

12. 18/2200/FUL - The temporary occupation of Units 1, 2 and 3 of Block X as a marketing suite (Sui Generis) for a period of no longer than 5 years at SOUTH OXHEY INITIATIVE: PHASE 1B, ST ANDREWS ROAD, SOUTH OXHEY, HERTFORDSHIRE (DCES)

Parish: Watford Rural
Expiry of Statutory Period: 31.12.2018

Ward: South Oxhey
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.
- 1.4 Various Discharge of Conditions (DIS) applications pursuant to the above applications.
- 1.5 17/2653/RSP - Retrospective: The temporary occupation of Plots 22, 23 and 24 of Block G1 as a marketing suite (Sui Generis) for a period of no longer than 3 years. Permitted 23.02.18.

2 Description of Application Site

- 2.1 The South Oxhey Initiative relates to four parcels of land identified as the land at South Oxhey Central (4.12 ha), land at Maylands Road (0.25 ha), Hayling Road (0.19 ha), and Hallows Crescent (0.18 ha).
- 2.2 Hybrid Planning Permission (HPP) was granted in May 2016 for the comprehensive redevelopment of the four parcels of land for residential-led mixed use development (ref. 16/0005/FUL). The planning permission is in hybrid form (outline and full) and approves the following development.
- 2.3 Full planning permission was granted for the following:
- South Oxhey Central Parcel 1A (84 residential units);
 - Temporary car parking at South Oxhey Central (53 spaces);
 - Land at Maylands Road (26 residential units);
 - Land at Hayling Road (8 residential units);
 - Land at Hallows Crescent (22 residential units);
 - Associated site preparation/enabling works; and
 - Transport infrastructure and car parking.
- 2.4 Outline planning permission was granted for the remainder of the proposed development ('the outline components'). With respect to the outline components, all matters were

reserved for approval at a later date (through reserved matters applications), except for access which was approved. The outline components include:

- Up to 374 residential units at South Oxhey Central;
- Up to 5,137 sq. m of town centre, including a foodstore of up to 1,714 sq. m;
- Temporary car parking at South Oxhey Central (22 spaces);
- Associated site preparation/enabling works;
- Landscaping and access works; and
- Transport infrastructure and car parking.

2.5 The application site has an area of 0.02 ha and comprises 3 units at the western end of Block X to the southern side of Station Approach, adjacent to Prestwick Road. The site forms part of Phase 1B. Carpenders Park Station is to the east.

2.6 The current proposals are linked as enabling development to assist in the delivery of this key regeneration scheme for the area (as supported at all levels by planning policy and guidance) by supporting the marketing of the planned new homes to be delivered.

3 Description of Proposed Development

3.1 Full planning permission is sought for the temporary occupation of Units 1, 2 and 3 of Block X as a marketing suite (Sui Generis) for a period of no longer than 5 years.

3.2 The proposed Marketing Suite is required to facilitate the marketing of the South Oxhey Initiative and forms part of the overall marketing strategy. The application seeks temporary consent for a period of no longer than 5 years.

3.3 The marketing suite will comprise a presentation area, separate office, a staff area (kitchen) and toilet, as well as a two-bedroom show apartment to enable prospective purchasers to view the specifications of the apartments under construction. No external alterations are proposed.

3.4 The proposed marketing suite will be accessed by pedestrians using existing footpaths along Station Approach. Prospective purchasers will enter the marketing suite via the door to Unit 1 located on the northern elevation, from Station Approach (as shown on plan ref. 2040-883). The doors to units 2 and 3 will remain closed and locked at all times.

3.5 The marketing suite will be open 7 days a week during the hours of 10am – 5pm, and staffed by up to three employees per day. Appointments may be pre-booked, however the marketing suite will also be open for walk in trade to ensure it can be visited at the convenience of a variety of users.

3.6 It is the applicant's intention that the existing temporary marketing suite in Phase 1A will be closed by which time the new marketing suite in Phase 1B will be open. The temporary marketing suite in Phase 1B will revert back to the permitted town centre use after a period of no longer than 5 years.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: No comments received.

4.1.2 National Grid: No objection.

4.1.3 Hertfordshire Highways: No objection.

"There is no new/altered vehicle access in relation to the proposals. HCC has no objections or further comments on highway grounds to the proposals".

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 22 No of responses received: 0

4.2.2 Site Notice: Expired 30.11.18 Press notice: Not required

4.2.3 Summary of Responses: None received.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 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".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

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, 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 DM6, DM9, 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 Principle of Development

7.1.1 Hybrid Planning Permission (HPP) was granted in May 2016 for the comprehensive redevelopment of four parcels of land for residential-led mixed use development (ref. 16/0005/FUL). In keeping with the policy aspirations, the South Oxhey Initiative forms one of the most significant components of future development in the Three Rivers District and particularly within the South Oxhey area. It will deliver an uplift in the quality of local services and facilities in South Oxhey District Centre, the quality of public open space and public realm, will provide new homes for existing social rented tenants, and will make a substantial contribution towards the meeting local housing needs.

7.1.2 The principle of a temporary commercial use to support the forthcoming permanent residential use in this location is supported by relevant national, regional and local planning policy, including the presumption in favour of sustainable development as provided in the NPPF. The proposal is a temporary use in order to support the successful delivery of the South Oxhey Initiative and is therefore supported by policy.

7.1.3 When read as a whole, the proposed development accords with the Development Plan and the identification of the Site at both the strategic and local level as a significant opportunity to provide new services, homes, jobs, and infrastructure for Three Rivers. As the proposal is for a temporary period, there would be no negative impact on the vitality and viability of South Oxhey District Centre.

7.2 Character & Street Scene

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 The change of use for a temporary period would not in itself result in any external changes that would impact on the character or appearance of the street scene.

7.2.3 It is considered that the development, in addition to its primary function of supporting the wider regeneration of South Oxhey, will create an attractive public entrance to the wider regeneration site and would not result in demonstrable harm to the character or appearance of the area. Permission would be granted for a temporary period of a maximum of 5 years with a requirement that the building be converted to its permitted town centre use after that time.

7.3 Residential Amenity

7.3.1 Policy CP12 of the Core Strategy states that development should protect residential amenity.

7.3.2 The marketing suite will be open 7 days a week during the hours of 10am – 5pm. It is not considered that the associated comings and goings during this time would result in harm to residential amenity. No external changes are proposed.

7.4 Highways, Access & Parking

7.4.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access.

7.4.2 The Highways Authority raise no objection to the proposed marketing suite or associated adverts as the development is unlikely to have any material impact on the public highway.

7.4.3 In relation to parking the agent has confirmed;

The proposal for the marketing suite is a temporary use in order to support the successful delivery of the South Oxhey Initiative. The marketing suite will be staffed by up to three employees per day. Customers will use the car parking spaces at Station Square. Whilst appointments may be pre-booked, the marketing suite will also be open for walk in trade. Though customers may walk-in, as there will only be up to three sales consultants based at the marketing suite, there will only be capacity to manage three customers at any given time. Therefore, the temporary marketing suite would be a very low trip generating use having a negligible impact on parking.

7.4.4 The development would not adversely affect highway safety or operation and is acceptable in accordance with Core Strategy Policy CP10.

7.5 Wildlife and Biodiversity

7.5.1 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.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy, and Policy DM6 of the Development Management Policies document. Given the nature and location of the proposal, it is not considered that any impact to wildlife and biodiversity would occur.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The limited period for the use or development hereby permitted shall be 5 years from the date of this permission; on or before the expiration of which period the use shall be discontinued, and the land/building(s) restored to its permitted use in accordance with details approved pursuant to planning permissions 16/0005/FUL and 16/2040/AOD.

Reason: In order to comply with the requirements of planning permission 16/005/FUL and to not prejudice the redevelopment of South Oxhey Central, in accordance with Policies PSP2, CP1 and CP12 of the Core Strategy (adopted October 2011).

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2040-990; 2040-991; 2040-992A; 2240-993; and 2240-994B.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP2, CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- 11 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 £1116 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 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) 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.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 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.