

**Item 1:** 07/21/1260/O

**Location of site:** 133-137 High Street, Waltham Cross, EN8 7AP

**Description:** Outline permission for the demolition of existing building and erection of a ground and 4 storey apartment block (containing 40 flats and commercial floor space) with basement parking.

**Applicant:** GIB Property Investment Ltd

**Agent:** Hexaform Construction Limited

**Date Received:** 21.10.2021                      **Date of Committee:** 25.05.2022

**Officer Contact:** Peter Quaile                      **Expiry Date:** 20/01/2022

**Ward Members:** Cllr C. Bowman; Cllr S. Norgrove; Cllr S. Waters

**RECOMMENDED that planning permission be granted subject to:**

- a) the applicant completing a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) for the terms set out in this report;**
- b) further details of highway access and**
- c) the conditions set out at the end of this report.**

## **1.0 CONSULTATIONS**

- 1.1 HCC Highway Authority – No objection in principle, but raise concerns about the level of information submitted and request further details
- 1.2 HCC Growth and Infrastructure Team – Request S106 contributions in respect of secondary education, primary education, SEND places, libraries, youth services and monitoring to a total of £207,419 [see para 8.27 below]
- 1.3 HCC Flood Risk Management – Further information requested
- 1.4 Thames Water – No objection if the sequential approach to surface water disposal is followed; there is capacity in the sewer for foul water discharge. There are sewers close to the site so details of any piling should be controlled by planning condition
- 1.5 Environmental Health – No objection subject to conditions on contaminated land; air quality [EV charging, dust/light control during construction; potential asbestos control and Construction Environmental Management Plan (CEMP)].
- 1.6 Waste Management – Comment awaited on revised drawing
- 1.7 Community Safety – No objection but suggest condition to require CCTV and gating of the car parking area

1.8 Herts and Middx Wildlife Trust – There are known to be swifts in this area, high level nesting boxes should be installed

## **2.0 PUBLICITY**

2.1 This application was advertised by means of a site notice [16<sup>th</sup> November 2021] and press advert [18<sup>th</sup> November 2021]. Individual letters were sent to 96 existing residents in Bartholomew Court, Berkley Place, High Street, the Pavilion Centre, Park Lane, Stoneleigh Close and Swans Road.

## **3.0 REPRESENTATIONS**

3.1 To date, a total of three objections have been received from the local residents and are summarised as follows:-

- There will be chaos with all the traffic near to Fishpools and along Sturlas Way and during construction – we need more doctors and dentists especially for the old people, improve the drains and mend the roads first before building more flats
- There will be loss of privacy/overlooking from the new flats and likely to be significantly more noise. The build-up of cars during the day with horns and shouting is already a problem – the site could be a green space/play area for residents to sit with their children.
- There should be bird boxes in the eaves of the building to improve biodiversity

## **4.0 RELEVANT LOCAL PLAN POLICIES**

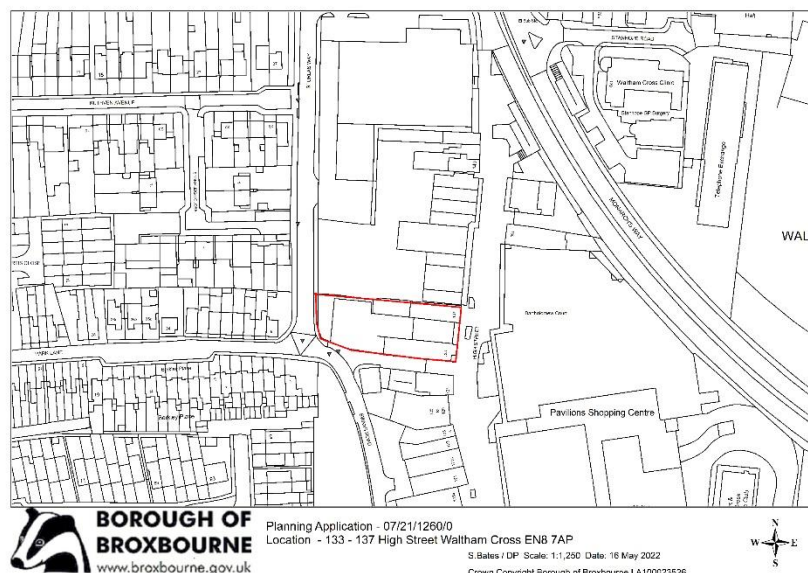
4.1 The following policies of the adopted Broxbourne Local Plan 2020 apply:

DS1	The Development Strategy
DSC1	General Design Principles
DSC5	Sustainable Construction
DSC6	Designing Out Crime
EQ1	Residential and Environmental Quality
H1	Making Effective Use of Urban Land
H4	Housing Mix
INF1	Infrastructure
NEB1	General Strategy for Biodiversity
NEB4	Landscaping and Biodiversity in New Developments
PO1	Planning Obligations
RTC2	Development Within Town, district and local centres, neighbourhood centres and parades
TM1	Sustainable Transport
TM2	Transport and New Development
TM4	Electric Vehicle Charging Points
TM5	Car Parking
W4	SuDS
WC1	Waltham Cross Town Centre
WC2	Waltham Cross Northern High Street

- 4.2 The Borough-wide Supplementary Planning Guidance (SPG) (Updated 2013) is relevant to this application and provides design guidance for all forms of development.
- 4.3 The National Planning Policy Framework (NPPF) (Updated July 2021) is a material consideration. It sets out the national planning guidance and how they are expected to be applied in England. The Local Plan is considered to be consistent with the NPPF.
- 4.4 The Borough-Wide Waste Supplementary Planning Guidance (August 2019) provides the details for the provision of refuse and recycling at residential and commercial properties; it is therefore relevant for all forms of development.
- 4.5 The Technical Housing Standards – nationally described space standards (March 2015) is relevant as it sets out the space standards for new dwellings.
- 4.6 The Waltham Cross Town Centre Strategy 2015 is also a material consideration in relation to significant schemes in the central area.

## 5.0 LOCATION AND DESCRIPTION OF SITE

- 5.1 The application site currently comprises three retail units on the ground floor with ancillary/office accommodation on the first floors above. The buildings at 133 and 135 are post WW2 while 137 appears to be from the early 20<sup>th</sup> century. There is a parking area/service yard to the rear accessed from Park Lane enclosed by a brick wall to the west and railings/gate to the south. The site is the street block fronting onto Sturlas Way, Park Lane and High Street, Waltham Cross with its eastern, retail frontage in the pedestrian section of the town centre. To the north and across the High Street are other retail/café uses with residential above on the eastern side of the High Street. There is also a car parking area accessed from Sturlas Way to the north. To the south is Park Lane with a two storey commercial/residential building on the corner and a vehicle repair workshop along with Swans Road which is the access to car parking for Fishpools furniture store. Residential properties lie to the west on Park Lane and Stoneleigh Close.



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S Bates / DP Scale: 1:1,250 Date: 16 May 2022

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5.2 The site area is 1525 sqm. It is located within Flood Zone 1, with a low risk of fluvial flooding (less than 1 in a 1000 years of river floods). The two storey buildings sit at the northern end of the High Street with good access to shops, services and public transport in the area of Waltham Cross designated in the adopted Local Plan as a Town Centre.

**Site photographs**

*High Street frontage*



*View west along Park Lane*



*Rear parking/service yard*



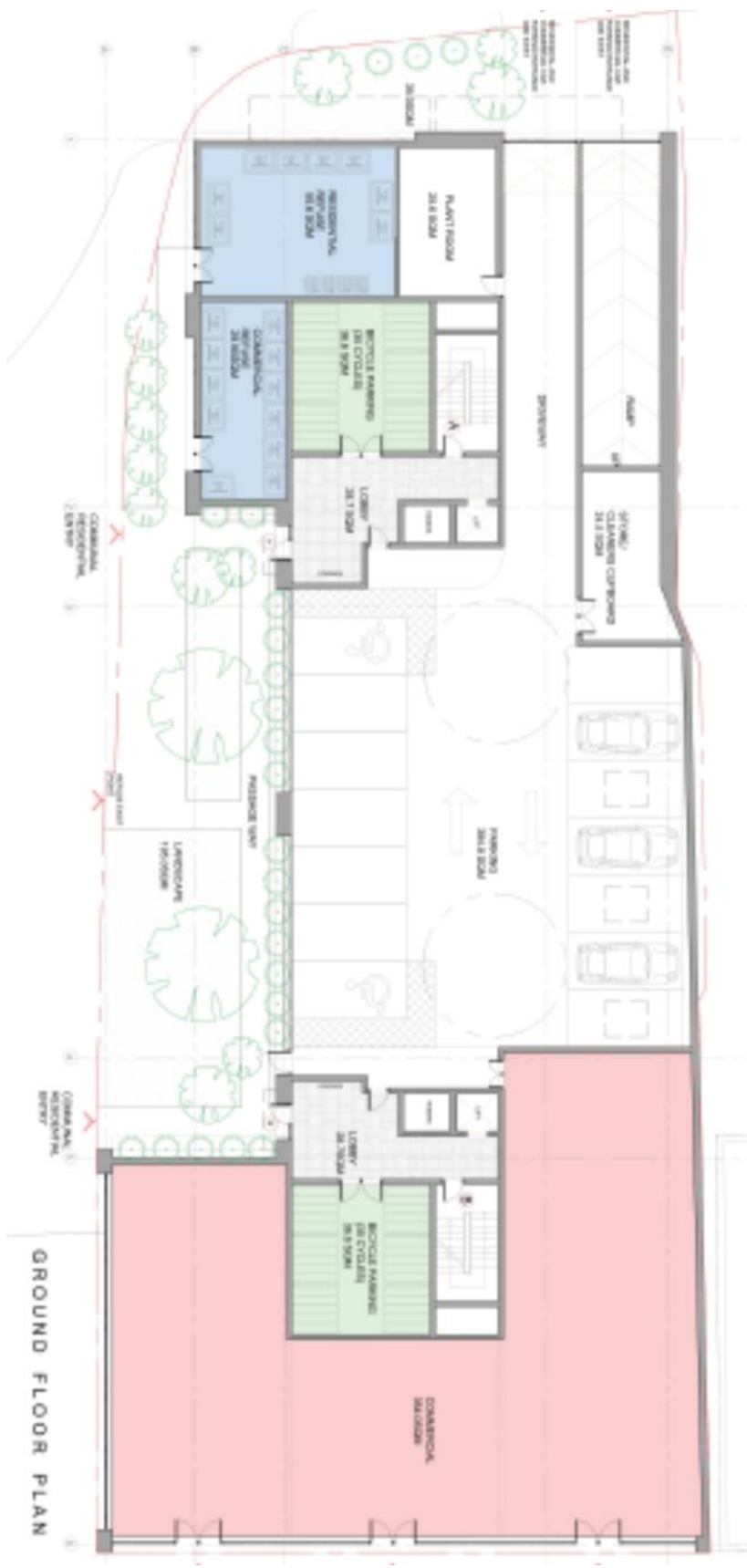




## 6.0 PROPOSAL

- 6.1 This is an application for outline planning permission to erect a ground and four storey building over a basement car parking area to provide ground floor commercial space of 362 sqm with 40 apartments above.
- 6.2 The proposed building would be aligned west-east with the main habitable rooms to the south, west and east and a commercial frontage to Park Lane and the High Street.
- 6.3 Access would be taken from the Sturlas Way frontage with a ground floor entrance to the commercial parking and cycle stores while a ramp would serve the basement car parking.
- 6.4 Although the scheme is in outline, with all matters reserved, the indicative supporting information is that the development would be constructed in facing brick with flat roofs providing a combination of green area, terraces and photovoltaic panels.
- 6.5 The proposed density would be 262 dwellings per hectare.

Proposed site layout and ground floor plan



Proposed first floor plan



Proposed top floor plan



*Indicative High Street facade*



*Southern façade [to Park Lane]*





## 7.0 RELEVANT PLANNING HISTORY

- 07/14/0668/F – Change of use of office to office and training facility at 137A High Street **granted** permission 18<sup>th</sup> September 2014.
- 07/17/0632/F – Change of use of car park to hand car wash **refused** permission for six reasons including access, amenity and lack of information 30<sup>th</sup> August 2017.
- 07/17/1217/F - Change of use of car park to hand car wash **refused** permission for six reasons including access, amenity and lack of information 16<sup>th</sup> January 2018.
- 07/19/0675/F – Change of use from office to residential at 133 High Street **refused** permission 24<sup>th</sup> September 2019 for three reasons: piecemeal development, poor amenity and lack of waste/recycling storage facilities.
- 07/19/0944/PNRES – Prior approval **granted** for change of use from office to residential at 137A High Street 30<sup>th</sup> December 2019

## 8.0 APPRAISAL

8.1 The main issues to consider are:

- i. The principle of the development;
- ii. Design, layout and appearance;
- iii. Impact on neighbouring amenity;
- iv. Highways and parking;
- v. Refuse and recycling;
- vi. Drainage and flood risk;
- vii. Planning obligations.

### The Principle of the Development

- 8.2 The site comprises the southern part of the strategic allocation site set out in Policy WC2 of the adopted Local Plan which covers the majority of the Waltham Cross Northern High Street. The policy estimates 150 dwellings on land to the east of Sturlas Way [including the other sites immediately to the north and Wickes] with shops/commercial/community uses on the ground floor and 40% affordable housing. The NPPF supports the Governments' objective to "boost significantly the supply of housing" (para.60). Development of this site for housing and commerce would contribute to that supply. Local Plan Policy H1 (Making Effective Use of Urban Land) also supports residential development of urban sites, particularly in sustainable locations such as town centres, and this accords with the NPPF (para 119 and 120).
- 8.3 Local Plan policies support maximising the development potential of sites and providing a mix of housing to provide for a balanced community. The scheme would provide a mix of dwelling sizes ranging from studio flats to two bedroom units and 3 x three bed apartments. There would be 40% affordable housing as part of the application with 70% rental and 30% shared ownership as the proposed tenure.

- 8.4 The proposed ground floor would be a retail shop with its entrances from the High Street in line with the requirements set out in Policies RTC2 and WC2. As a ground floor commercial use with residential above, the scheme would be in keeping with the range of uses which characterise this and most other High Streets. While the scale and indicative design is considered elsewhere in this report, the high density of the scheme at 262 dph need not be problematic given the core town centre location of the application site.
- 8.5 Members should note that the amendments to the originally submitted scheme include minimising residential windows to the northern elevation of the block. In this way, the applicant has demonstrated that a scheme of the nature and scale proposed is capable of occupying this town centre street block without compromising the ability of adjoining owners to redevelop the remainder of the northern High Street. Whilst some windows and balconies remain on the northern elevation as shown, these drawings are indicative only with full approval being reserved. The northern facing windows immediately adjacent to the boundary and secondary and can be omitted for future iterations of the plans and the windows/balconies to the central part of the northern elevation are capable of being angled/screened to prevent mutual overlooking without compromising the development potential of the adjacent site.
- 8.6 **Overall, it is considered that the principle of the proposal accords with Local Plan Policy WC2 and the NPPF, and therefore it is acceptable.**

Design, Layout and Appearance.

- 8.7 The development proposed has been amended following its initial submission to reduce the impact on the development sites to the north but retains its modern design palate in the indicative elevations now supporting the proposal. The elevations would be constructed of brickwork with inset windows and balconies. The main bulk of the block would be of four storeys with a set-back top floor providing five additional flats. There would be considerable articulation from inset and projecting balconies, the landscaped area fronting Park Lane and the set-back third and fourth floors which would provide additional outdoor amenity areas.

*Birds-eye view from the south-west*



- 8.8 The image above encapsulates the indicative contemporary design of the development and shows the proposed landscaped area fronting onto Park Lane. The overall indicative design would be contemporary and subject to conditions to secure details of materials and window reveals/designs the scheme has the potential to set a high standard for the adjoining future redevelopment sites.

*Birds-eye view from the north-east*



- 8.9 The building is to be constructed in bricks with flat roofs providing terrace amenity areas and an array of photovoltaic panels. It would sit at right angles to the High Street to use the orientation of the plot running through to Sturlas Way and to maximise the number of windows benefitting from natural sunlight and outlook. The main four storey element would be taller than neighbouring buildings to the immediate north and south as well as the established residential areas to the west. However, the buildings of the Pavilions immediately facing across the High Street are four storeys high and are relatively tall as they were originally in commercial office use with greater floor to ceiling heights. There is a valid planning permission to redevelop the car repair workshop immediately opposite across Park Lane to three storeys of flats with a pitched roof. In the context of the future redevelopment of the blocks to the north to a higher density, the scale and height is not considered inappropriate in a town centre location with ready access to public transport, local shops and services.
- 8.10 The proposal includes underground car parking and soft landscaping around the southern side. There would also be ground floor car and cycle parking with the overall capacity comprising 53 car spaces and secure storage for 180 cycles. Car parking is considered further below. The main residential access to the building would face south onto Park Lane with vehicles accessing to the west off Sturlas Way and the commercial retail accessed conventionally from the High Street. Landscaping is proposed on the southern side facing Park Lane to open up this part of the site and enhance the residential access point.
- 8.11 Unit sizes for all dwellings within the development would meet the local and national space standards in terms of area and individual room dimensions. Each apartment would be provided with a private balcony with a minimum area of 6 sq.m and there would be communal outdoor space of 360sq.m on set-back flat roofs. The outdoor communal amenity areas on the building would fall below exceed the 400sq.m required for the scheme at 20 sq.m per unit to comply with the SPG guidelines but in this central location with balconies to each flat, the amenity space in the indicative scheme is considered to be acceptable.
- 8.12 **The proposal would provide a good standard of accommodation for all the apartments in a sustainable town centre location with a high quality contemporary design. Overall, it is considered that the indicative design, layout and appearance of the proposal is acceptable and compliant with Local Plan Policy DSC1 and the NPPF.**

#### Impact on Neighbouring Amenity

- 8.13 Local Plan Policy EQ1, together with the Council's SPG, seek to ensure that new development proposals do not materially harm the amenities of existing local residents. Objections received from neighbours are summarised above which focus on loss of privacy and additional noise.



- 8.14 In terms of daylight and sunlight, the house nearest to the west has no facing windows, to the east the Pavilions flats are on the upper floors and across the High Street so would not be materially affected. The houses in Berkley Place are around 20m distant and again would not suffer significant overshadowing or loss of light. On Park Lane the flank of 131/131a and the redevelopment workshop site would be to the south of the application site so would not lose sunlight. There would be a loss of skylight, but the application site has been set back by 7m from the line of Park Lane in its mid-section and any building built on this allocated site would have some impact on the amount of light reaching the buildings to the south. In a town centre location the impact on daylight and sunlight is considered to be acceptable.

*Loss of Privacy/Overlooking*

- 8.15 Privacy/overlooking distances are provided within the Council's Borough-wide SPG. The minimum distances set out between facing windows of 25m (2 storeys) and 30m (3-storeys) are typically confined to the main facing windows between existing and new development where main habitable rooms directly face each other. Typically, this is confined to a back to back arrangement. The proposal would have a front to side arrangement with 131 High Street and the approved three storey block to the rear by Swans Road but this would be across Park Lane. The guidelines stipulate that across a public area or road there will not normally be a minimum privacy distance. In a similar way, the High Street would intervene between the main, eastern frontage and the Pavilions. To the west, the houses on Park Lane flank onto Sturlas Way and do not have flank windows. The nearest houses to the south west in Berkley Place would be across Park Lane and diagonally aligned to the proposal site so would not be materially affected in terms of privacy. There would be windows on the western side of the building which would be around 16m from the nearest house and there would in addition be a balcony. However, this relationship of buildings across a street is not unusual and while it is acknowledged that the new build would be taller than the houses to the west, it is not considered that the impact on amenity would give rise to a supportable reason for refusal. A condition is proposed requiring balcony screening to the west and north and this matter can be considered again at the reserved matters stage when the design and location of openings and balconies is to be formally approved. Given the circumstances described it is not considered that the proposal would give rise to harmful impacts on outlook, privacy and overlooking.
- 8.16 Concern has also been raised about the impact of noise from the new residential apartments. The indicative layouts do include external balconies and inset communal amenity areas which could produce noise, but there is no reason to suppose that these dwellings would generate more noise than any other dwelling in the built up area around the town centre.
- 8.17 **Overall, it is considered that the proposal complies with Policies DSC1, EQ1 and the Council's SPG. In planning terms, the impact on light, outlook, overlooking and privacy is not considered to cause undue harm to warrant refusal.**

## Highways and Parking

- 8.18 The applicant has not submitted a Transport Statement to support the proposal. The site is served by adopted public highways of good standard and is located in a highly sustainable position within Waltham Cross Town Centre. Herts Highways as local highway authority [LHA] has raised objection on grounds of lack of information, including the omission of a transport statement. The site is already accessed via Sturlas Way and Park Lane and this proposal would move the access points away from the congested junction of Park Lane/Swans Road and onto Sturlas Way itself with clear visibility from all directions. The applicant is preparing further highway information via a highway consultant to give finer detail on the road access and if Members accept the recommendation to support the outline scheme then the additional information once agreed by the LHA would be presented to the Assistant Director of Place in consultation with the Chairman with suitable controlling conditions.

*Access from Sturlas Way*



- 8.19 The proposed parking provision at the site is 53 parking spaces on the ground floor [14] and basement [39]. This would provide one dedicated space for each flat along with 13 spaces which would be for the ground floor commercial unit and visitors to the site. The Council's parking guidance indicates a level of 82.5 parking spaces including provision for the ground floor retail shop. Previous, recent applications in the town centre have recognised the need for higher densities and suitability to deliver only limited associated parking within this highly sustainable location. In this case each flat would have a space and there would be flexible space for visitors and the retail use. In addition, there would be 180 secured cycle parking spaces. In the context of bringing forward development on this strategic site, the level of car parking is considered to be acceptable. A condition is proposed to control the method and location of the passive and mechanical ventilation required for the underground parking area.
- 8.20 The submitted transport information does not refer to the provision of EV charging points. However, this can also be secured by condition. There is considered no reason why there should not be full active provision in this location.

- 8.21 **Overall, and for the reasons set out above, it is considered that the development would provide adequate car parking and cycle storage in accordance with the adopted to comply with Policies TM1 and TM4 of the Local Plan, without adverse highway safety impacts.**

Refuse and Recycling

- 8.22 Dedicated refuse and recycling storage for all dwellings and for the commercial unit is proposed within the ground floor of the proposed building to meet the requirements of the Borough-Wide Waste SPG. This arrangement is considered acceptable as a refuse lorry and operatives could access the bin store from the frontage on Park Lane and leave the site in forward gear as is required for operational safety. Comments are awaited from the waste management service and will be reported verbally at committee.

Renewable Energy/Sustainability/Drainage

- 8.23 The application includes provision of a significant solar PV array on the roof of the fourth floor. While no fine detail of this installation has been supplied as part of the scheme, a condition is proposed to ensure that the on-site power generation goes ahead as shown as part of the reserved matters proposals and can make a substantial impact on carbon/energy usage at the site.

- 8.24 Foul/waste water disposal and water supply will use the existing utilities which currently serve the buildings on site and Thames Water does not object to the foul water discharge into existing sewers. In terms of SuDS, further details have been sought from the applicant, but given the town centre location it is likely that the majority of surface water discharge will be via the rain water outfall. The scheme does include provisions for rain water harvesting, green roofs and permeable paving. A condition is proposed to deal with surface water disposal. Thames Water has requested a condition to control piling as they have nearby underground equipment.

- 8.25 **In view of the above, it is considered that the proposal accords with Local Plan policies DSC5 and W4.**

Planning Obligations

- 8.26 As the proposal relates to the construction of 40 dwellings (major development), a planning obligation under s.106 of the Town and Country Planning Act 1990 is necessary to off-set the infrastructure impacts in accordance with Local Plan policies PO1 and INF1. At 40 dwellings, this development is above the threshold for affordable housing as set out in Policy H2.

- 8.27 It is important that new developments are accompanied either by the provision of new services and facilities or contributions to provide them to mitigate the increased demands on existing services and facilities. Regard has been had to the strategic requirement for infrastructure within the Borough, as identified through the Infrastructure Delivery Plan [IDP]. This provides an evidence based method for establishing the demand of new homes and it has been identified that additional service demand can be suitably addressed by financial contributions. In this case, application of the IDP costings for this allocated site at £23,300 per

dwelling amounts to a total contribution of £932,000 but the IDP does acknowledge the additional costs of construction on brownfield sites and the need for contributions not to render development unviable.

8.28 Hertfordshire County Council has sought the following contributions in respect its services, as set out below:

- £273,040 towards highway improvements and sustainable transport [£6826 per dwelling]
- £103,011 towards secondary education
- £91742 towards primary education
- £9040 towards Special Educational Needs
- £2516 towards libraries
- £1060 towards youth services

8.29 In addition to the above, Broxbourne will seek a significant contribution towards the wider Town Centre improvement works along with contributions towards facilities such as parks and play areas to ensure that Waltham Cross delivers an attractive environment for future residents to live, work and enjoy. A further contribution will be sought to fund the monitoring costs of the planning obligations secured.

8.30 The applicant has agreed in principle to the payment of contributions but has not committed to the sums set out above. The scheme does, however, include an affordable housing component of 40% with a predominance of rented properties as required under Policy H2. As above, officers consider that the sums are justified and that this Council's costing as set out in the IDP should be sought in full to mitigate the impacts of development, unless it is demonstrated through viability review that they are unaffordable.

#### Waltham Cross Town Centre Strategy

8.31 The strategy for regeneration of the town centre was published in 2015 and has five main objectives:

- An attractive, high quality town centre
- A modern, popular and vibrant town centre
- A well-managed town centre
- An accessible town centre
- A living and working town centre

The application site is part of the Northern High Street which is highlighted as an opportunity zone and the redevelopment of this site would meet the core objectives of the Strategy. The scheme would entail construction of+ an attractive, modern mixed use building on a prominent site in the High Street. It would provide a larger retail shop replacing three smaller units, which could attract a key user into this part of the High Street. The residential units would bring extra activity and life into the area in line with the Strategy and the improved, set-back façade to Park Lane would improve this gateway into the town centre. Installation of CCTV as part of the development would assist promotion of a safe nighttime economy to support local hospitality businesses. It is considered that the proposal is in accordance with the main aspirations of the Waltham Cross Town Centre.



## **9.0 CONCLUSION**

- 9.1 The proposal seeks to bring forward one component of the Northern High Street strategic allocated site. Although Local Plan Policy WC2 seeks to resist incremental development, this scheme has been designed so as not to compromise development of the sites to the north and it is considered that approval of this scheme could be a catalyst to other sites being brought forward in the overall allocation. The indicative outline scheme is acceptable in design terms and amenity impacts to comply with the provisions of the NPPF and the Local Plan. As set out within the report, all material planning considerations, including parking, are considered to be satisfactorily addressed and policy compliant, subject to controlling planning conditions. While more details have been sought in terms of highways and drainage, conditions are proposed to require additional information which will in due course be needed at detailed design stage when the reserved matters are brought forward for consideration.
- 9.2 The development would provide much needed dwellings in this sustainable town centre location which will help in the regeneration of Waltham Cross. The scheme would not materially harm the amenity of neighbouring residents.
- 9.3 Planning officers consider that the proposal should provide appropriate mitigation contributions to off-set the infrastructure demands of the development to make the scheme acceptable in planning terms as set out above and the outcome of the planning obligation negotiations and highway updates would be reported back for clearance by the Assistant Director of Place in consultation with the Chairman.

## **10.0 RECOMMENDATION: planning permission be granted subject to:**

- a) the applicant completing a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) for the terms set out in this report;**
- b) further details of highway access and**
- c) the conditions set out below.**

### **Conditions:**

- 1. Time limit (Outline Applications)**
- 2. Submission of reserved matters [access, layout, scale, appearance and landscaping]**
- 3. Details of external facing, glazing, roofing materials and new shopfronts**
- 4. Details of surfacing materials**
- 5. Refuse/recycling storage details**
- 6. Landscaping/ecology plan to be submitted including swift bird boxes**
- 7. Details of SuDS, surface water drainage and sewerage**
- 8. Vehicular access areas, car and cycle parking areas to be provided, surfaced and surface water drained within the site prior to first occupation and retained thereafter**
- 9. Provision of visibility splays to Sturlas Way**
- 10. Provision of active EV charging**
- 11. Car Parking Management and allocation plan**
- 12. Construction Environment Management Plan to be submitted for approval prior to commencement – to include method of demolition, asbestos survey,**

- dust management, removal of site waste, construction vehicle numbers and movements, site hoarding (including graphics), traffic management, wheel washing facilities, construction parking areas and material storage areas, timing of construction activities and post construction cleanliness
13. Detailed plans for service, refuse and emergency vehicle access and turning to be submitted alongside reserved matters
  14. Ground contamination assessment, remediation and validation
  15. Details of piling to include depth, location and method
  16. Details of roof top solar PV installation
  17. Details of building security to include access control to parking and CCTV
  18. Details of all the the ventilation system for the basement car park
  19. Details of privacy screens to balconies to the western and northern aspects