscaping on a block by block basis; access for vehicles and pedestrians; scaffolding and hoarding line, public parking spaces; services; and arrangements for new premises.**
- d) **integration of that Phase with adjoining Phases, including how landscaping schemes and construction management activity for each Phase will interrelate to each other**

- 6.11.3 What is required in such a submission is extensive, but to ensure that development works effectively, minimising disruption to the existing occupiers, it will detail things such as how development sites will be zoned off, how the developer intends to work within an environment that is lived in, where access is to be maintained, how and where residential access will be provided during development on adjacent plots, how the sites can be serviced and how safety and security will be achieved. Once agreed the Construction Strategy will be implemented and managed by an appropriately qualified project manager on site. Condition 23 is a standard type of condition and the use of a construction strategy is a tried and tested way to minimise construction impacts.

- 6.11.4 The phasing of development has also been carefully drafted to minimise impact and ensure that South Oxhey centre can continue to function throughout development.

- 6.11.5 Appendix 2 of the Management LDD highlights the need to consider impacts on neighbouring properties, whilst setting out a range of standards, albeit that in some

circumstances it is noted that '*certain developments may not comply with all guidance but still be considered acceptable*'.

6.11.6 As detailed within the Officer's Report (section 7.6), the application was supported by a Daylight/ Sunlight and Overshadowing Assessment, which noted that the proposed development has minimal impact on the sunlight and daylight of the surrounding properties.

6.11.7 It is noted that the impact on an individual's general view is not a planning consideration.

6.12 Phasing Necessitating Fresh Environmental Assessment

TTRDC issued a screening opinion on 14 July 2015 for the development which ultimately progressed to be planning application 06/0005/FUL and arrived at the decision that the development did not necessitate EIA. Therefore, although the planning application was accompanied by a range of supporting material, an EIA was not submitted.

It is common for large developments to be progressed in phases. Hybrid planning approvals, with the initial element approved in detail and subsequent phases only in outline, are not unusual. In this case, each phase after phase 1 will be subject to specific reserved matters submissions to be accompanied by a range of documents.

Given that the original comprehensive development was not considered to require EIA it is difficult to think of a situation where small sub phases of the overall would trigger the need for EIA. This said, the regulations would allow for this if deemed necessary.

6.14 Impact on Conservation Area

The site does not accommodate either a listed building or Conservation Area. The Impact on listed buildings and Conservation Areas in the wider context was, however, considered within the planning application. Relative to the Order Land, Oxhey Hall Conservation Area is approximately 700m to the north west, whilst Watford Heath Conservation Area is in excess of 1km. The submitted Landscape and Visual Impact Assessment considered the view from Hillcroft Crescent, within the Oxhey Hall Conservation Area, where it was suggested that there would only be glimpsed views and 'neutral impact'. Based on the available information, therefore, objector concerns in this regard are considered unfounded.

6.15 High Rise Development Not Appropriate

Policy identifies South Oxhey as a key centre. It is common for accessible central locations to accommodate higher density development.

Initial consideration was given to possible development heights within the Allocations LDD, whilst it can be noted that what has now been approved only exceeds the suggested approach along the Prestwick Road Frontage, whilst the highest elements are to be used to mark key corners. This approach is considered entirely appropriate as this will announce entrance to the regenerated centre, whilst it is the area to accommodate the main retail and non-residential uses.

The proposed development density seeks to maximise use of this previously developed land in a highly sustainable central location. There is to be interest created through articulation in roof heights, whilst as previously demonstrated, the consented scheme follows sound urban design principles. Further, the heights as consented have been assessed and will not result in an unacceptable adverse impact on the amenities of residents.

Accordingly, the intended heights will not look out of place and will not have an adverse impact on the amenities of the area.

7. STOPPING UP

The construction of the development permitted by planning permission 16/0005/FUL requires the stopping up of a number of highways. These include The Parade, St Andrews Road, area to the east of Bridlington Road and internal roads around both Luffenham House and Pennard House. Stopping up of these highways will be timed to coincide with the phasing of the masterplan, commencing in November 2016 and concluding in March 2022. The Stopping Up Timing Plan is at CD6.1 (viii).

Negotiations relative to the required Stopping Up are progressing well and a further update will be given at the Inquiry.

8. CONCLUSIONS

- 8.1 The site is covered by an adopted and up to date development plan and it is clear that the scheme consented by way of planning permission 16/0005/FUL was devised and subsequently assessed against the provisions of this policy.
- 8.2 The principle of regeneration at South Oxhey is well established, whilst policy has evolved over many years, including extensive opportunities for the public, stakeholders and those with land interest in the area to engage and influence what is proposed.
- 8.3 Through evidenced based policy formation TRDC has taken the view that the most appropriate form of regeneration would be through redevelopment rather than refurbishment (Allocation LDD SA6 and supporting text). This is enshrined in the development plan.

- 8.4 The scheme will deliver a mixed use development, including housing, retail and community uses, in compliance with policy. It will contribute to the objectives for regeneration of the area and accord with CS Policy PSP2.
- 8.5 The development is for regeneration of South Oxhey (Allocations LDD SA6), will take place on previously developed land within a key centre in an urban area (CS policies CP2, PSP2), addressing deficiencies in housing stock (CS policy CP3), increasing housing numbers and maximising use of a sustainable location (CS policy PSP2 and H29 Allocation LDD), delivering a significant proportion of the districts planned housing supply (CS policy CP2) and creating a reconfigured centre which is viable (Allocation LDD SA4). Buildings will be sustainable (CS policy CP1), the project recognises the sites sustainable location from a transport perspective (CS policy P10), it represents a robust master planned design approach (CS policy CP2) and it will deliver significant environmental improvements.
- 8.6 Although viability impacts on the ability of the scheme to deliver the policy aspiration of 45% affordable housing (CS policy CP4) it has been evidenced that the development could not afford to fund affordable housing beyond the 96 units (18.7%) approved. This provision will mean that there is no net loss in affordable (social rented) provision. Phasing will also be used to minimise disruption to existing tenants.
- 8.7 The proposals will bring about a range of benefits including concentrating development within a sustainable town centre location, providing a well-planned and legible community, better quality and varied housing, an improved and viable town centre, a community focus and sense of identity, introduction of private amenity space into the central area, securing and maximising job opportunities, minimising crime and disorder, significantly improved public realm and landscaped areas, more sustainable buildings and general environmental improvements. Financial contributions secured through a S106 of £965,528.80 will also go towards local service provision. As such it can be seen that the development would play a significant role in responding to the council's regeneration objectives.
- 8.8 Although a number of planning related objections have been raised to the Order it is clear that these were considered when the application was approved. They are also considered and appropriately addressed within this evidence.
- 8.9 It is my professional view that the purpose for which the Order Land is being acquired is in line with the adopted planning framework for the area, satisfying the requirements of paragraph 76 of the October 2015 Guidance, and the proposed development would contribute to the achievement of the future well-being of the area, in line with S226 (1) (a) of the Town and Country Planning Act 1990.

8.10 If the Order is not confirmed it will not be possible to deliver the phased masterplan proposals in their current form and the comprehensive delivery of the regeneration programme would be compromised.