

PLANNING AND REGULATORY COMMITTEE

13th May 2020

PLANNING APPLICATIONS FOR DETERMINATION

Item 1: 07/19/0570/F

Location: The Pavilions, High Street, Waltham Cross, Hertfordshire

Description: Mixed use development comprising 119 residential apartments, extensions to ground floor retail area, and reconfiguration of existing multi-level car park following partial demolition of existing building

Applicant: Killultagh Estates Ltd

Date Received: 10/06/2019 **Date of Committee:** 13/05/2020

Expiry Date: 27/09/2019 **Ref:** 07/19/0570/F

Officer Contact: Terry Garner

Ward Councillors: Cllr Bowman, Cllr Norgrove and Cllr Spears

RECOMMENDED that planning permission be granted subject to;

- (a) the applicant first 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; and**
- (b) the conditions set out at the end of the report.**

1. CONSULTATIONS

- 1.1 Hertfordshire County Council Highways – recommends refusal and objects on the basis of insufficient evidence to demonstrate that the proposed development would not have a severe impact on the highway network and there is an under provision of parking for the development.
- 1.2 Hertfordshire County Council Public Health – No objection
- 1.3 HCC Education no comment received

- 1.4 HCC Lead Local Flood Authority– Objection on the basis of inadequate information and concerns that an appropriate drainage strategy including for SuDS features and adequate management have not been shown to be achievable.
- 1.5 Thames Water – No objection
- 1.6 HCC Fire and Rescue Service – No objection
- 1.7 Hertfordshire Constabulary – Objection on the basis of inadequate parking for residents, absence of electric charging points, and the provision of rooftop gardens. Appears to be no intention to seek ‘Secured by Design’ accreditation.
- 1.8 Environmental Health – No objection.
- 1.9 Cadent Gas – no objections.
- 1.10 HCC’s Growth & Infrastructure Unit have no objection but seek financial contributions towards:
 - Primary Education the expansion of Four Swannes Primary School to a 2 form of entry school (£42,438)
 - Library Service reconfiguring the adult lending area of Waltham Cross Library (£11,400)
 - Youth Service the reconfiguration of the youth lounge at Waltham Cross Young People’s Centre to increase capacity (£851)

2.0 PUBLICITY

- 2.1 The Council wrote to 1,312 neighbouring residents, posted site notices and included for a press release. This resulted in 26 letters of objection and 9 additional comments, 5 of the representations received were from Swan Court and 5 from Eleanor House.

3 REPRESENTATIONS

- 3.1 The 26 letters of objection highlighted the following matters:
 - The apartments will be overbearing and tower over existing residential properties at Swan Court given its height and proximity
 - Existing parking which residents use, which is in close proximity to The Pavilions, will no longer be available.
 - Concerned about the noise during construction as well as the general disruption associated with such a development
 - The potential for loss of light will be significant, particularly when considering the residents at Swan Court.

- There does not appear to have been any consideration of the proposal's impact on Swan Court
- The building proposed would be too high
- The reduced car parking will drive away people from Waltham Cross as there will be inadequate parking for shoppers
- The proposal would give rise to greater pollution for residents and shoppers
- Waltham Cross cannot cope with the scale of development proposed
- The development would further detract from the quality of the area given its significant density
- The loss of parking will give rise to more on street parking and the local roads cannot accommodate any additional parking
- The residents of Swan Court would effectively have to find more expensive parking a significant distance away from their residential properties which is unfair
- The development would give rise to over population of Waltham Cross

3.2 The above matters are appraised later in this report.

4. RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

SUS14	Water Supply and Waste Water Treatment and Water Conservation
SUS18	Surface Water Drainage
H2	Maximising the Development Potential from Sites
H6	Protecting the Amenity of Existing Residential Areas
H8	Design Quality of Development
H11	Housing Densities in New Development on Unallocated Housing Sites
H12	Housing Mix
CLT1	Community, Open Space and Recreational Facilities
HD5	Alterations and Extensions to Listed Buildings
HD6	Other Development affecting a listed building and its curtilage
HD10	New buildings and changes of use of existing buildings in Conservation Areas
HD11	Demolition within Conservation Areas
HD12	Development adjoining, or visually related to, Conservation Areas
HD13	Design Principles
HD14	Design Statement on Local Character
HD16	Town Cramming
HD17	Retention/Enhancement of Landscape Features
HD18	Trees, Hedgerow and Woodlands
T3	Transport and New Development
T9	Pedestrian Needs
T10	Cycling Provision

T11	Car Parking
IMP2	Community and Infrastructure Needs Linked To New Development

4.2 The following policies within the Borough of Broxbourne Local Plan 2018-2033 Regulation 19 Submission Draft 2018 are considered to be relevant to this application:

DSC1	General Design Principles
EQ1	Residential and Environmental Quality
H1	Making Effective Use of Urban Land
H3	Conversion of Non-Residential Buildings to Residential Use
H4	Housing Mix
NEB4	Landscaping and Biodiversity in New Developments
HE2	Development Affecting the Historic Environment
TM1	Sustainable Transport
TM2	Transport and New Developments
TM3	Access and Servicing
TM4	Electric Vehicle Charging Points
TM5	Parking guidelines
W4	SuDS

4.3 The Borough-Wide Supplementary Planning Guidance (SPG) (August 2004) (updated in 2013) is relevant in this case as it provides design guidance for all forms of development.

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 National Planning Policy Framework (NPPF) 2019 needs to be considered as it sets out the Government's planning policies for England and how these are expected to be applied.

4.6 The Interim Policy for Residential Car Parking Standards (approved February 2011) is a relevant consideration.

4.7 The Technical Housing Standards (THS) – nationally described space standards (March 2015) is also relevant.

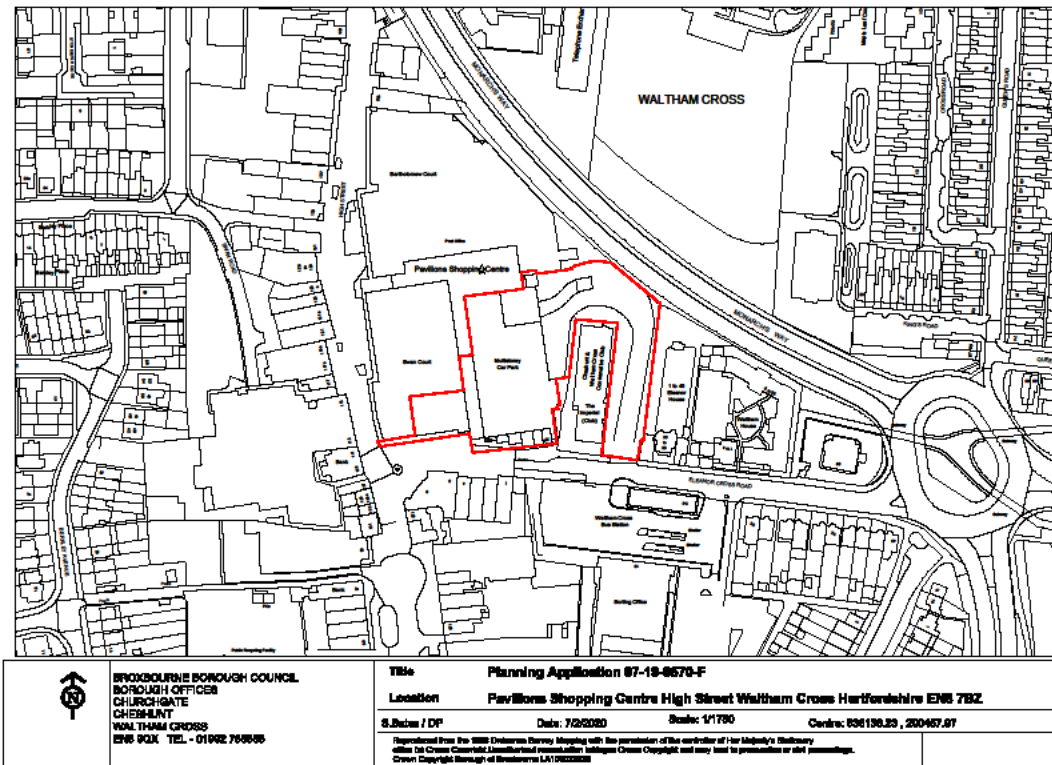
4.8 The Waltham Cross Town Centre Strategy, adopted 2015, is also of relevance to this development.

5.0 LOCATION AND DESCRIPTION OF SITE

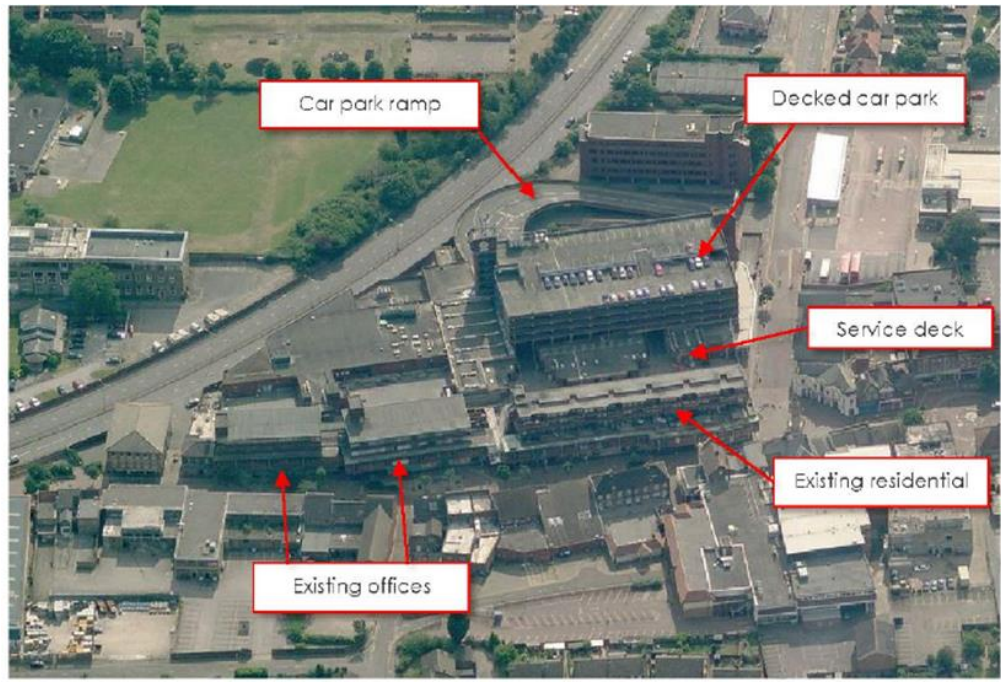
- 5.1 The application site is located within the town centre of Waltham Cross. The site forms part of the Pavilions Shopping Centre, which includes part of the primary retail area of Waltham Cross.



- 5.2 The site area is approximately 0.573ha (1.416 acres). The boundaries of the site are formed by Eleanor Cross Road; to the south, the High Street to the west, and commercial properties to the north and east. Monarchs Way is located to the far north east of the site.
- 5.3 The existing site is characterised by a mixture of retail units on the ground floor, which totals a net floor space of approximately 10,060 square metres and car parking on 11 split levels above the first floor retail service area. All the parking is located to the east and the central area of the shopping centre's demise.
- 5.4 Currently, there are 58 retail units accommodated within the site, with a mix of well-known high street stores such as Sainsbury's, Boots and Argos as well as a number of independent stores.



- 5.5 Internally, the shopping centre has two malls, which are constructed in a 'T-shape' with the longest mall being the north/south route accessed by shoppers from Eleanor Cross Road (in the south). In addition, the shopping centre has a second east/west mall, accessed from a pedestrian entrance on the High Street (to the west) and from the ground floor and upper floor parking areas (to the east).
- 5.6 An internal 'plaza' area is located at the connection point of the two malls; this includes a central 'Plaza Café together with shopper toilets and stair /lift access to the upper floor parking levels.
- 5.7 The multi storey car park is located above the central and eastern part of the shopping centre. This comprises an entrance level and 11 half decks of car parking above. In total, the existing multi storey car park provides 369 no. parking spaces. A further 9 spaces are provided on the service deck (used by tenants and contractors) and a further 16 spaces are located at ground level, below the vehicle ramp. Consequently, a total of 393 spaces are currently provided within the site.
- 5.8 Vehicle access to the decked car park is taken from a wide vehicle ramp which connects the car park to ground level (with vehicular access taken from Eleanor Cross Road, at the south eastern corner of the site). The ramp also provides access for heavy goods vehicles servicing the retail units (which are all accessible for servicing from the first floor).



5.9 The vehicle ramp wraps around a two-storey building (located outside the demise of the Pavilions Shopping Centre), which encompasses the Imperial Conservative Club. Above the shopping centre's western elevation, fronting the High Street is an established block of residential properties which comprises of 3 stories of residential accommodation above the ground floor retail units. To the north of this is a former office building which has been converted into residential accommodation.





View of east side of Pavilions building looking south down the ramp with multi storey car park on right

- 5.10 The site is considered to be within a highly sustainable location being within the town centre, above and adjoining existing shops and services and very close to public transport including bus and train services.
- 5.11 The photographs above show the location of the ramp to the Pavilions and the existing Conservative Club. The club was granted planning approval on 15 November 2008, (7/08/0233/F/WX) to redevelop the club premises to include for an 8 storey building, comprising retail units at ground and first floor level and 60 No. residential units over the upper 6 floors.
- 5.12 Whilst this permission was renewed in 2011 (07/11/0258/F), it has never been implemented and has subsequently lapsed. There are aspects to be considered with this former scheme in the light of the current application:
- The height of the building at 8 storeys
 - The high density proposed for the site
 - The aspects of design
 - The Waltham cross town centre strategy which identifies the site for higher density development
 - The level of parking provision for the development.



Scheme approved for the Conservative Club

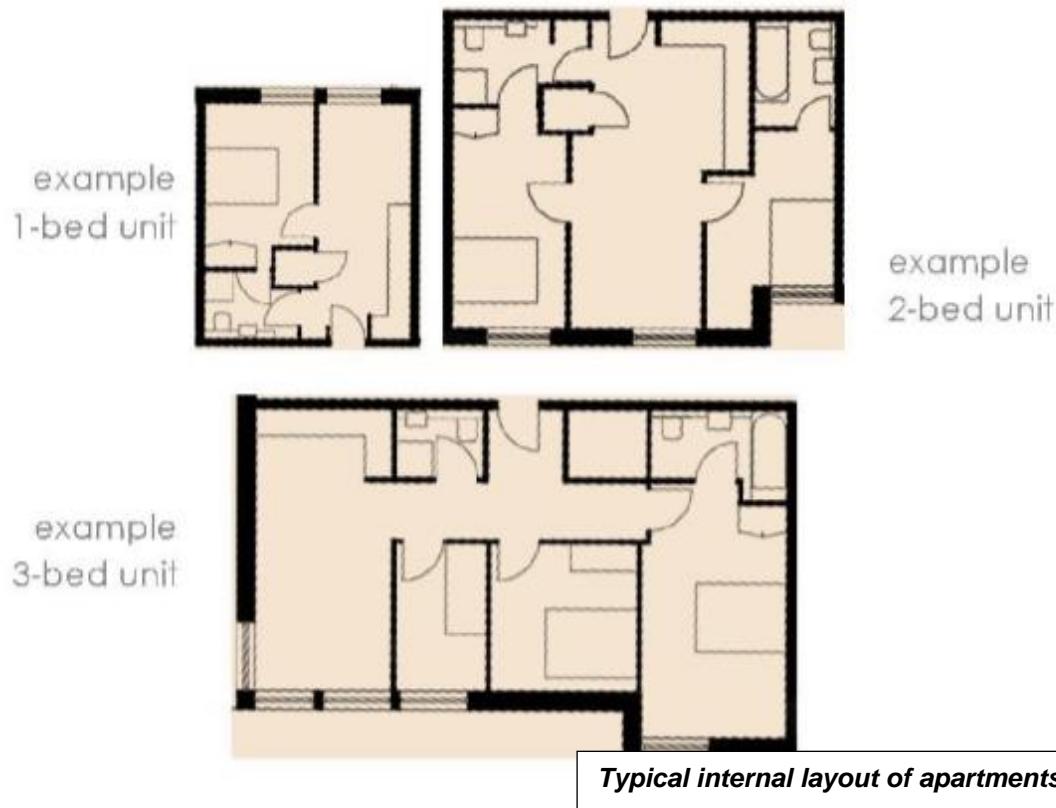
6.0 PROPOSAL

- 6.1 This application seeks full planning approval for a mixed-use development comprising 119 residential apartments, extensions/alterations to the ground floor retail area and reconfiguration of the existing multi-level car park following partial demolition of the upper floors of the existing building and the erection of up to 10 floors above the retail frontage. The development has evolved alongside pre-application discussion with planning officers and also public engagement.
- 6.2 The development would be accommodated through the removal of 7 'half-levels' at the top of the existing multi-storey car park to the shopping centre and reducing the area of the remaining levels. The development would be accessed via the existing car park ramp and would comprise 2 wings of residential apartments: a total of 10 levels above the reconfigured Eleanor Road retail frontage and 6 levels above the remaining car parking. The proposed buildings would increase the overall height of the building from 33.8 metres to 41.5 metres. The proposed development would result in a 70m² net reduction in the retail floor space provision within the centre.
- 6.3 The development would result in the loss of 197 car parking spaces, leaving 196 spaces remaining, of which 50 spaces would be allocated for the residential scheme. In addition, the new dwellings would be provided with 130 cycle spaces.
- 6.4 The proposal has been deigned to accommodate the following on site requirements:
- The need to ensure the ground floor retail level is maintained and not detrimentally impacted upon (both during the constriction period and post completion);
 - The need to maintain an adequate level of shopper car parking;
 - The need to maintain a first-floor servicing level for existing shops; and
 - The need to protect the amenity of neighbouring buildings some of which are in residential use.

- 6.5 The development also proposes alterations to the shopping centre adjacent to the Eleanor Cross Road frontage. This includes the extension of 6 retail units to the west of the shopper entrance, together with new shopfronts. To the east of the shopper entrance, an area of retail floor space, would be demolished and replaced with new retail space and new shopfronts facing Eleanor Cross Road. A reinforced structure capable of supporting the 6/10 storeys of residential development would then be constructed above it. This is envisaged to result in a marked improvement on the retail facade and its image.
- 6.6 In addition to the new shopfronts along the Eleanor Cross Road frontage, this elevation would also see the construction of a new canopy (above the retail units) and shopper entrance. The new entrance would provide a focal point to the centre, replacing the presently understated entrance doors.
- 6.7 The below table is extracted from the Planning Statement and compares the existing and proposed retail floor space:

	Existing GIA (m²)	Proposed GIA (m²)	Difference (m²)
Ground Floor Retail	10,060	9,990	-70
Ancillary accommodation for the shopping centre (including common areas, access, stairs/lifts, management suite and other back of house facilities)	8,917	9,125	+208
Decked Car Park	13,980	5,825	-8,155
Residential Accommodation	-	8,800	+8,800
	Existing Gross	Proposed Gross	Difference
Total Gross Internal Area	32,957	33,740	+783
Total Gross External Area	33,540	34,920	+1,380

- 6.8 The existing centre accommodates 10,060m² of existing retail floorspace. The development will result in a net loss of 70m², therefore retaining a gross internal area of 9,990m².
- 6.9 The proposed development would comprise two residential blocks connected by external walkways with external amenity areas. The scheme will introduce 119 dwellings, mixed as follows: 79 x one bed apartments (66%); 36 x two bed apartments (30%); and 4 x three bed apartments (3%)



6.10 The Planning Statement supporting the application indicates that all the residential units have been designed to be available on a private rented basis (as such, the proposed development would constitute a private rented scheme [PRS]), whilst maintaining the flexibility and adaptability for the units to be brought forward for private market sale if required.

6.11 All of the proposed units will be accessed via a lift and have flush access from the corridor. In addition, all units have wide doorways to enable wheelchair access. As such, all units are DDA compliant up to the inside threshold of each unit. In line with Local Plan Policy H3 (ii), 6 No. units (representing 5% of the overall units) have been identified as being easily adaptable for disabled access and use. The adaptable units are located as outlined below:

- 1 No. 1 Bed unit - 64m² in southern building, Floor 2
- 1 No. 1 Bed unit - 64m² in southern building, Floor 3
- 1 No. 1 Bed unit - 64m² in southern building, Floor 4
- 1 No. 2 Bed unit – 66.5m² in northern building Floor 7
- 1 No. 2 Bed unit – 66.5m² in northern building Floor 8
- 1 No. 2 Bed unit – 66.5m² in northern building Floor 9

6.12 Additional areas within the development would include bin storage areas; a reception area and a communal lounge on the first floor (377m²).

6.13 The scheme also provides external amenity spaces on levels 5, 6, 9 and 10, amounting to 807m² in total. A green roof would be provided to the northern block and lift roof area, which provides access to the roof garden on the southern block. The total external amenity space provided for the full development would be 1,073m².

6.14 The application is accompanied by a number of supporting documents as follows:

- Design, Access and Planning Statement
- Planning Statement
- Flood Risk Assessment
- Transport Statement
- Townscape and Visual Impact Assessment
- Noise Report
- Landscape Management Plan
- Air Quality Assessment
- Affordable Housing Viability Assessment
- Sustainability Checklist
- Addendum to the Access and Design Statement (March 2020)

7.0 RELEVANT PLANNING HISTORY

7.1 There is an extensive history of planning applications relating to the Pavilions and the immediate vicinity. Most are of limited relevance to this application but the following should be noted:

Conservative Club

7.2 07/06/0224/F/WX. Demolition of existing building and construction of a new seven storey building comprising retail unit (A1) on ground floor and part first floor, car park on ground floor, Conservative Club on first floor and 55 no residential units above on five floors. Appeal Allowed 05.09.2007

7.3 07/14/0855/F. Demolition of existing building and construction of a new eight storey building comprising retail unit (A1) on ground and part first floor, car parking on ground floor, Conservative Club on first floor and 60 no residential units above on six floors (Renewal of planning permission 07/0233/08/F/WX). Withdrawn

The Pavilions

- 7.4 07/16/0090/PNRES. Prior notification of change of use of second and third floor offices B1(a) to residential C3 (44 flats). Approved March 2016.



8.0 APPRAISAL

- 8.1 The main issues to consider in the assessment of this proposal are as follows:

- Principle of development;
- Design, Layout and Appearance;
- Impact on amenity of existing neighbouring residents;
- Amenity for future residents;
- Highways and Parking;
- Refuse and Recycling;
- Affordable Housing and Planning Obligations;
- Flood Risk and Drainage; and
- Air Quality and Public Health.

Principle of Development

Development Plan - Adopted Broxbourne Local Plan 2005

- 8.2 The site falls within a town centre location as defined by the adopted Local Plan 2005. The primary policy relating to development within town centres is Policy RTC10 Residential use in Town Centres. This policy seeks to support the provision of residential accommodation, including affordable housing in town centres through utilisation of vacant or underused commercial floor space above ground level where the space is not essential to the viability or vitality of a town centre. In these instances, the space should be of a size and outlook to provide self-contained residential units with a reasonable internal living environment and independent access. The residential use should not prejudice other uses assisting in the vitality and viability of the Town Centre.

- 8.3 The emerging Broxbourne Local Plan reflects the 2015 Waltham Cross Town Centre Strategy and its agenda for the regeneration of the town centre over the next 5 – 10 years. The Strategy aims to regenerate Waltham Cross in accordance with Local Plan Policy RTC2, which supports development within town, district and local centres, neighbourhood centres and shopping parades.

Policy WC1: Waltham Cross Town Centre states that: *the Council will support proposals which accord with the following town centre priorities:*

1. *A vibrant town centre throughout the daytime and evening;*
2. *Redevelopment of the northern High Street;*
3. *Public realm improvements;*
4. *Additional homes in and around the town centre; and*
5. *Conserving and where possible enhancing the historic environment.*

- 8.4 Whilst not part of the northern High Street redevelopment, this proposed development provides a significant number of new homes and will house a new community of residents within the town centre. These residents will help to make the town centre more vibrant and the application brings public realm improvements to the Eleanor Cross Road shopping façade. The impact on the Eleanor Cross is addressed elsewhere within this report but in general terms the policy is met.

Policy WC4: Waltham Cross Renaissance Area Action Plan states that: *the Council will work with Transport for London and Network Rail to produce an Area Action Plan to regenerate the eastern side of Waltham Cross in support of the business case for Crossrail 2. The area to be covered by the AAP would incorporate the application site.*

- 8.5 A key question for members is whether this development is so fundamental that it should not be supported in advance of the proposed AAP and/or a more comprehensive plan for the future of the Pavilions.
- 8.6 National planning guidance provides that prematurity is unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. There is a list of circumstances that may legitimise such an approach, including that the development proposed is so substantial or its cumulative effect would be so significant that to grant planning permission would undermine the plan making process.

- 8.7 The Pavilions is the retail anchor of Waltham Cross and conversations have taken place with the owners over several years about the prospect of a comprehensive mixed-use redevelopment or re-modelling. However, there has never been any realistic viable proposition that would have merited comprehensive redevelopment forming part of the Town Centre Strategy or the Local Plan. Approval of this planning application may make that prospect even less likely, particularly if it is implemented. However, it would not prevent further re-modelling of the ground floor or wider façade improvements and improvements to the Eleanor Cross Road facade form part of this planning application. It could be argued that a development of this scale, height and bulk should only proceed in the light of a wider examination of the future for high buildings in Waltham Cross, which would form part of the proposed Area Action Plan. However, on balance it is considered that this scheme should be considered on its own individual merits and that prematurity should not constitute a reason for refusal.
- 8.8 The principle of residential development within Waltham Cross Town Centre is strongly supported by national and local policies and this is one of several potential residential schemes in the town centre that officers have approached in a positive manner. The introduction of a substantial new residential community into the town centre would be a major stimulus to the local economy and overall it is considered that the principle of this planning application should be supported.

Design, Layout and Appearance

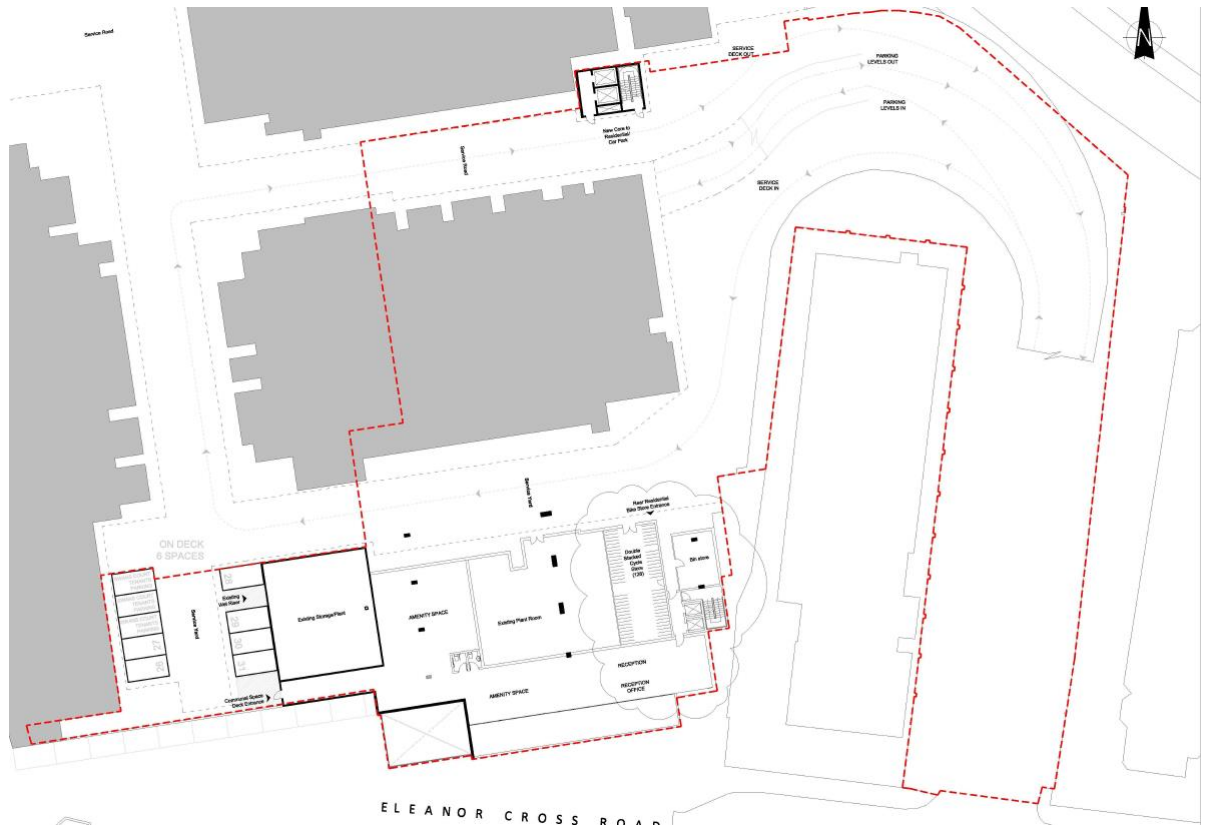
- 8.9 Local Plan Policies H8, H11, HD13, HD14 and HD16, together with the Council's SPG seek to ensure that new development proposals respond appropriately to the established character of an area through high quality design, appropriate densities and good accessibility.
- 8.10 The council is seeking to improve Waltham Cross town centre and its immediate environs, through the development or redevelopment of important strategic sites to bolster its image and attractiveness.
- 8.11 In order to achieve this, any redevelopment or new development scheme being brought forward will require to show a high standard of townscape design. The Council will look to achieve this through the application of exceptional design criteria, use of high quality and robust materials of construction, innovation and adaptation in scheme evolution, as well as a sympathetic and characterful development.
- 8.12 Such an approach is expected to assist in the transformation of Waltham Cross town centre, not only through the introduction of additional housing at the upper levels, but also the strengthening of the commercial offer at ground floor level together with environmental improvements to the wider town centre area.

- 8.13 The external appearance of the finished building must therefore make a valuable and positive contribution to the town centre, its streets and the Waltham Cross skyline.
- 8.14 The existing building is of its time and has a bulky, utilitarian appearance that dominates a significant proportion of the town centre and the much wider townscape.
- 8.15 The proposed development would be a maximum of 11 floors in height including the ground floor level. This will result in a structure 4 storeys higher than its present built form. In terms of actual height in metres, the existing structure is approximately 33.8m high to the top of the lift shaft and stairway. The existing car park is 23.5m in height excluding the lift tower. The proposed structure will be approximately 41.5m in height overall, a difference of 18m above the car park level and 7.7m above the height of the existing lift shaft.
- 8.16 As seen below, the ground floor will retain the existing retail and lower parking levels and will include retail extension along the southern elevation, together with the enhanced entrance feature. A dedicated resident entrance would be created from Eleanor Cross Road.

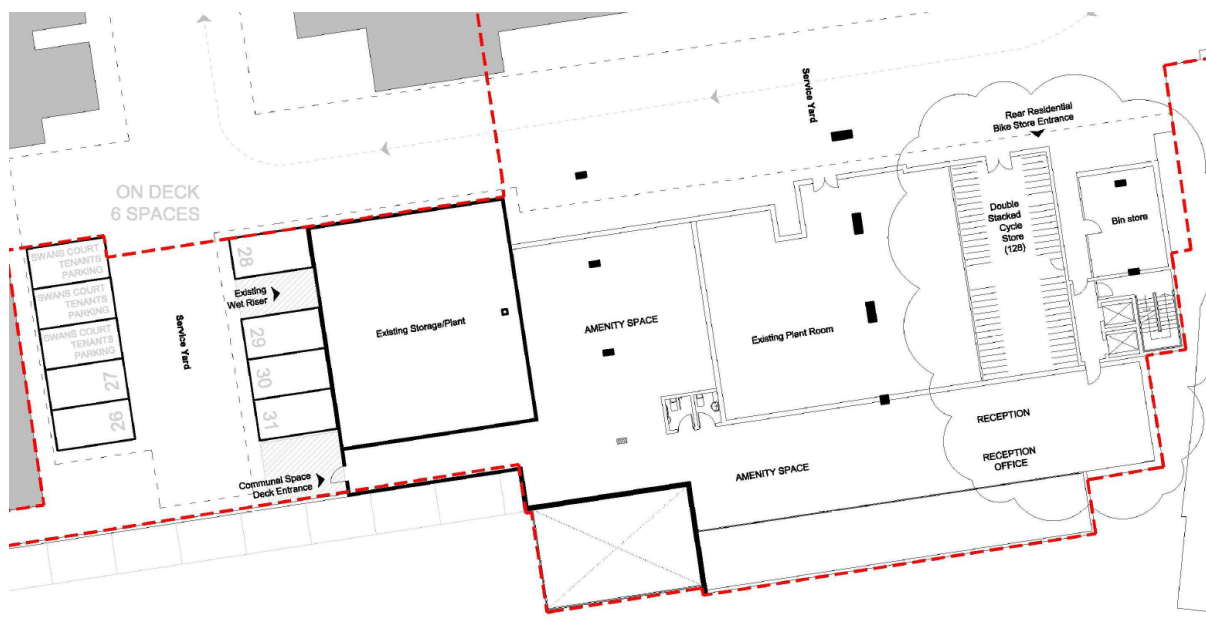


Ground Floor – retail, canopy and parking under ramp

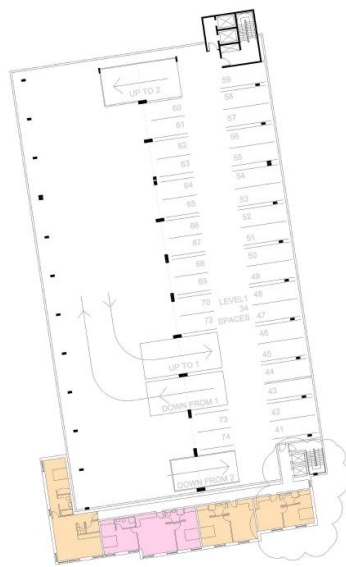
8.17 At first floor level the development would provide for the residential entrance, with residents arriving into a reception area, with access to bin and cycle storage. Also at this level would be the communal lounge.



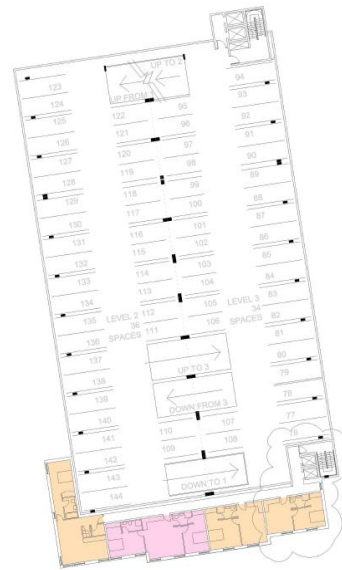
First Floor – Communal Lounge, Concierge and cycle storage



8.18 The second, third and fourth floors would accommodate the decked car parking to be retained together with a small number of flats fronting onto Eleanor Cross Road.

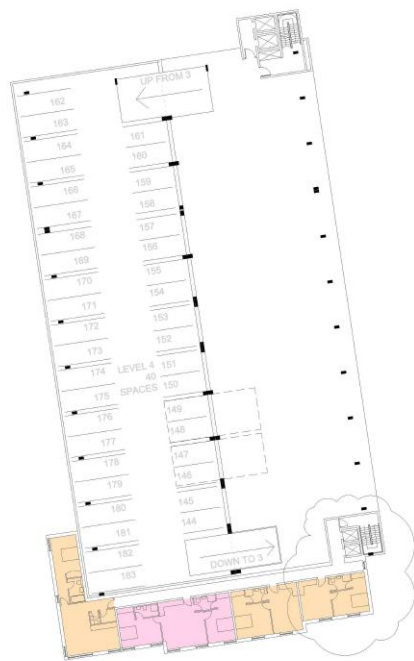


ELEANOR CROSS ROAD



ELEANOR CROSS ROAD

Second and Third Floor flats (orange = 1bed/pink = 2 bed)



ELEANOR CROSS ROAD



Fourth and Fifth Floors (orange = 1bed/pink = 2 bed/blue = 3 bed)

8.19 The fifth floor would accommodate the first full floors of flats within the two wings of the building. The rear wing would be surrounded by a landscaped external amenity area above the remainder of the building footprint. The images below detail how the area would be landscaped to create semi private spaces outside the fifth floor flats whilst providing a shared garden for the enjoyment of all residents.

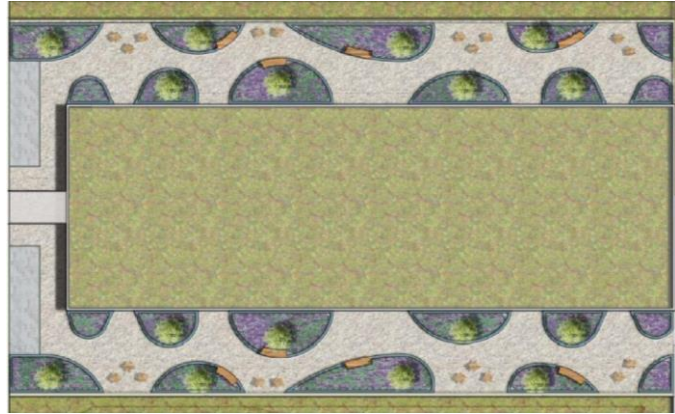


Image and Landscape detail for external roof terraces

8.20 The sixth floor would contain smaller private terraces, serving the two end flats on the front wing. The seventh and eighth floors accommodate more flats.

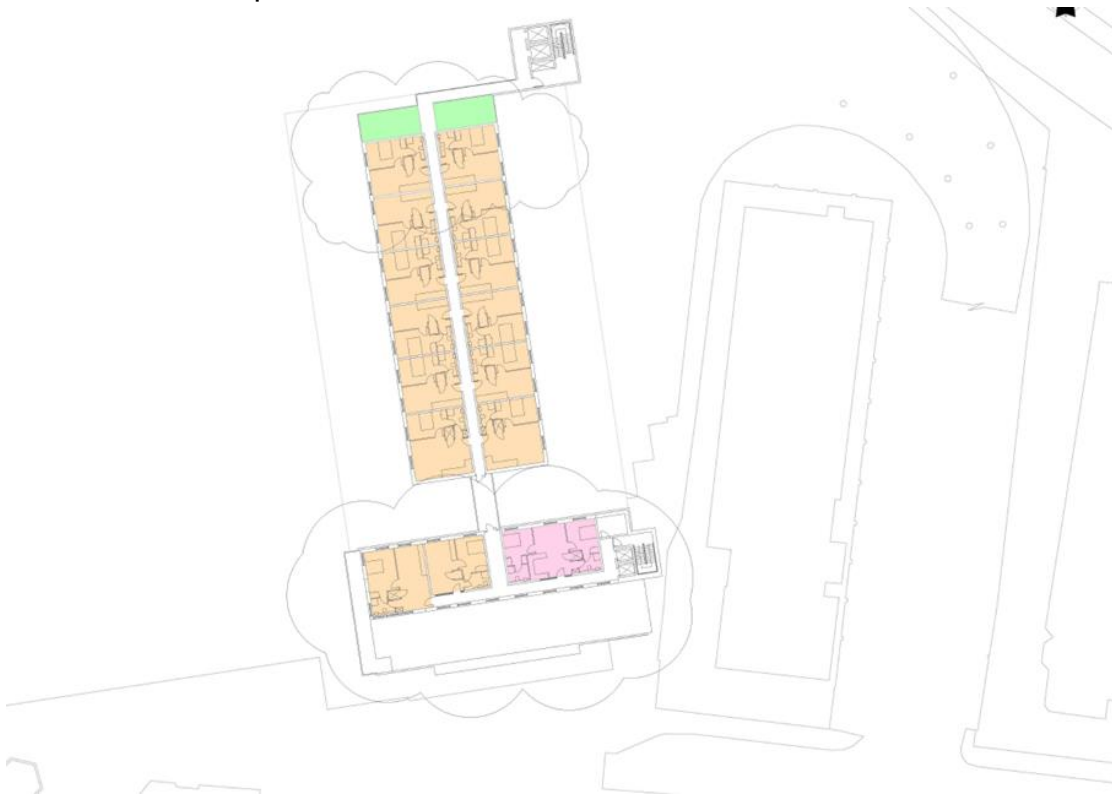


Sixth and Seventh Floors (orange = 1bed/pink = 2 bed/blue = 3 bed)



Eighth and Ninth Floors (orange = 1bed/pink = 2 bed/blue = 3 bed)

8.21 The ninth floor would accommodate a smaller communal external space and the tenth floor private terraces to the two rearmost flats.



Tenth Floor

8.22 The building will be a significant and dominant element within the townscape/skyline of Waltham Cross. The design has therefore focused on producing a scheme, which accommodates the scale and mass of the structure within a lightweight framework with emphasis on vertical aspects, including for large projecting panels and added colour to reduce the overall bulk of the building.

8.23 It is therefore essential to consider whether the design, layout and scale, as put forward within this application is sufficient to deliver a high quality development that will be at the heart of the Council's ambitions to regenerate Waltham Cross.

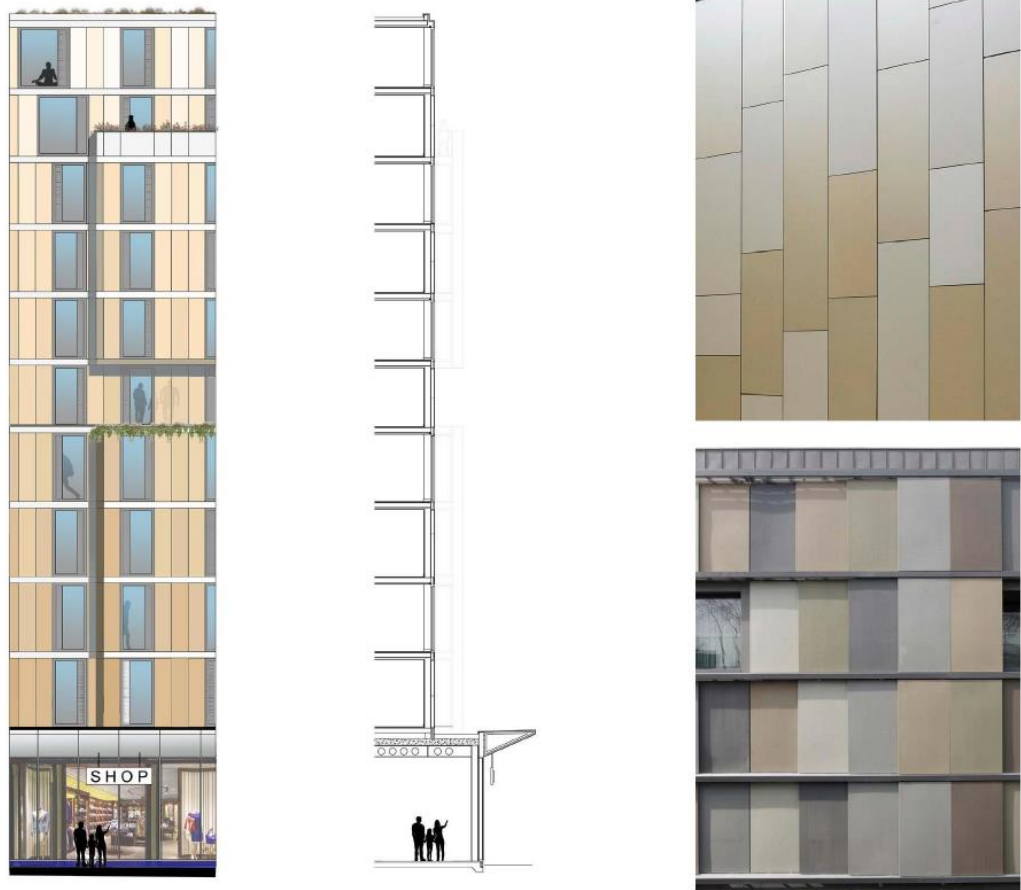
8.24 The applicant proposes an external metal framed building, with graduated coloured vertical solid panels punctuated with full height glazed panels across all the elevations of the building and including an aluminium mesh screening to the car park levels and the lift/stair tower on the northern block.



8.25 The design incorporates a number of large projecting panels at 3rd – 5th and 7th - 9th floor levels, facing Eleanor Cross Road. The projecting block elements across the various elevations seek to break up the massing of the building together with the set-back to various floor levels, which also serve to provide communal open space amenity areas.

8.26 The above design elements make for a modern, contemporary design solution, which incorporates solid graduated coloured panels from a deep bronze at the lowest level to a lighter shade of cream/gold to the upper levels. These features and colour graduations add interest and a level of visual relief to the bulk of the building. This is considered to serve a valuable purpose in informing the buildings setting and how its bulk, mass and scale can be accommodated within the town centre whilst introducing a step change to the monolithic appearance of the existing building. Whilst the images below demonstrate how the cladding would be placed, video 'flyover' imagery provided by the applicant has better demonstrated the resulting appearance of the building. Members are therefore advised to view this fly through on the below link:

<https://wetransfer.com/downloads/ddd7b7b9ba1e731bb119e8ab078100e420200505135509/66497a9606b0e946214668de27f6d49420200505135602/195fba>



8.27 Additionally, there are also glass balustrades serving the terraced gardens, together with full height glazing to the elevations. These glazed elements are important in the contribution they make in breaking up the massing of the building. The materials to be used on the upper levels would echo those to be used in the re-configuration of the ground floor thus maintaining a uniformity and consistency in the palette of materials and colour across the development.

8.28 Aluminium mesh screening is proposed to clad the car park elevations and main tower at the northern end of the rear block. This material choice can allow for backlighting to add further interest to the building and its setting. The below imagery provided by the applicant demonstrates some of the materials available to create this look together with the necessary fixings and images of the mesh *in situ* on a building.



Views

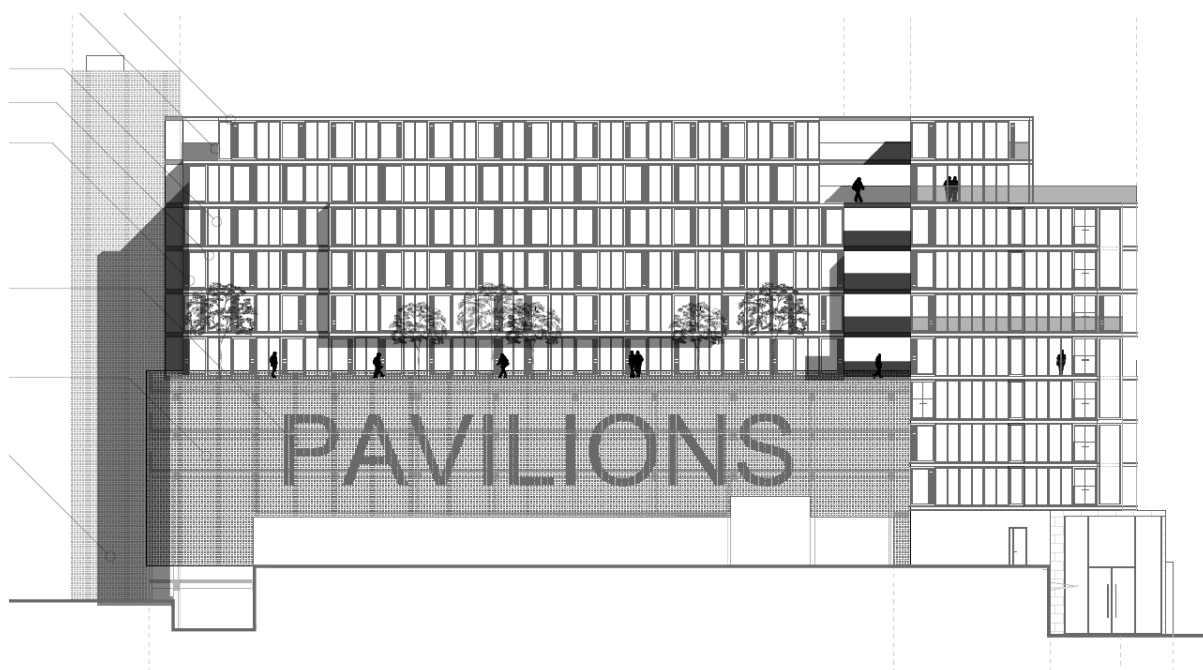
8.29 As a consequence of the overall increase in the height of the building, combined with the massing proposed, the resultant structure would be prominent both within the town centre and from distant viewpoints. The Applicant, the architect and the officers have been seeking to present a building that will mitigate the overall bulk by the use of articulation, materials and finishes, whereby the sharp metallic finishes of the cladding will interplay with the colour graded composite panelling and glazing of the apartments. Through colour and reflection the building is designed to be progressively lighter and more reflective towards the skyline. The CGI's submitted by the Applicant have only been partially successful in conveying this composition. However, it is important that members are able to understand the scale of the building from key viewpoints, those being from the Eleanor Cross, from Monarch's Way, from Eleanor Cross Road and from Winston Churchill Way.

Eleanor Cross

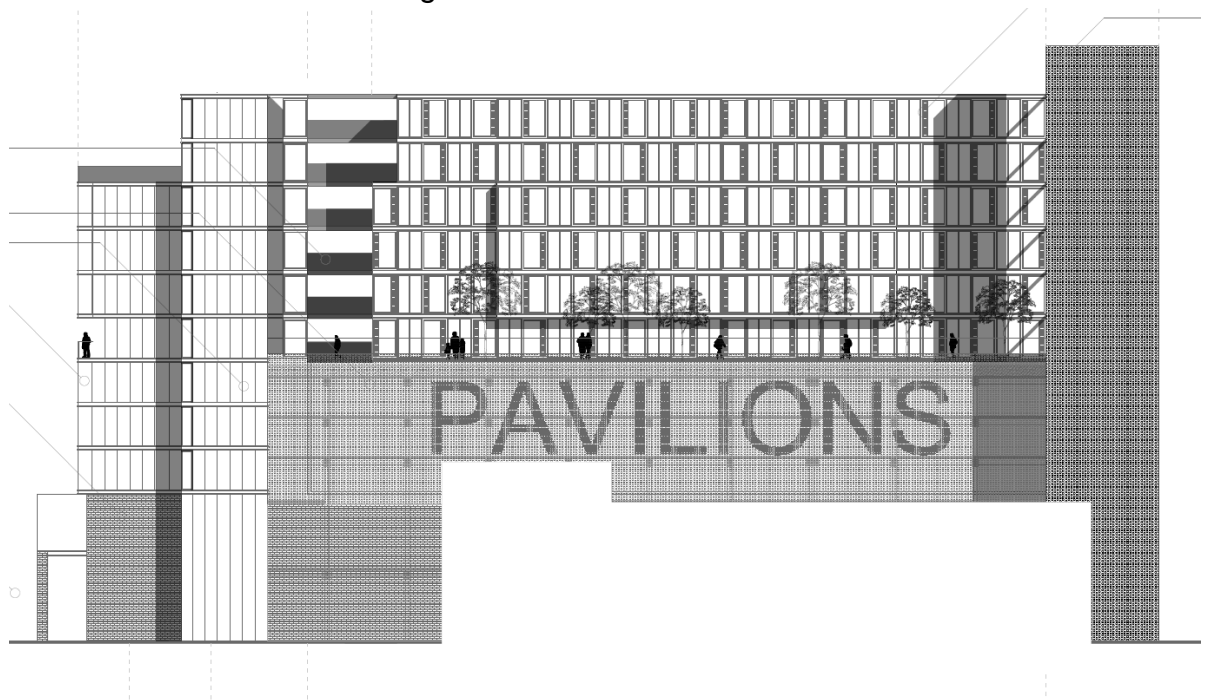
- 8.30 The design approach includes for recessed high-level floors on the elevation that immediately fronts onto the Eleanor Cross Monument within the High Street. This helps draw in the views of the upper levels so as to minimise visual massing and the setting of this historic monument.



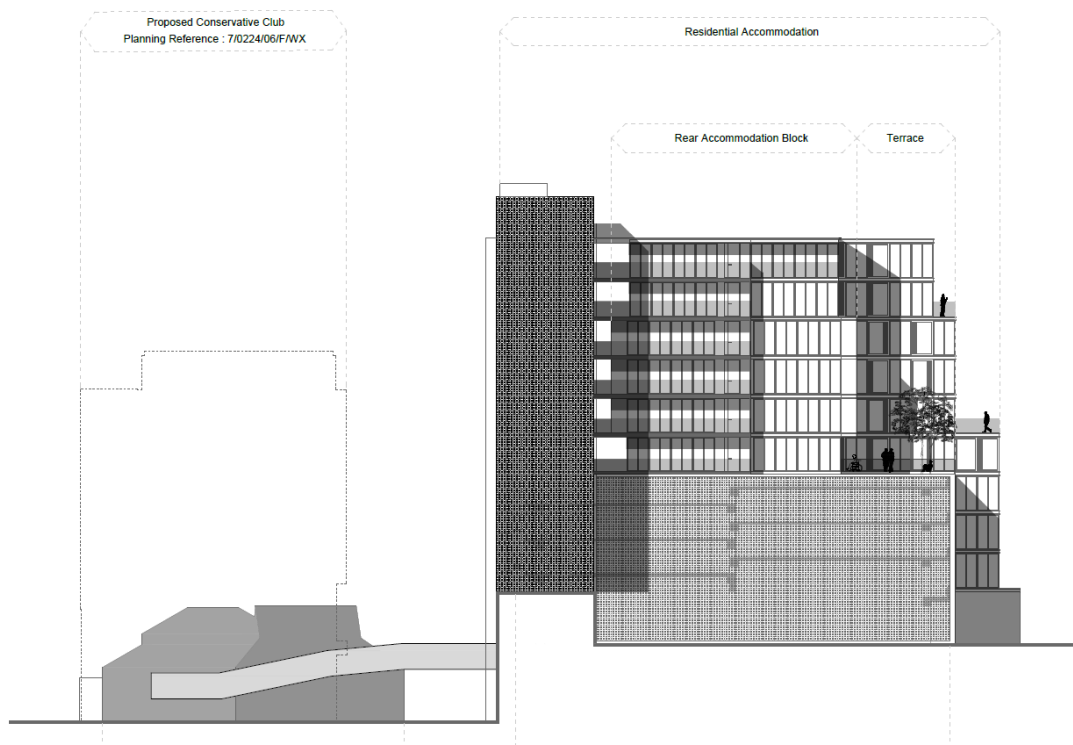
- 8.31 The full western view of the development would be restricted by views of surrounding buildings. As seen below, the retained levels of car parking would be screened with wire meshing, with the centre name included within contrasting texture.



8.32 The eastern elevation would provide a similar appearance when viewed from Monarchs Way, partly obscured by the ramp. The rear stair/lift tower would also be finished in wire mesh cladding.



8.33 The rear (northern) elevation would present the mesh clad stair/lift tower foremost, connected to the narrow rear block of the development by glazed corridors with the perpendicular front block to the rear. The image below details the relationship between the development and the adjacent Conservative Club and the dotted line outlines the development approved at that site.



8.34 The view from Monarchs Way is of the northern end of the development with the apartments above the re-clad car park, with the mesh clad stair tower to the left.



8.35 The view from the railway bridge on Eleanor Cross Road is of the eastern elevation of the apartments.



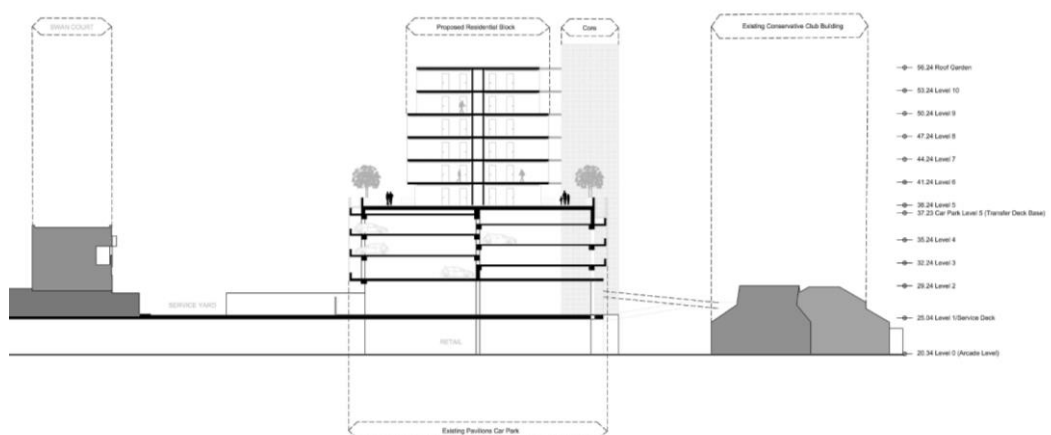
8.36 The view from Winston Churchill Way is of the western façade of the apartment blocks.



- 8.37 From the foregoing images, it is evident that the building will be taller and more prominent than the existing Pavilions car park and that it will be a significant landmark in the locality. The Pavilions car park is particularly heavy in its appearance. Whilst larger, the proposed building will be considerably lighter, both structurally and in its material finishes. It is therefore considered that the new development will be an improvement of key views from within the town centre and from around Waltham Cross. In the form currently proposed, this will be an important landmark building for Waltham Cross Town Centre.
- 8.38 **Overall, it is considered that the proposed design, layout and appearance is appropriate within this location and can be considered to comply with Local Plan Policies H8, H11, HD13 and HD16.**

Amenity and Impact on Neighbours

- 8.39 Local Plan Policies H8 and HD16, together with the Council’s Borough Wide SPG seek to ensure that new development proposals do not materially harm the amenities of existing local residents. Through consultation, the Council has received concerns from residents of nearby Swan Court relating to the impact of the proposal on their amenity. In particular, residents have raised concerns including the development appearing overbearing due to its height and proximity to their homes and it resulting in a loss of light. Other concerns raised by residents have included the loss of car parking available to them within The Pavilions and noise and disruption caused during construction.
- 8.40 The below section drawing details the development in the centre, with Swan Court to the left (west) and Conservative Club to the right (east). The additional height to The Pavilions would be within the upper floors of the building which are further recessed from Swan Court than the existing lower floors. These upper floors are separated from Swan Court by a distance of 38.5 metres.



- 8.41 Located due east of Swan Court, the enlarged building will result in additional loss of early morning sunlight by comparison with the existing situation. Whilst this would resolve later in the day, as the sun rises in the sky and moves to the south, the rear facing single aspect flats within Swan Court would no longer benefit from direct sunlight, relying only on daylight at that time of day, as presently. The Swan Court flats were converted without planning provision, under the provision of the Government introduced permitted development rights for change of use from offices to residential. As such they fall significantly below the Council's adopted space standards, providing an already unsatisfactory level of amenity for the occupiers. Accordingly any decision that would further erode occupiers' enjoyment of their homes must be taken carefully. The Council does not have adopted separation distances for tall buildings. The adopted standards relate to two and three storey buildings and set distances of 25 and 30 metres respectively. Although increasing the overall height of the building, the development will increase the separation distance between Swan Court and some of the lower levels, through the stepping back of the building. Having regard to this improvement and the overall separation distance, it is considered that on balance the relationship would not result in significant detrimental harm that would justify withholding planning permission.
- 8.42 Concerns have also been raised by residents regarding noise and disruption during construction. Unfortunately some disruption whilst building a development of this scale is inevitable but would not be reason to withhold planning permission. However, any harm may be minimised through imposition of a condition requiring agreement and adherence to a Construction Management Plan to include provisions such as hours of work, arrangements for deliveries, control of dirt and dust etc. Swan Court residents have also raised concerns regarding car parking – this will be addressed in the later relevant section of this report.

Amenity for future residents

- 8.43 The development would generally provide single aspect flats facing Eleanor Cross Road and east and west from the development, although some corner flats would benefit from additional outlook. Each habitable (bedroom/living) room would have a good sized window and overall the flats would benefit from good levels of natural light and outlook. As assessed further in the section below, the standard of privacy that would be achieved in relation to any overlooking from neighbouring properties is considered acceptable.
- 8.44 Individual dwellings sizes within the development vary between units and the mix of units within each floor changes across the building storeys. Unit sizes generally accord with the Nationally Described Technical Standards for Housing and in many cases significantly exceed them. There is however a one bedroom flat on the sixth floor which would fall slightly below the 37sqm standard for a one person unit (measuring at 36sqm). When viewed within the context of the scheme overall,

which is considered to provide a good mix of dwellings, this is not considered reason to withhold planning permission.

8.45 Occupiers of some flats within the fifth, sixth, ninth and tenth floors would benefit from direct access to external amenity space within the development whilst other household may access communal areas by travelling through the building. In total, 807sqm of external private amenity space would be provided. This falls significantly below the Council's standard (which indicates provision of 2,380sqm) but nevertheless would provide enjoyable and usable space for residents. Within a constrained town centre site, this provision is considered suitable. In addition, residents would have access to the internal communal lounge which provides further opportunity to socialise outside the constraints of their own dwelling.

8.46 The application is supported by a Noise Report dated 28th May 2019. The assessment compares monitored noise levels within the existing structure to the internal ambient noise levels outlined within BS 8233: 2014. The Council's Environmental Health Officer has considered the noise report and advises that further work is required in respect of the impact of noise at the northern and western facades of the existing structure as the application site overlooks a commercial service yard to the North West, in addition to several Air Conditioning Units mounted on the adjacent structures. Further consideration is therefore required with respect to the impact of Industrial/Commercial sound and conditions are recommended to be imposed to ensure that this information is provided and sufficient mitigation is provided.

Highways and Parking

8.47 Vehicular access to the site would be gained via the existing Multi-storey car park access from Eleanor Cross Road. This is considered acceptable. The access already accommodates Refuse and Servicing / Delivery vehicles and is therefore acceptable to accommodate traffic associated with the proposed development. As the servicing deck also serves the shopping centre, a Servicing and Delivery Management Plan would be conditioned to ensure that conflict between the land use refuse collection, servicing and delivery requirements is kept to a minimum.

8.48 The Transport Statement assesses the existing car parking demand at four parking areas within the vicinity of the site, including the existing MSCP at the Pavilions Shopping Centre which has 342 car parking spaces. The TS has drawn on the parking survey undertaken in respect of the planning application for the nearby Gala Bingo Hall site on Friday 8th July 2018 (0700-2100 hours) which, in respect of the MSCP at Pavilions Shopping Centre, found that a maximum of 108 vehicles were observed parking. The survey also considered three other car parks in the vicinity of the site which were found to have capacity at all times.

8.49 The Pavilions site at present has an extensive level of retail and commercial activities within the ground floor and first floor levels. However, it is recognised that the upper levels within the car parking area are not fully utilised, with a large percentage of parking space available not being used. The table below illustrates an example of the weekly up take of spaces:

Table 3.7 Maximum Existing Car Park Occupancy – The Pavilions Shopping Centre Car Park

Date	Surveyed Maximum Occupancy (vehicles)	Maximum Car Park Occupation (%)
22/09/18 Saturday	96	28
23/09/18 Sunday	50	15
27/09/18 Thursday	82	24
28/09/18 Friday	89	26
29/09/18 Saturday	108	32
30/09/18 Sunday	43	13

8.50 The applicant proposes to reduce the number of car parking spaces at the site from 342 to 196 spaces. The spaces would be allocated as follows:

- 140 spaces for shoppers;
- 50 spaces for residents;
- 3 for centre management team; and,
- 3 for existing retail tenants.

8.51 Further to the above, the provision of 140 spaces for shoppers is considered acceptable. The applicant proposes 50 spaces for the 119 residential units. Application of the Council's adopted parking guidelines would generate a requirement for 161 spaces. However, the site is located within a town centre and application of the 40% discretionary town centre reduction would result in a guideline figure of 96 spaces. Whilst the 50 spaces proposed is a significant shortfall against that guideline amount, Waltham Cross is the most sustainable location within the Borough. The site is ideally placed for access to transport services, being situated opposite the bus station and within reasonable walking distances of both Waltham Cross and Theobalds Grove train stations. Within this concept, this significantly reduced car parking provision is supported by officers.

- 8.52 Policy TM4 of the draft Local Plan sets an expectation for all parking spaces within new housing developments to have active charging points (or for at least 20% of spaces to have active charging points with passive provision for the remainder, should it be demonstrated that 100% active provision is unreasonable. The Applicant has indicated their willingness to provide all 50 spaces allocated to the residential use with active charging points. However, unusually for a new development, the car parking already exists and the Applicant has not yet studied the feasibility of installing EV points into the existing decked car parking. A planning condition is therefore proposed to secure provision once feasibility is undertaken.
- 8.53 The applicant proposes to provide 128 cycle parking spaces as part of the development proposals for residential use. Borough of Broxbourne's cycle parking standards state that 1 space per dwelling should be provided for a residential scheme. The applicant is therefore providing 128 spaces which will exceed requirements. However, as seen later within this report, inadequate provision is made currently for the storage of refuse. It is therefore recommended that cycle storage be reduced to accommodate more space for waste and recyclable storage – this matter is proposed to be resolved through planning condition.
- 8.54 The application is accompanied by a Transport Assessment and Travel Plan. There are footways provided on both sides of Eleanor Cross Road, connecting to the wider pedestrian network and the site also benefits from being within a good walking distance of a variety of shops and other amenities. There are currently traffic free cycle routes providing access to Waltham Cross station and to the Lee Valley Park and beyond. Waltham Cross bus station opposite the Site has a high number of bus services that offer services to a range of destinations. County Highways recommend that bus priority measures should be investigated and implemented at the roundabout to the east of the site, which could be carried out via Section 278 or through Section 106 contributions. However, these works are considered by planning officers to be disproportionate in relation to the need and demand arising from this proposed development. As such, it is not recommended that these works be secured in the event that a planning permission is granted.
- 8.55 On the basis of the above considerations the proposal would adequately address the requirements of the relevant development management policies which include the Interim Car Parking Standards, Policies T3 and T11 of the adopted Local Plan, emerging Policies TM2 and TM4 of the draft Local Plan and the NPPF.

Refuse and Recycling

- 8.56 A refuse storage area measuring 28.7sqm would be provided within the building with access for service and refuse vehicles through the main street level entrance at the south eastern corner of the proposed development.

8.57 Whilst the waste storage area is considered to be suitably located for access, when assessed against the Council's adopted SPG it is insufficient in size. Application of the Council's standard indicates that for the dwelling mix proposed an area of at least 40sqm would be required: 19sqm for storage of 1,100 litre bins for refuse; 6sqm for 240 litre bins for storage of food and glass. It is considered that this deficiency should be addressed by reconfiguring the areas provided for waste and cycle storage (as noted earlier in this report, provision is made for the storage of 128 cycles, in excess of the guideline amount). This matter is proposed to be resolved through revised details submitted pursuant to a planning condition, if permission is granted.

Affordable Housing and Planning Obligations

8.58 The Council's adopted Policy H13 and the new Local Plan Policy H1 seek 40% of the total number of units to be affordable accommodation. However, where a viability appraisal demonstrates that such provision cannot be afforded, this requirement may be set aside. This application has been accompanied by such an appraisal which purports that even without affordable housing, the development would be in significant deficit against normally accepted returns for a development of this nature. The appraisal has been independently validated on behalf of the Council and that validation substantially agrees with the basis of the Applicant's appraisal. However, alternative assumptions have been proffered by the Council's consultant which would result in a marginal surplus. It is considered that the Council's consultant's assumptions are a more accurate reflection of the probable finances related to this development and a £0.5 million contribution has been sought and agreed in principle by the Applicant (see below).

8.59 It is agreed that the development cannot support affordable housing – either social rented or shared ownership. Rather, it is proposed by the Applicant that all of the dwellings would be privately rented, a sector that is strongly supported by the Government. This development could therefore make a substantial contribution to meeting local accommodation needs for rented housing at relatively affordable levels. Members will recall that at Cheshunt Lakeside, the Council had major concerns that apartment blocks could be sold in their entirety to London housing associations as decant housing for London residents. Provisions were therefore included within that section 106 agreement that no more than 28% of dwellings should be social rented and no more than 60% should be for any type of affordable housing. Should this application be supported, it is recommended that similar provisions should be included within the section 106 Agreement.

8.60 Hertfordshire County Council has sought the following:

- Primary Education the expansion of Four Swannes Primary School to a 2 form of entry school (£42,438);
- Library Service reconfiguring the adult lending area of Waltham Cross Library (£11,400) ; and

- Youth Service the reconfiguration of the youth lounge at Waltham Cross Young People's Centre to increase capacity (£851)

8.61 It is considered that the library and youth service contributions should be supported. However, deliverable proposals to expand Four Swannes primary school have never materialised. It is therefore considered that the remainder of the monies should be dedicated to the regeneration of Waltham Cross, with a particular emphasis on public realm improvements along Eleanor Cross Road.

Flood Risk and Drainage

8.62 The site is located within Flood Zone 1 which is at least risk of flooding. The applicant has provided a Flood Risk Assessment & Drainage Strategy dated May 2019. However, the Lead Local Flood Authority has advised that the information provided does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development and have raised objection to the application on this basis. However, the development would create only minimal enlargement of the footprint of the shopping centre through the small retail extensions, with the remainder of works taking place upon the upper floors. The introduction of landscaped amenity areas and green roofs is an enhancement in terms of drainage provision and accordingly planning officers consider that the matter of drainage may be appropriately reserved by condition and that the absence of fully detailed information at this time does not justify withholding planning permission.

Air Quality and Public Health

8.63 There are three Air Quality Management Areas (AQMAs) within 200m of the proposed development. The closest is AQMA 4 - Eleanor Cross Road/Monarch's Way, Waltham Cross which is very near The Pavilions Shopping Centre. The proposed development could accommodate residents including those who are particularly sensitive to the impacts of air pollution, including children, the elderly, and people in poorer health. Clearly, this development cannot in itself reduce air pollution in the locality. There have been various residential permissions granted within the town centre whose residents would be more heavily impacted than the future residents of the Pavilions. The overall solution is to reduce pollution within the AQMA's and one of the best opportunities for achieving this is through the roll out of electric vehicles which would be supported by this development. It is not considered that concerns about air pollution should constitute a reason for refusing planning permission.

9.0 CONCLUSION

- 9.1 This application represents a development that will bring a new resident community into the heart of Waltham Cross and be supportive of the regeneration of the town centre. It will also make significant and much needed improvements to the retail frontage of Eleanor Cross Road. The building will have a significant impact upon the Waltham Cross skyline and upon certain key views within the town centre, including from the Eleanor Cross memorial. The Applicant has produced various iterations of the scheme and worked with officers on the material finishes to reach a point at which the overall design and resultant impacts could be deemed acceptable. After careful consideration, it is now considered that the height, massing and design can be recommended.
- 9.2 The accommodation, the proposed roof gardens and the internal amenity areas are considered to represent a good standard of living for the future occupants. The impacts on neighbouring residents and in particular those within Swan Court are considered to be acceptable.
- 9.3 Vehicular access can be adequately managed. The loss of existing town centre parking is merited by the low level of demand for this parking and the amount of parking proposed is considered to be acceptable given the town centre location.
- 9.4 Overall, this development would add to the vitality and sustainability of Waltham Cross Town Centre. Whilst its mass and appearance are challenging, the new podium residential block will replace much of the unloved mass of the Pavilions car park and be a striking contemporary addition to the Waltham Cross skyline. On balance this application is recommended for approval.

RECOMMENDED that planning permission be granted subject to;

(a) the applicant first 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; and

(b) subject to the following conditions;

- (i) time limit – 5 years;**
- (ii) development in accordance with the numbered plans;**
- (iii) details of materials and samples to be provided prior to construction above ground. (To include detail such as the layout of cladding panels to achieve colour grading and mix of matt, opaque and translucent finishes and full detail of mesh sheeting);**
- (iv) development in accordance with a Construction Environment Management Plan to be submitted prior to commencement. (This to include hours of construction, hours of deliveries,**

- construction compound details - including areas for storage of materials, details of site hoardings, measures to limit dirt and dust from site);**
- (v) notwithstanding the approved plans, revised details of cycle and waste/recyclable storage within the development shall be provided to facilitate full compliance with the Council's Waste SPG – approved details shall be implemented prior to occupation;**
 - (vi) drainage information to be submitted for Council's approval prior to commencement and mitigations implemented during construction, as agreed;**
 - (vii) car parking management and allocation plan to be submitted for the Council's approval and operated thereafter;**
 - (viii) all residential spaces within the development to be provided with an active EV charging point, unless a Feasibility Study is submitted demonstrating this to be unreasonable and providing an alternative proposal for a mix of active (minimum 20%) and passive EV charging points. Installation in accordance with agreed detail prior to first occupation;**
 - (ix) car parking areas and access to be laid out, surfaced and marked prior to occupation;**
 - (x) Hard and Soft Landscaping Scheme (including all boundary treatments and footpaths) to be submitted prior to commencement of the fifth floor and provided prior to first occupation. This plan shall also indicate the areas of external amenity space which will be available to all residents of the development and access to those areas shall be available to all residents thereafter;**
 - (xi) notwithstanding the detail submitted with the planning application, additional noise studies shall be undertaken in respect of the impacts of commercial/industrial noise and submitted to the Council for consideration of necessary mitigation. The development shall proceed in accordance with any agreed mitigation;**
 - (xii) a plan shall be submitted detailing comprehensive servicing, delivery and waste collection arrangements for the Pavilions Centre as a whole to ensure that there is not conflict between the commercial and residential uses of the building. The site shall operate thereafter in accordance with the agreed servicing arrangement; and**
 - (xiii) the internal 'amenity space' indicated on the approved First Floor plan of the development shall remain in use as amenity space and shall be available to all residents of the flats hereby approved.**