

Committee date	5th December 2018
Application reference	18/00973/VAR
Site address	Rembrandt House, Whippendell Road
Proposal	Variation of Condition 15 of planning permission ref. 14/00992/VAR to amend the landscaping and hardstanding at the above development to provide additional car parking on the decked car park for the use of residents of the development
Applicant	Shanly Homes Limited
Agent	n/a
Type of Application	Variation of Condition (s.73)
Reason for Committee Item	Number of objections
Target decision date	8th November 2018
Statutory publicity	n/a
Case officer	Paul Baxter paul.baxter@watford.gov.uk
Ward	Holywell

1. Recommendation

Approve subject to conditions as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the northern side of Whippendell Road between the junctions with Hagden Lane and King George's Avenue. It has recently been developed for 107 residential houses and flats by the applicant. Construction works are now complete.
- 2.2 Further information, including the site plan and drawings, is available in the appendices to the report and on the council's [website](#).

3. Summary of the proposal

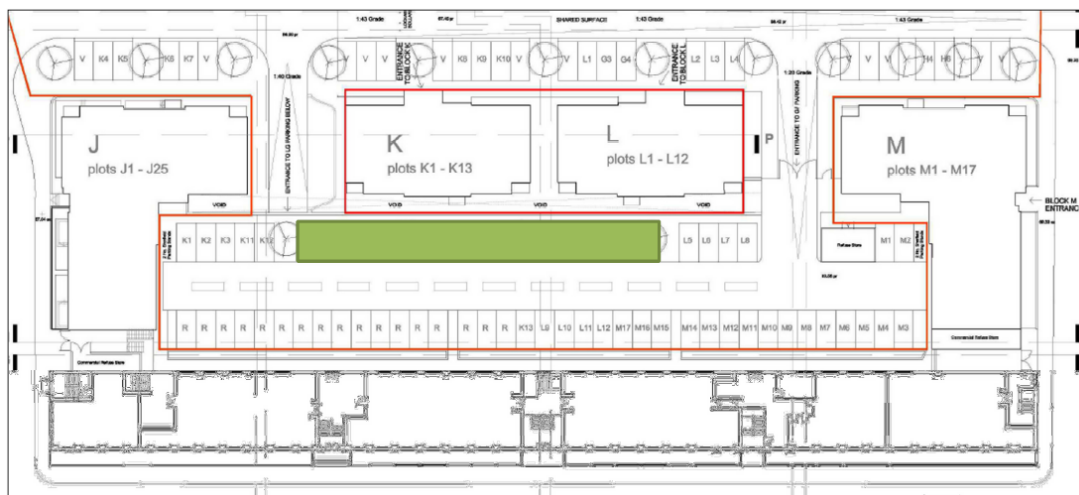
3.1 Proposal

To vary the approved layout for the decked car park by reducing the area of soft landscaping and increasing the number of parking spaces for the use of residents.

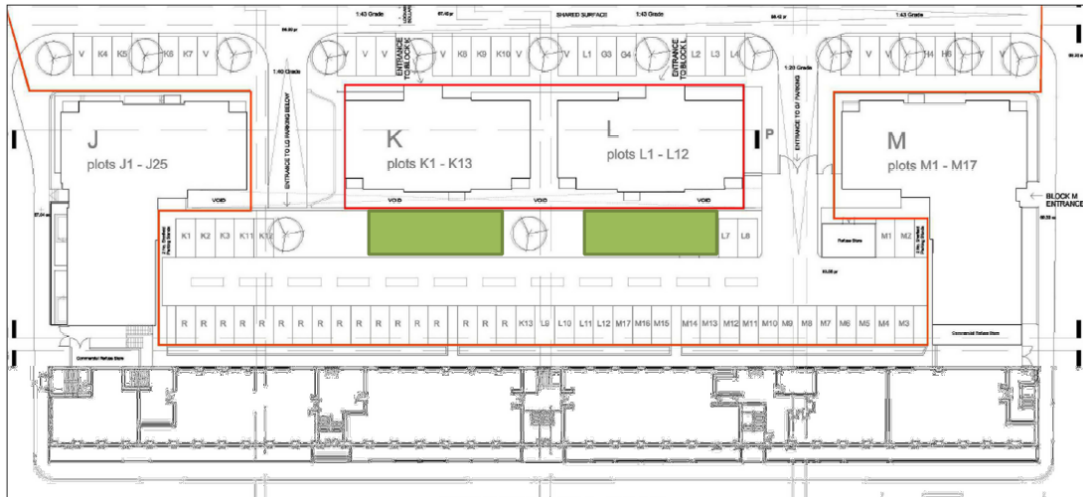
- 3.2 The approved scheme incorporated a decked car park with parking on the lower level for the retained Rembrandt House building and parking on the upper deck for the occupiers of the proposed blocks of flats. However,

although 45 parking spaces were provided, a significant area of soft landscaping was also incorporated along the northern side, immediately to the rear of Blocks K and L. The number of spaces was subsequently increased to 50 under ref. 14/00992/FULM. A soft landscaping scheme was approved in November 2014 under ref. 14/00867/DISCON.

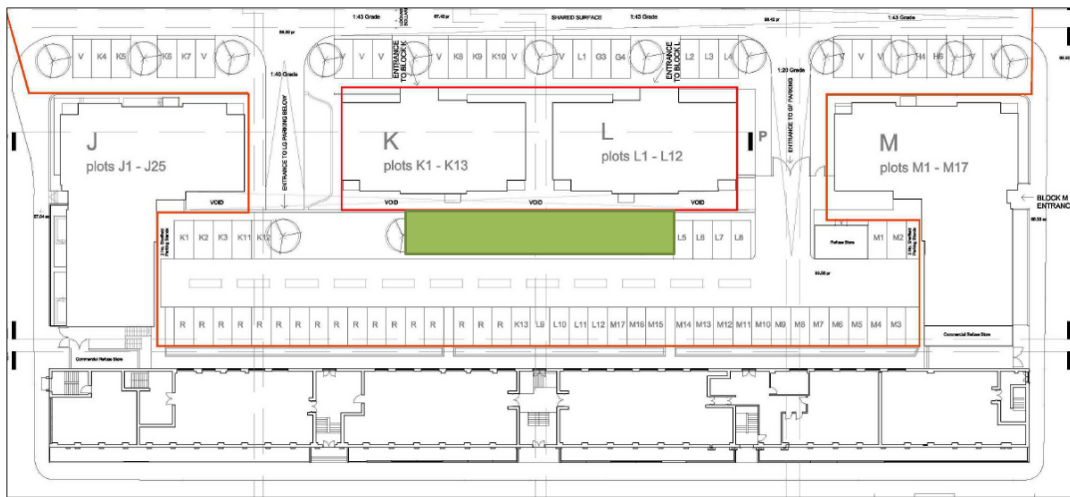
- 3.3 The development was constructed without the approved soft landscaping on the upper deck, with an additional 18 parking spaces provided instead. These have individual bollards to control their use and were originally being rented by the applicant to commuters. In the current application as originally submitted, the number of additional parking spaces provided was to be reduced from 18 to 5 and 2 areas of soft landscaping (each 80m²) were to be provided to the rear of Blocks K and L respectively. The applicant stated that these additional spaces were to be retained for use by residents of the development and their visitors. None of the spaces were to be made available to non-residents.
- 3.4 The application was previously considered by the Committee on 3rd October when the Committee heard objections on behalf of residents of the development. The application was consequently deferred to allow a revised proposal to be submitted and residents consulted. The revised scheme now for consideration comprises a single area of soft landscaping of 160m², with 5 additional parking spaces.
- 3.5 The approved, previously proposed and revised proposed areas of soft landscaping are shown below:



Approved scheme



Original proposed scheme



Revised proposed scheme

- 3.6 Changes have also been proposed to the soft landscaping itself. As with the previous proposal, natural grass has been replaced by high quality 'Vision' artificial grass for reasons of appearance, all weather use and long term maintenance. In this revised proposal, three of the originally proposed 4 small trees (*Amelanchier lamarckii* 'Autumn Brilliance') within standalone planters have also been reintroduced. The 'Grenadier' style planters, 920mm high and 1000mm wide with attached bench seating, are retained, with the addition of 2 planters at the ends of the landscaped area to provide better separation from the parking spaces, and are to be planted with a variety of shrubs.

3.7 Conclusion

The current proposal includes the provision of 1 area of soft landscaping, adjacent to Weldon Court and North Court respectively, with a total area of 160m². The number of additional parking spaces for the use of residents is 5. This is considered to be an acceptable compromise compared to the originally

approved layout which included a single area of soft landscaping totalling 204m².

4. Relevant policies

Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application was determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

- 5.1 11/00952/FULM - Planning permission granted 26th November 2012 for the demolition of all existing buildings and extensions to the rear of Rembrandt House; refurbishment of Rembrandt House for flexible commercial use (Class B1 and D1) including alterations to entrances; erection of 12 blocks (between 2 and 5 storeys in height) comprising 107 residential dwellings (28 x 1 bed, 46 x 2 bed, 22 x 3 bed and 11 x 4 bed); together with landscaping, ancillary structures and 215 car parking spaces.

13/01175/NONMAT – Non-material amendments to the rear elevation of Rembrandt House, the siting of the commercial bin stores and the retained electricity sub-station (provision of secure compound and parking space). Granted 17th December 2013.

13/01156/NONMAT – Non-material amendments to the elevations of Blocks J-M. Granted 17th December 2013.

14/00263/NONMAT – Non-material amendments to the elevations of Rembrandt House. Granted 28th February 2014.

14/00262/FULM – Planning permission granted on 15th May 2014 for the construction of 40 dwelling houses comprising 12 no. 2 bed houses, 28 no. 3 bed houses and minor amendments to the car parking layout, as an amendment to the house types and car parking layout approved under planning permission ref. 11/00952/FULM.

14/00991/VAR – Variation of Conditions 2 and 19 of planning permission ref. 14/00262/FULM for the construction of 40 dwelling houses comprising 12 no. 2 bed houses, 28 no. 3 bed houses and minor amendments to the car parking layout, as an amendment to the house types and car parking layout approved under planning permission ref. 11/00952/FULM. Amendments to the car parking layout, amendments to the bin store provision to provide communal stores and amendments to the house designs; and to the time period for the

submission of Code for Sustainable Homes final certificates. Planning permission granted 9th October 2014.

14/00992/VAR - Variation of Conditions 2 and 24 of planning permission ref. 11/00952/FULM for the demolition of all existing buildings and extensions to the rear of Rembrandt House; refurbishment of Rembrandt House for flexible commercial use (Class B1 and D1) including alterations to entrances; erection of 12 blocks (between 2 and 5 storeys in height) comprising 107 residential dwellings (28 no. 1 bed, 46 no. 2 bed, 22 no. 3 bed and 11 no. 4 bed); together with landscaping, ancillary structures and 215 car parking spaces. Amendments to the car parking layout and the elevational design of the blocks of flats; and to the time period for the submission of Code for Sustainable Homes final certificates. Planning permission granted 9th October 2014.

17/01114/NONMAT - Non-material amendment to planning permission ref. 11/00952/FULM to amend the soft landscaping on the decked car parking area to allow the provision of 18 additional car parking spaces for rent. Refused 2nd October 2017 as the proposed change was not considered to be non-material.

17/01513/VAR - Variation of Condition 15 of planning permission ref. 14/00992/VAR to amend the landscaping and hardstanding at the above development to retain the additional car parking provided on the decked car park for the use of residents of the development. This application was refused under delegated powers for the following reason:

“The proposed loss of the approved soft landscaping (204m²) and its replacement with 18 tarmaced parking spaces is considered to have a significant harmful impact on the outlook from the adjoining ground and first floor flats in Weldon Court and North Court that overlook this area. As such, the amenities of the occupiers of these flats will be harmed. The proposal is therefore contrary to paragraph 17 of the NPPF which seeks to ensure high quality design and a good standard of amenity for existing and future occupiers.”

6. Main considerations

6.1 The main issues to be considered in the determination of this application are:

- (a) Design and appearance.
- (b) Impact on surrounding properties.

6.2 (a) Design and appearance

The amended area of soft landscaping approved under ref. 14/00262/FULM measured 42.6m long by 4.8m deep (204m²). It was to comprise grass with 4 planters with seating, each containing 1 tree (*Amelanchier lamarckii*) and understorey planting. This was a significant area of soft landscaping which also provided some outdoor seating for the use of residents. The loss of this soft landscaping and its replacement with tarmac to provide 18 car parking spaces, as currently constructed, is a significant visual change to this part of the development.

6.3 Following the comments of the Committee at its meeting on 3rd October, the revised proposal comprises a single area of soft landscaping of 160m², in place of the previously proposed 2 areas of 80m² each, sited adjacent to Weldon Court and North Court. This will introduce a significant amount of soft landscaping onto the upper decked car park. The reduction in soft landscaping from the approved scheme will be 44m², with 5 additional parking spaces being provided. The upper deck is not visible from the surrounding roads and has only very limited visibility from the public realm within the site. The additional parking spaces are only visible (other than from the windows of adjoining flats) once you enter the upper deck itself. In this respect, the loss of some of the soft landscaping, and the provision of 5 additional parking spaces, will not have a significant adverse impact on the overall character and appearance of the development.

6.4 (b) Impact on surrounding properties

The proposed landscaping areas and additional parking spaces are most visible from the adjoining blocks of flats and particularly those in Weldon Court and North Court that directly overlook this section of the parking deck. The loss of all the approved soft landscaping and its replacement with 18 additional parking spaces, as currently constructed, was considered to have a significant impact on the outlook from these flats in the consideration of the previous application (ref. 17/01513/VAR), with the whole of the deck, and specifically the area outside these flats, being tarmaced. Several of the objectors have stated that the approved soft landscaping was one of the reasons they purchased their flats.

6.5 The current revised proposal will introduce a single area of soft landscaping on the parking deck adjoining both Weldon Court and North Court. This will introduce a significant amount of soft landscaping to the parking deck directly outside the flats in Weldon Court and North Court. The impact of the constructed scheme on these flats will be significantly mitigated as a result and is considered to be an appropriate and acceptable alternative to the approved scheme.

- 6.6 Although various objectors have raised concerns regarding increased noise and pollution arising from the additional cars, it is not considered that the limited movements during the course of the day from the additional 5 spaces would have any significant adverse impact in respect of noise or pollution.

7. Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Internal Consultees

None required.

7.3 Representations received from interested parties

For the original submission, letters were sent to 40 properties in North Court and Weldon Court, Rembrandt Way and all those parties who commented on the previous application. Responses were received from 20 properties, all objecting to the proposal. These are detailed below:

Representations	Officer's response
Additional car parking is intended for renting.	The applicant has stated that the additional spaces will only be for the use of residents of the development. This could be on a rented basis. The spaces will not be rented to non-residents.
Additional noise from cars manoeuvring. Loss of landscaping further worsens this.	It is considered unlikely the limited movements arising from the additional cars would give rise to a noise nuisance.
Little space for children to play. Soft landscaping would make some provision for this.	Noted.
Question how safe it would be for children to play in this area.	The landscaped areas are not necessarily intended for children. They will soften the appearance of the parking deck.
The originally approved scheme should be installed. Properties were purchased on this basis.	Noted. If the properties were purchased on the basis of the approved landscaping scheme, this is a civil matter between the purchasers and Shanly Homes.

Loss of outlook from the adjoining flats.	It is considered that the proposed scheme will significantly mitigate the current situation and improve the outlook from the adjoining flats.
Loss of privacy to balconies and bedrooms from this area.	Any potential loss of privacy would be no greater than if this area were landscaped in accordance with the approved scheme.
Additional traffic generated would be hazardous to children.	There is no through traffic in the development. It is not considered the limited movements arising from the additional cars would give rise to any significant additional hazard where vehicle speeds are low.
Additional service charge to residents to pay for the upkeep of the parking spaces.	This is a civil matter. However, the approved and proposed landscaping areas will need to be maintained by the management company in the same way.

Further letters of notification were sent to all parties who objected to the original submission, in respect of the revised scheme now proposed. Only 1 reply has been received. This raises concerns that the location of the 5 additional spaces is not clear.

8. Recommendation

That planning permission be granted subject to the conditions listed below. As the development approved under planning permission ref. 14/00992/VAR has now been completed, with the conditions having been discharged and the requirements of accompanying Section 106 agreement having been satisfied, only those conditions specific to the application and any relevant enduring conditions need to be imposed.

Conditions

1. The development shall be retained in accordance with the following approved drawings, unless otherwise agreed in writing by the Local Planning Authority:

Site location plan

1248_PLN_602A, 603A, 604A, 605A, 606A, 607, 608A, 609A, 610A, 611, 612A, 613, 614A.

3173/PL 111C, 114A, 121A, 122A, 123A, 124A, 125A.

1248_CON600_D01, J01, J02, K01, K02, L01, L02 and M01.

Reason: For the avoidance of doubt as to what has been permitted.

2. The amended landscaping scheme for the upper parking deck, as shown on drawing nos. SH19186-18B by ACD, shall be implemented in full within 6 months from the date of this decision notice. Any plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the outlook from the adjoining flats in Weldon Court and North Court, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

3. The soft landscaping scheme approved for the whole site under ref. 15/00106/DISCON, as detailed in the following drawings and documents (all by ACD), shall be implemented in full:

Drawing no. SH19186-16A

Soft Landscape Specification (dated April 2014)

Landscape Management and maintenance Plan (dated June 2014)

Drawing no. SH19186-50D

Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

4. The bin and cycle stores for Blocks D, J, K, L and M, as shown on approved drawing nos. 1248_CON600_D01, J01, J02, K01, K02, L01 and M01, shall be retained as approved at all times and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and Policy T10 of the Watford District Plan 2000.

5. The boundary treatments shown on drawing no. SH19186-16A (ACD), as approved under ref. 15/00108/DISCON, shall be retained as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and in the interests of security of the site and adjacent properties in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. The refuse and recycling stores for Blocks A, B, C, E, F, G and H, as shown on the approved drawings, shall be retained as approved at all times and shall not be used for any other purpose.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities exist for residents of the proposed development, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and Policy SE7 of the Watford District Plan 2000.

7. The approved bollards (Rhino RS004 Stainless Steel Bollard) to prevent vehicular access between Hagden Lane and King George's Avenue, as shown on drawing no. SH19186-15C (Sheet 2 of 2) by ACD, approved under ref. 16/00930/DISCON, shall be retained at all times.

Reason: To prevent the access road being used as a rat-run to avoid the traffic light controlled junction at Whippendell Road/Hagden Lane, in accordance with Policy T4 of the Watford District Plan 2000.

8. The vehicle parking accommodation for the dwellings, as shown on the approved drawings, shall be permanently retained and shall not be used for any other purpose than the parking of vehicles of occupants of the development or visitors to the site.

Reason: To ensure that the development makes adequate provision for the parking of vehicles of the future occupiers of the development and their visitors in the interests of highway safety and to accord with Policy T22 of the Watford District Plan 2000.

9. The windows in the flank elevation of the buildings on Plots B1, B4, C1, C4, D1, D2, D5, D6 and F1 shall be non-opening and shall be fitted only with obscured glazing at all times.

Reason: To prevent overlooking and a loss of privacy to the adjoining properties and their garden areas, in accordance with Policy U2 of the Watford District Plan 2000.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be carried out to the dwelling(s) hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure that any such developments are carried out in a manner which will not be harmful to the character and appearance of the proposed development and will not prove detrimental to the amenities of adjoining occupiers in accordance with Policies U1, U2 and U3 of the Watford District Plan 2000.

Informative

1. IN907 Consideration of the proposal in a positive and proactive manner.