

Committee date	Tuesday, 17 May 2022
Application reference	21/01575/VARM - 94-98 St Albans Road
Site address	
Proposal	Variation of Condition 2 (approved drawings), to amend the design of 4 buildings located south of Penn Road comprising Phase 1B, buildings S3 and S6 and Phase 1C, buildings S4 and S5, to create 53 additional dwellings, of planning permission 19/00507/FULM granted for - Hybrid planning application: comprising detailed planning application for the demolition of existing buildings and erection of Use Class C3 residential units and flexible commercial floorspace (Class E), public house and bar (sui generis), takeaway (sui generis), a new energy centre (sui generis) and associated car and cycle parking, landscaping including a new square and highway works including alterations to the existing access road. Outline planning application (all matters reserved except access) for the erection of a 2 form entry primary school (Class F) and nursery (Class E), associated car parking and landscaping (description as amended under planning ref. 21/01525/NONMAT).
Applicant	Berkeley Homes North East London Ltd
Agent	Miss Stefanie Mizen, JLL
Type of Application	Section 73 variation application
Reason for committee Item	Major application
Target decision date	17 January 2022 (extended to 20 May by agreement)
Statutory publicity	Public advertisement in Watford Observer and site notices
Case officer	Paul Baxter, paul.baxter@watford.gov.uk
Ward	Central

1. Recommendation

That planning permission be granted subject to a Deed of Variation or a Unilateral Undertaking, executed under s106 of the Town and Country Planning Act 1990 (as amended), and conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the eastern side of St Albans Road immediately to the north of the main railway line and originally comprised a retail park with 2

retail warehouse buildings, occupied by The Range, TK Maxx and Office World, and a car wash associated with the Esso petrol station on the St Albans Road frontage. The Range building has recently been demolished. The site is accessed solely from Penn Road which bisects the site from west to east. A large proportion of the site is occupied by surface level car parking serving the retail warehouses.

2.2 The site is rectangular in shape and has an area of 2.56 hectares. It is bordered along its western boundary by St Albans Road which rises to the south as it passes over the railway line. St Albans Road (A412) is a major distributor road into Watford from the north and carries high traffic flows throughout the day. On the opposite side of St Albans Road is the Bedford Street 'triangle' site, part of which has recently been developed to provide 149 dwellings in 4 buildings up to 11 storeys in height (known as 'Watford Cross'). To the south and east the site is bordered by land owned by Network Rail used as surface level car parking serving Watford Junction Station, situated a short distance to the south-east. Adjoining the site to the north is the Hille Business Centre comprising various commercial and industrial buildings.

2.3 The site is not located within a conservation area, however, the Bedford Street 'triangle' site to the west and the residential area to the south-west fall within the Nascot Conservation Area. The site contains no listed or locally listed buildings although there is a listed building on the opposite side of St Albans Road to the west (the Grade II listed Old Station House, the original Watford Station building) within the Bedford Street 'triangle' site. A number of locally listed buildings are sited close to the west and north of the site.

3. Summary of the proposal

3.1 Proposal

3.2 A Section 73 application for the variation of Condition 2 (approved drawings), to amend the design of 4 buildings located south of Penn Road comprising Phase 1B, buildings S3 and S6 and Phase 1C, buildings S4 and S5, to create 53 additional dwellings, of planning permission 19/00507/FULM granted for - Hybrid planning application: comprising detailed planning application for the demolition of existing buildings and erection of Use Class C3 residential units and flexible commercial floorspace (Class E), public house and bar (sui generis), takeaway (sui generis), a new energy centre (sui generis) and associated car and cycle parking, landscaping including a new square and highway works including alterations to the existing access road. Outline planning application (all matters reserved except access) for the erection of a 2 form entry primary school (Class F) and nursery (Class E), associated car

parking and landscaping (description as amended under planning ref. 21/01525/NONMAT).

3.3 The section 73 application seeks to vary the approved scheme by varying the approved drawings under Conditions 2 to include the following key changes to Buildings S3-S6:

- Amendments to the housing mix to reduce the number of 1-bedroom units, increase the number of 2-bedroom units and introduce studio units.
- Provide an additional 53 units as a result of the change in the housing mix.
- Amendments to window positions to accommodate the additional units.
- Introduction of an additional 408 external balconies (each c. 4sqm) to the approved and proposed units, to both the tower and 'shoulder' elements.
- Associated amendments to bin stores and cycle stores (increase in 52 cycle spaces) within the basement area.

3.4 No changes are proposed to the layout of the site, parking provision, servicing arrangements, height and scale of the buildings, the overall floorspace or the primary school and commercial units.

3.5 **Conclusion**

The proposed amendments to the scheme will not change the approved site layout or the height and scale or floorspace of the approved buildings. The additional 53 dwellings are created through a reconfiguration of the internal floorspace of Buildings S3-S6 only. The external changes to the fenestration and the provision of additional projecting balconies to the buildings would provide private amenity space for future occupiers of the development and maintains the architectural design and integrity of the approved buildings and the high quality of the approved scheme. As such, the proposed amendments are considered acceptable subject to a commuted sum being secured towards the provision of affordable housing in the borough in lieu of the additional dwellings created.

4. **Relevant policies**

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

- 4.2 Paragraph 11 d) of the NPPF 2019 establishes the 'presumption in favour of sustainable development' and the principles of the 'tilted balance' that apply where a local planning authority cannot demonstrate a 5 year housing supply or have failed to deliver at least 75% of their housing requirement as part of the Housing Delivery Test. Where the tilted balance applies, decision makers should grant permission unless NPPF policies on protected areas or assets of particular importance provide a clear reason for refusing development or, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against NPPF policies taken as a whole. The tilted balance has the effect of shifting the weight in the planning balance away from local policies and towards the NPPF.
- 4.3 The Council can currently demonstrate a 5 year supply of housing, however, scored below 75% in the most recent Housing Delivery Test results and therefore the 'tilted balance' applies to the determination of this planning application.

5. Relevant site history/background information

- 5.1 19/00507/FULM - Hybrid planning application: comprising detailed planning application for the demolition of existing buildings and erection of 1,214 residential units (Use Class C3) and 2,050sqm GEA of flexible commercial floorspace (Class A1, A2, A3, A4, A5, B1, D1, D2), a new energy centre (sui generis) and associated car and cycle parking, landscaping including a new square and highway works including alterations to the existing access road. Outline planning application (all matters reserved except access) for the erection of a 2 form entry primary school and nursery (Use Class D1) of up to 2,910sqm GEA of floorspace, associated car parking and landscaping. Planning permission was granted on 25 November 2020 following the completion of a Section 106 legal agreement.

21/00094/NONMAT - Non-material amendment to planning permission 19/00507/FULM for the introduction of a secondary stair in the 'shoulder' section of Buildings S1 and S2, allocation and adjustment of plant rooms and service areas, amendments to the residential mix resulting from the stair insertion and amendments to the external facade resulting from the stair insertion. Approved 23 February 2021.

21/00954/NONMAT - Non material amendment to planning permission 19/00507/FULM for changes to external details, internal alterations at roof and ground level of Buildings S1 and S2 to facilitate introduction air source heat pumps. Approved 29 June 2021.

21/01525/NONMAT - Non-material amendment to planning permission 19/00507/FULM to amend the description of development to:
'Hybrid planning application: comprising detailed planning application for the demolition of existing buildings and erection of Use Class C3 residential units and flexible commercial floorspace (Class E), public house and bar (sui generis), takeaway (sui generis), a new energy centre (sui generis) and associated car and cycle parking, landscaping including a new square and highway works including alterations to the existing access road. Outline planning application (all matters reserved except access) for the erection of a 2 form entry primary school (Class F) and nursery (Class E), associated car parking and landscaping.' Approved 29 October 2021.

6. Main considerations

- 6.1 Application 19/00507/FULM comprised EIA Development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). As such, an Environmental Impact Assessment was required and the application was accompanied by an Environmental Statement.
- 6.2 The current Section 73 application is accompanied by a Statement of Conformity, the purpose of which is to review the amended proposals against the consented scheme and confirm that the proposed changes do not result in any new or different likely significant effects from those identified and assessed in the original Environmental Statement.
- 6.3 Each of the main environmental chapters has been reviewed: Socio-economics, air quality, noise and vibration, ground conditions and contamination, water resources and flood risk, wind microclimate, daylight/sunlight and overshadowing, cumulative effects, and heritage, townscape and visual. It is concluded that the proposed changes would not give rise to any new or significant effects and, therefore, the findings and conclusions of the original Environmental Statement remain valid. No new Environmental Statement is required in this case.
- 6.4 In light of the above findings, and the proposed amendments, the main issues to be considered in the determination of this application are:
- (a) Design and appearance
 - (b) Housing mix
 - (c) Affordable housing provision
 - (d) Other matters
 - (e) Section 106 and Conditions

6.5 (a) Design and appearance

There are no proposed changes to the height or scale of the buildings or the overall floorspace. The design approach, detailing and materials also remain unchanged. The only elevational changes are changes to the window fenestration to accommodate the internal floorspace changes and the provision of additional balconies. The changes follow the approved design approach and are incorporated into the facades in a coherent and proportional way to ensure the visual appearance and integrity of the buildings is retained at a high quality.

6.6 The introduction of the additional balconies is in response to the growing recognition of the importance of private outdoor space to residents, in particular to those now largely working from home. The provision of private balconies for all new homes is proposed to be a new policy requirement within the draft Watford Local Plan when it is adopted. The additional balconies serve either the new units created or replace previously approved Juliette style balconies in the original scheme. Each of the proposed balconies will have an area of approximately 4sqm, providing sufficient space for sitting out.

6.7 Overall, the proposal will continue to provide the same high quality design as the approved scheme, which is not diminished by the proposed changes.

6.6 (b) Housing mix

The internal floorspace has been reconfigured to provide a wider mix of unit sizes, with a reduction in the number of 1 bed units and an increase in the number of studio and 2 bed units, including a greater proportion of 2 bed, 3 person units. The number of 3 bed units will remain unchanged. The applicant is proposing this change in unit mix in response to current market and housing requirements. The table below compares the approved and proposed housing mix for Buildings S3-S6:

Dwelling unit size	Approved mix	Proposed mix
Studio	0	101 (14.4%)
1 bedroom	306 (47.1%)	153 (21.8%)
2 bedroom	281 (43.2%)	386 (54.9%)
3 bedroom	63 (9.7%)	63 (8.9%)
Total	650	703

6.7 This revised housing mix is considered acceptable with the percentage of studio and 1 bed units reduced from 47.1% to 36.2%, and the number of 2 and

3 bed units increasing from 52.9% to 63.8%. All of the dwellings will continue to meet or exceed the Nationally Described Space Standard.

6.8 (c) Affordable housing provision

The original scheme provided on-site affordable housing provision within Buildings N1 and N3 in the northern part of the site. This comprised 107 dwellings, equating to 8.8% by units and 13% by habitable rooms, with a tenure mix of 21 social rented (19.6%), 63 affordable rented (58.9%) and 23 intermediate tenure (21.5%). This on-site provision remains unchanged.

6.9 The application is supported by a viability appraisal that concludes that no additional affordable housing provision is viable despite the proposed changes, with a major factor being the increases in construction costs since the original application was considered by committee (in December 2019). However, the applicant has offered an affordable housing commuted sum of £543,783 in respect of the 53 additional units proposed. This equates to an 8.8% provision based on the Council's Affordable Housing SPD. The principle of an equivalent level of provision to the original scheme is considered appropriate and reasonable in this case, assessing the additional units as if they were part of the original scheme.

6.10 The applicant's viability appraisal has been reviewed by consultants Aspinall Verdi on behalf of the Council. They have concluded that an affordable housing provision of 8.8% would have a negligible impact on the scheme Gross Development Value (GDV) of 0.17% and that this level of affordable provision is viable based upon the original scheme appraisal and consider an equivalent affordable housing provision to be justified in this case.

6.11 (d) Other matters

Buildings S3-S6 form part of a single block which incorporates a large double height basement area that contains servicing and delivery facilities, the majority of the car parking for the site, and the respective bin and cycle stores for the buildings, together with the energy centre and associated sub-stations and plant rooms. The bin storage capacity has been increased to accommodate the additional units, with the storage and collection of waste and recycling remaining under the site management, as previously approved. The number of cycle parking spaces has been increased by 52 spaces (accounting for the loss of 1 unit under the changes approved to Buildings S1 and S2 under 21/00094/NONMAT). This is considered acceptable. No additional car parking is being provided, nor is there space on site to provide any. This is considered acceptable given the accessible and sustainable location of the site. The approved scheme had a low parking ratio of 0.17 space per unit and this will be reduced slightly to 0.16.

- 6.12 The overall areas of communal amenity space (podiums and roof terraces), and public open space and playspace remains unchanged at 14,880sqm. The increase in dwellings equates to 4.4% and this significant level of provision of open space, in conjunction with the additional 408 private balconies (equating to approximately 1632 sqm), is considered acceptable to accommodate the additional dwellings.
- 6.13 (e) Section 106 and Conditions
The Section 106 legal agreement accompanying the original planning permission under 19/00507/FULM will remain unchanged. The affordable housing commuted sum proposed as part of this current application will be secured by means of a new unilateral undertaking (or alternatively a deed of variation) from the applicant.
- 6.14 Most of the original conditions on planning permission 19/00507/FULM remain unchanged and will be imposed on this current application. Some conditions have been discharged and these conditions will be amended to include reference to the approved details. Other conditions have been amended to reflect changes in the Town and Country Planning (Use Classes) Order 1987, specifically those amendments introduced in September 2020.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Consultee	Comments
Herts Constabulary	No objection
HCC Growth and Infrastructure	No comments
Sport England	No comments
Natural England	No comments
HCC Highway Authority	No objection
HCC Lead Local Flood Authority	No comments

7.2 Internal Consultees

Consultee	Comments
Waste and Recycling	Reiterated previous comments
Environmental Health – Land contamination	No comments
Tree Manager	No objection

7.3 Interested parties

Letters were sent to 2285 properties in the wider surrounding area. Responses have been received from 20 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Cause more traffic and congestion	No additional parking is proposed.
Disturbance to residents	No additional buildings are proposed and the only additional external construction work is limited to the balconies.
Scale of development out of keeping with Watford and the surrounding area	This remains unchanged from the approved scheme.
Lack of infrastructure to support this number of flats	The proposed additional 53 flats equate to a 4.4% increase in dwellings which would not have a significant impact on infrastructure provision.
Unacceptable living conditions with more flats squeezed in	All of the proposed flats meet the required internal space standards.
Insufficient parking	The approved scheme is designed to have limited car parking provision due to its sustainable and accessible location. The surrounding area is now covered by a controlled parking zone which will prevent overspill parking on surrounding roads.
Should include affordable housing	A commuted sum towards affordable housing provision in the borough will be secured as a planning obligation.
Introduction of more balconies welcomed	Noted.
Loss of light to surrounding properties	The proposed additional flats are provided within the approved building floorspace.
More development is not required.	The Council has a statutory duty to provide 941 dwellings a year in the borough. The proposed additional dwellings will contribute towards this target.

8. Recommendation

That planning permission be granted, subject to a deed of variation or a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a commuted sum of £543,783 towards the provision of affordable housing in the borough, and subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development (with the exception of the primary school) hereby permitted shall be carried out in accordance with the following approved drawings:

X0001, X0101
X0551, X0552, X0553
P0131, P0132A, P0133A
P0551, P0552, P0553A, P0554A, P0555, P0556, P0557, P0558
P0206
P0215, P0216, P0217
P0261, P0262, P0263, P0264, P0265
P0271, P0272, P0273, P0274
P0281, P0282A, P0283A, P0284A
P0291, P0292A, P0293A, P0294A
P0661, P0662, P0671, P0672, P0681A, P0682A, P0691A, P0692A
P0501, P0502, P0511
P1001, P1002, P1003, P1004, P1005, P1006, P1007, P1008, P1009,
P1010, P1011, P1012, P1013, P1014, P1015, P1016, P1017, P1018,
P1019
P1031, P1032A, P1033A, P1034, P1035

E746-AQP-SW-00-PLN-A-001-1000B
E746-AQP-SW-01-PLN-A-001-1001A
E746-AQP-SW-02-PLN-A-001-1002A
E746-AQP-SW-03-PLN-A-001-1003A
E746-AQP-SW-06-PLN-A-001-1006A
E746-AQP-SW-10-PLN-A-001-1010
E746-AQP-SW-16-PLN-A-001-1016A
E746-AQP-SW-22-PLN-A-001-1022A
E746-AQP-SW-28-PLN-A-001-1028A

E746-AQP-S1-00-PLN-A-001-1000A
E746-AQP-S1-01-PLN-A-001-1001
E746-AQP-S1-02-PLN-A-001-1002
E746-AQP-S1-04-PLN-A-001-1004
E746-AQP-S1-06-PLN-A-001-1006
E746-AQP-S1-13-PLN-A-001-1013
E746-AQP-S2-00-PLN-A-001-1000A
E746-AQP-S2-01-PLN-A-001-1001
E746-AQP-S2-04-PLN-A-001-1004
E746-AQP-S2-06-PLN-A-001-1006
E746-AQP-S2-16-PLN-A-001-1016
E746-AQP-S2-17-PLN-A-001-1017
E746-AQP-S3-00-PLN-A-001-1000
E746-AQP-S3-01-PLN-A-001-1001
E746-AQP-S3-02-PLN-A-001-1002
E746-AQP-S3-03-PLN-A-001-1003
E746-AQP-S3-04-PLN-A-001-1004
E746-AQP-S3-09-PLN-A-001-1009
E746-AQP-S3-19-PLN-A-001-1019
E746-AQP-S3-20-PLN-A-001-1020
E746-AQP-S4-00-PLN-A-001-1000
E746-AQP-S4-01-PLN-A-001-1001
E746-AQP-S4-02-PLN-A-001-1002
E746-AQP-S4-03-PLN-A-001-1003
E746-AQP-S4-04-PLN-A-001-1004
E746-AQP-S4-09-PLN-A-001-1009
E746-AQP-S4-10-PLN-A-001-1010
E746-AQP-S4-26-PLN-A-001-1026
E746-AQP-S4-28-PLN-A-001-1028

E746-AQP-S5-00-PLN-A-001-1000
E746-AQP-S5-01-PLN-A-001-1001
E746-AQP-S5-02-PLN-A-001-1002
E746-AQP-S5-03-PLN-A-001-1003
E746-AQP-S5-08-PLN-A-001-1008
E746-AQP-S5-09-PLN-A-001-1009
E746-AQP-S5-20-PLN-A-001-1020
E746-AQP-S5-22-PLN-A-001-1022
E746-AQP-S6-00-PLN-A-001-1000
E746-AQP-S6-01-PLN-A-001-1001
E746-AQP-S6-02-PLN-A-001-1002
E746-AQP-S6-03-PLN-A-001-1003
E746-AQP-S6-09-PLN-A-001-1009

E746-AQP-S6-14-PLN-A-001-1014
E746-AQP-S1-ZZ-PLN-A-002-2001A
E746-AQP-S1-ZZ-PLN-A-002-2002
E746-AQP-S2-ZZ-PLN-A-002-2001A
E746-AQP-S2-ZZ-PLN-A-002-2002
E746-AQP-S3-ZZ-PLN-A-002-2001
E746-AQP-S3-ZZ-PLN-A-002-2002
E746-AQP-S4-ZZ-PLN-A-002-2001
E746-AQP-S4-ZZ-PLN-A-002-2002
E746-AQP-S5-ZZ-PLN-A-002-2001
E746-AQP-S5-ZZ-PLN-A-002-2002
E746-AQP-S6-ZZ-PLN-A-002-2001
E746-AQP-S6-ZZ-PLN-A-002-2002

3. Approval of the details of the siting, design and external appearance of the primary school and the landscaping of the primary school site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced on the primary school. The details of the reserved matters shall accord with the following parameter plans submitted with the application:

Drawing nos. P0132A, P0133A

4. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of four years from the date of this permission.
5. The development of the primary school hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of three years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
6. No removal of trees, scrub or hedges shall be carried out on the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously searched the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal may proceed.
7. All demolition works (including ground excavations) shall be carried out only in accordance with the approved measures to prevent and control the spread of Cotoneaster species, as set out in the Method Statement

and Risk Assessments for Cotoneaster Plant Removal by Wooldridge Ecotec Limited dated October 2020, approved under planning ref. 21/00054/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

8. All demolition works (including ground excavations) shall be carried out only in accordance with the Demolition Environmental Management Plan by Berkeley Homes dated January 2021, approved under planning ref. 21/00054/DISCON, unless otherwise agreed in writing by the Local Planning Authority.
9. All demolition works (including ground excavations) shall be carried out only in accordance with the Site Waste Management Plan for Demolition by Berkeley Homes dated January 2021, approved under planning ref. 21/00054/DISCON, unless otherwise agreed in writing by the Local Planning Authority.
10. The development shall only be constructed in accordance with the site levels shown on the following drawings, approved under planning ref. 21/01064/DISCON, unless otherwise agreed in writing by the Local Planning Authority:

FAB-SW-XX-L-920-1029 - Ground Floor - Key levels Plan Sheet 1 of 2
FAB-SW-XX-L-920-1030 - Ground Floor - Key levels Plan Sheet 2 of 2
FAB-XX-XX-SL-L-920-1050-P01 - Planning Site Sections Location Plan
FAB-XX-XX-SL-L-920-1051-P01 - Planning Site Sections Sheet 1
FAB-XX-XX-SL-L-920-1052-P01 - Planning Site Sections Sheet 2
FAB-XX-XX-SL-L-920-1053-P01 - Planning Site Sections Sheet 3
FAB-XX-XX-SL-L-920-1054-P01 - Planning Site Sections Sheet 4
11. The development shall be implemented in accordance with the Development Phasing Plan Rev A (Eight Gardens, Watford), approved under planning ref. 21/00679/DISCON, unless otherwise agreed in writing by the Local Planning Authority.
12. Construction works shall only be carried out in accordance with the Construction Environmental Management Plan (dated June 2021, Rev 2), approved under planning ref. 21/00679/DISCON, unless otherwise agreed in writing by the Local Planning Authority.
13. Construction works shall only be carried out in accordance with the Site Waste Management Plan (SWMP) Construction (Project: The Eight Gardens, dated April 2021), approved under planning ref.

21/00679/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

14. Phase 1 of the development shall be carried out in accordance with the following reports, approved under planning ref. 21/01649/DISCON, unless otherwise agreed in writing by the Local Planning Authority:

Remediation Strategy and Verification Plan Eight Gardens - Phase 1
(Report ref. 125840/R8)

Supplementary Ground Investigation Report Eight Gardens - Phase 1
(Report ref. 125840/R7)

Detailed Gas Risk Assessment prepared by The Environmental Protection Group Limited (Report ref. EPG/200062/DQRA-Watford)

Following demolition of the existing buildings and prior to the commencement of any construction works in each subsequent phase of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A supplementary site investigation, undertaken in those areas that were previously inaccessible based on the Preliminary Environmental Risk Assessment prepared by Waterman IE Limited (Report ref. WIE14052-101-R-4-2-1-PERA) and the Geo-environmental and Geotechnical Ground Investigation Report prepared by Fairhurst (Report ref. 125840), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and

arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

15. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of each phase of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy and verification plan to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
17. The proposed residential development permitted by this planning permission shall be carried out in accordance with the approved drainage strategy as indicated on the Drainage Strategy layout produced by Fairhurst, drawing number 125840-C-4002, revision P7, dated 1 October 2019 and the mitigation measures detailed within the Flood Risk Assessment (May 2019) unless otherwise agreed in writing by the Local Planning Authority.

The mitigation measures shall be fully implemented prior to occupation of the relevant phase and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

18. The proposed school development permitted by this planning permission shall be carried out in accordance with the approved principles of the drainage strategy indicated on the Drainage Strategy layout produced by Fairhurst, drawing number 125840-C-4002, revision P7, dated 1 October 2019 and the mitigation measures detailed within the Flood Risk Assessment (May 2019) unless otherwise agreed in writing by the Local Planning Authority.

The mitigation measures shall be fully implemented prior to occupation of the primary school, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

19. The surface water drainage scheme for Phase 1 of the development shall be carried out in accordance with the following documents and drawings, as approved under planning ref. 21/00853/DISCON, unless otherwise agreed in writing by the Local Planning Authority:

Phase 1- MicroDrainage Surface Water Calculations
Penn Road /538 - MicroDrainage Surface Water Calculations
Blue Roof Calculations
Blue Roof Typical Inverted Roof Installation
Letter dated 14th September 2021 from PTA (ref. 9575)
E746-PTA-SW-XX-DR-CE-910-8100_Proposed Site Wide Drainage
Layout_ Rev P05
E746-PTA-SW-XX-DR-CE-910-8101_Proposed Surface Water Drainage
Sheet 1 of 2_Rev P05
E746-PTA-SW-XX-DR-CE-910-8102_Proposed Surface Water Drainage
Sheet 2 of 2_Rev P05
E746-PTA-SW-XX-DR-CE-910-8111_Proposed Foul Water Drainage
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E746-PTA-SW-XX-DR-CE-910-8112_Proposed Foul Water Drainage
Sheet 2 of 2_ Rev P05
E746-PTA-SW-XX-DR-CE-910-8120_Proposed Blue Roofs Layout_ Rev
P02
E746-PTA-SW-XX-DR-CE-910-8190_Surface Water Exceedance Flow
Route_ Rev P01
E746-PTA-SW-XX-DR-CE-920-830LProposed Levels Sheet 1 of 2_ Rev
P03
E746-PTA-SW-XX-DR-CE-920-8302_Proposed Levels Sheet 2 of 2_ Rev
P03
E746-PTA-SW-XX-SH-CE-910-815LSurface Water Manhole Schedule
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E746-PTA-XX-XX-DR-CE-910-8131_Drainage Construction Details Sheet 1 of 3_ Rev P03
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E746-PTA-XX-XX-DR-CE-910-8133_Drainage Construction Details Sheet 3 of 3_ Rev P03

No development shall take place in subsequent phases of the development until a detailed surface water drainage scheme for each subsequent phase of the development, based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include the following:

1. Detailed modelling to demonstrate how the system operates during up to and including the 1 in 100 year critical duration storm event including an allowance for climate change. This should include drain down times for all storage features.
 2. Final, detailed drainage plan including the location of all SuDS features, pipe runs, invert levels and discharge points.
 3. Full, detailed engineering drawings of all SuDS features including cross and long sections, their size, volume, depth and any inlet and outlet features.
20. Upon completion of the drainage works for each phase), a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

This shall include:

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

21. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

22. All piling works for Phase 1 of the development must be undertaken in accordance with the following documents and drawings comprising the piling method statement for the proposed piling works, approved under planning ref. 21/01205/DISCON, unless otherwise agreed in writing by the Local Planning Authority:

The Phase 1 Project Management Plan CFA Piling Report prepared by Rock & Alluvium

The Phase 1 Project Environmental Plan prepared by Rock & Alluvium
Site Wide - Pile Layout - Drawing E746-PTA-SW-PL-DR-SE-130-0098 Rev P07

Piling Schedule Sheet 1 - Drawing E746-PTA-SW-PL-SH-SE-130-0082 Rev P06

Piling Schedule Sheet 2 - Drawing E746-PTA-SW-PL-SH-SE-130-0083 Rev P06

Piling Schedule Sheet 3 - Drawing E746-PTA-SW-PL-SH-SE-130-0084 Rev P06

Piling Schedule Sheet 4 - Drawing E746-PTA-SW-PL-SH-SE-130-0085 Rev P06

Piling Schedule Sheet 5 - Drawing E746-PTA-SW-PL-SH-SE-130-0086 Rev P06

The Phase 1 Piling Programme

No piling (or other foundation designs using penetrative methods) shall take place in subsequent phases of the development until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and groundwater pollution, and the programme for works) for each subsequent development phase has been submitted to and approved in writing by the Local Planning Authority. All piling must be undertaken in accordance with the terms of the approved piling method statement.

23. Prior to the commencement of any superstructure works within each development phase, details and samples of the materials to be used for

all the external finishes of the buildings, including walls, roofs, doors, windows and balconies, for the development phase shall be submitted to and approved in writing by the Local Planning Authority. The materials shall be based upon the materials palette in the Design and Access Statement by Lifschutz Davidson Sandilands. The development within each phase shall be carried out only in accordance with the approved materials.

24. No dwelling within Phases 1A, 1B and 1C of the development shall be occupied until the noise mitigation measures detailed in the following reports, approved under planning ref. 21/01236/DISCON, have been implemented in full, unless otherwise agreed in writing by the Local Planning Authority:

Phase 1A Environmental Noise and Vibration Assessment Report (Ref. CL/J003029/4827/01 dated 2 March 2021) by PDA

Phase 1B Environmental Noise and Vibration Assessment Report (Ref. CL/J003029/4842/01 dated 11 March 2021) by PDA

Phase 1C Environmental Noise and Vibration Assessment Report (Ref. CL/J003029/4880/01 dated 30 March 2021) by PDA

Prior to the commencement of any superstructure works within any subsequent development phase, a detailed noise mitigation scheme for the building to achieve satisfactory internal noise levels to each dwelling, in accordance with BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the building fabric, glazing specifications, party walls and floors and mechanical ventilation systems. The noise mitigation scheme shall address potential noise nuisance arising from road traffic, rail traffic, electrical substations, thermal substations, and all plant and equipment associated with commercial units within the building. The noise from electrical substations shall not exceed the criteria set out in Table 5 of 'A Procedure for the Assessment of Low Frequency complaints' (University of Salford, Manchester, 2009). No dwelling within the development phase shall be occupied until all the approved mitigation measures have been completed.

25. No plant and equipment associated with the commercial units within each phase shall be installed on any building until a noise impact assessment, including proposed mitigation measures for noise, to achieve satisfactory internal noise levels to the nearest residential

dwellings, has been submitted to and approved in writing by the Local Planning Authority. The plant and equipment

26. Prior to the occupation of any commercial unit in each development phase that includes a commercial unit(s), full details of the proposed shop front(s) for the commercial unit(s) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:
- a) Detailed drawings at scale 1:20 including sections of the proposed shop front(s);
 - b) Detailed drawings at scale 1:20 of the proposed area for signage;
 - c) Details of the proposed materials for the shop front(s);
 - d) Details of any proposed security measures; and,

The shop front(s) shall be installed in accordance with the approved details prior to the first occupation of the commercial unit(s) and shall be maintained as such thereafter.

27. Prior to the commencement of any superstructure works for each development phase, a landscaping scheme for the treatment of all open spaces, including but not limited to public open space, communal amenity space, children's play space and private amenity space, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based upon the approved Landscape Strategy (May 2019) and include the following details:
- a) Details of the landscape management scheme;
 - b) Details of children's play space , including but not limited to types of play areas, play equipment, how the space is differentiated from communal/public open space and how this fits in with the children's play space strategy for the whole site;
 - c) Enclosures: including but not limited to types, dimensions and treatments of walls, fences, screens, barriers, rails, retaining walls and hedges;
 - d) Hard landscaping: including but not limited to ground surfaces, kerbs, edges, paving, furniture, bins, lighting, steps and if applicable synthetic surfaces;
 - e) Soft landscaping: number and type of species to be planted;
 - f) Trees: number and type of species to be planted;
 - g) Biodiversity measures, including but not limited to green roofs, brown roofs, bird boxes, bat boxes, invertebrate boxes and bee hives;

- h) Lighting details, including siting, type, height, specification, hours of operation and lux values;
- i) Details of the wayfinding signage and details of the maintenance of any such signs proposed and approved;
- j) Details of how the landscaping features will provide suitable wind mitigation as set out in the Environmental Statement;
- k) Management plan detailing management responsibilities and maintenance schedules for the ongoing maintenance and access for communal amenity areas and public open space; and,
- l) Any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season (unless otherwise agreed in writing) following practical completion of the development phase. Any trees or shrubs which die within five years of completion of the development phase shall be replaced with the same species, unless otherwise approved in writing, to the satisfaction of the Local Planning Authority.

The development phase shall be carried out strictly in accordance with the approved details and shall be maintained as such thereafter.

- 28. No dwelling or commercial unit within the development shall be occupied until written approval has been provided by the Local Planning Authority that either 1) all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or 2) a housing and infrastructure phasing plan has been approved in writing which specifies the infrastructure works to be undertaken and the number of properties that can be occupied in each development phase. Where a housing and infrastructure phasing plan has been approved, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 29. No dwelling or commercial unit within the development shall be occupied until written approval has been provided by the local planning authority that either 1) all surface water network upgrades required to accommodate the additional flows from the development have been completed; or 2) a housing and infrastructure phasing plan has been approved in writing which specifies the infrastructure works to be undertaken and the number of properties that can be occupied in each development phase. Where a housing and infrastructure phasing plan has been approved no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

30. No dwelling shall be occupied within any development phase until details of the provision of communal facilities for terrestrial and satellite television reception (eg. aerials, dishes and other such equipment) for that building in the development phase has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the relevant building and shall be retained thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

31. No dwelling or commercial unit within each development phase shall be occupied until the refuse and recycling storage facilities for that phase have been provided in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority. The storage facilities shall be retained at all times thereafter.

32. No dwelling shall be occupied within any development phase until a residential delivery and servicing management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. This plan shall include all deliveries to and waste and recycling collections from the residential dwellings.

The development shall be operated strictly in accordance with the approved plan, shall be maintained as such thereafter and no change thereof shall take place without the prior written consent of the Local Planning Authority.

33. No commercial unit within any development phase shall be occupied until details of a delivery and servicing management plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include all deliveries to and waste and recycling collections from the commercial unit. No deliveries to or collections from any commercial unit shall take place before 7.00am or after 11.00pm on any day.

The development shall be operated strictly in accordance with the details approved, shall be maintained as such thereafter and no change

thereof shall take place without the prior written consent of the Local Planning Authority

34. The commercial units shown within buildings S2, S3, S6, N1, N2, N3 and N4 shall only be used for purposes within Use Class E or as a public house or bar (sui generis) or as a takeaway (sui generis) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Prior to the first occupation of any commercial unit full details of the proposed use, together with hours of operation, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be operated strictly in accordance with the details approved, shall be maintained as such thereafter and no change thereof shall take place without the prior written consent of the Local Planning Authority.

35. No commercial unit within buildings S2, S3, S6, N1, N2, N3 and N4 shall be used for purposes as a restaurant or café (Use Class E), public house or bar (sui generis) or takeaway (sui generis) of the Town and Country Planning (Use Classes) Order 1987 (as amended) until details of the means of ventilation for the extraction and dispersal of fumes, including details the extraction, ventilation and filtration equipment and any other external plant or machinery (including ventilation units and air intake louvres) together with details of its method of construction, appearance, finish and acoustic performance has been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the approved plant and equipment has been installed in full. The approved plant and equipment shall be retained at all times. No further external equipment or plant may be installed without the prior written approval of the Local Planning Authority.
36. Prior to the first occupation of any building within each development phase a car parking and cycle parking strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority including:
- a) The location and allocation of car parking for commercial and residential users.
 - b) The location of the accessible car parking spaces.
 - c) The number and location of the electric vehicle charging spaces, which should be a minimum of 10% of the total number of car parking spaces provided.

- d) The location of and number of cycle parking spaces including details of the stands to be used.
- e) Security and accessibility measures.

No dwelling shall be occupied until the approved car parking and cycle parking strategy for that phase has been implemented in full. The approved car and cycle parking spaces shall be retained as approved at all times.

- 37. No commercial unit within buildings S2, S3, S6, N1, N2, N3 and N4 hereby permitted shall be occupied until a certificate of compliance from an accredited assessor, confirming that the unit has achieved a BREEAM rating of Very Good, has been submitted to and approved in writing by the Local Planning Authority.
- 38. No external multi-use games area (MUGA) within the primary school site shall be used for sporting activities by staff, pupils or members of the public before 9.00am or after 9.00pm on any day.
- 39. The primary school shall not be occupied until details of the means of ventilation for the extraction and dispersal of fumes, including details the extraction, ventilation and filtration equipment and any other external plant or machinery (including ventilation units and air intake louvres) together with details of its method of construction, appearance, finish and acoustic performance has been submitted to and approved in writing by the Local Planning Authority. The use of the primary school shall not commence until the approved plant and equipment has been installed in full. The approved plant and equipment shall be retained at all times. No further external equipment or plant may be installed without the prior written approval of the Local Planning Authority.
- 40. No lighting shall be installed within the primary school site or on the building until full details of the lighting, including siting, type, height, specification, hours of operation and lux values, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
- 41. The development hereby approved shall be built in accordance with the approved plans under Condition 2 and be restricted in development quantum to the following:

2,050sqm GEA of flexible commercial floorspace within Use Class E and including public house, bar, takeaway uses (sui generis)

1,266 residential units (Use Class C3)

Up to 2,910sqm GEA of primary school (Use Class F) and nursery (Use Class E)