

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **15th May 2014**
Site address: **Rembrandt House, Whippendell Road**

Reference Number : **14/00262/FULM**
Description of Development: **Construction of 40 dwelling houses comprising 13 no. 2 bed houses, 27 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.**

Applicant: **Shanly Homes Limited**
Date received: **19th February 2014**
13 week date(major): **21st May 2014**
Ward: **HOLYWELL**

SUMMARY AND REASONS FOR DECISION

Planning permission was granted in November 2012 for the redevelopment of the site comprising the retention of the main Rembrandt House building fronting Whippendell Road, the demolition of all other buildings on the site, and the erection of 107 dwellings. These were to be provided in 12 blocks as a mix of 34 houses, 6 maisonettes and 67 flats with the flats to be provided in the southern part of the site immediately behind the retained building and the houses and maisonettes to be provided on the northern part of the site. This application relates primarily to the northern part of the site and seeks to change the house types and designs of the approved 40 houses and maisonettes with new house types and designs, along with various amendments to the site layout and the

car parking layout. At the time of writing this report, the changes to the site layout and car parking arrangements had been agreed but further amendments were being made to the design of the houses to overcome concerns expressed by the Council's design and conservation officers. Your officers are confident these design issues can be resolved and it is intended that satisfactory amended designs will be presented at the meeting.

The Development Management Section Head therefore recommends that, subject to acceptable amended designs for the houses being received, the application be approved, subject also to the completion of a s.106 planning obligation and appropriate conditions, as set out in the report.

BACKGROUND

Site and surroundings

The site is situated at the junctions of Whippendell Road/Hagden Lane and Whippendell Road/King George's Avenue and has a frontage to all three roads. It backs on to Bramleas to the north. It is rectangular in shape with an area of 1.37 hectares. The only building currently on the site is Rembrandt House itself, a 4 storey Edwardian building that dominates the entire Whippendell Road frontage. This is a building of local interest. To the rear of this all the former extensions to the building and the various detached buildings previously within the site have now been demolished and the site decontaminated, cleared and levelled. The main vehicular entrance to the site remains from Hagden Lane leading to a temporary car park. There are 3 preserved trees on the Hagden Lane frontage (covered by TPO No.13). The 2 preserved trees on the King Georges Avenue frontage (covered by TPO No.242) were severely damaged in storms last winter and both have now been felled and replaced with new trees.

The surrounding area is predominantly residential although is very varied in character. To the east (Hagden Lane, Princes Avenue) is late 19th to early 20th century terraced housing. To the south and west (Whippendell Road, King George's Avenue) the housing is

predominantly terraced and semi-detached inter-war housing, although on King George's Avenue opposite the site are 4 blocks of 3 storey flats built in the 1980s. To the north (Cherrydale, Bramleas) the two storey housing dates from the 1970s-1990s.

Proposed development

This application relates primarily to the northern part of the site. The proposed development involves the replacement of the approved house and maisonette types (Blocks A-H) with new house types, with associated changes to the layout of this part of the site and the car parking layout. Overall, the number of dwellings and car parking spaces remains unchanged. However, the mix of dwelling types will change as follows:

House type	Approved	Proposed
2 bed house	7	13
3 bed maisonette	6	0
3 bed house	16	27
4 bed house	11	0
Total	40	40

The approved internal access road and new junctions with Hagden Lane and King Georges Avenue remain as approved. The four blocks of flats to the rear of Rembrandt House (Blocks J-M) also remain unchanged, with the exception of non-material amendments approved under ref.13/01156/NONMAT.

Planning history

The first development on the site is believed to have occurred in 1904, with the main phase of development occurring between 1921-1939, including Rembrandt House itself. The only significant later development on the site occurred in the 1980s.

11/00952/FULM - Planning permission granted 26 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 17 December 2013.

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

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

Relevant Policies

National Planning Policy Framework

- Section 1 Building a strong, competitive economy
- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design

Hertfordshire Waste Core Strategy 2011-2026

No relevant policies.

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006-31

SS1	Spatial Strategy
SD1	Sustainable Design
SD2	Water and Wastewater
SD3	Climate Change
HS1	Housing Supply
HS2	Housing Mix
HS3	Affordable Housing
T2	Location of New Development
T3	Improving Accessibility
T5	Providing New Infrastructure
INF1	Infrastructure Delivery and Planning Obligations
UD1	Delivering High Quality Design

Watford District Plan 2000

SE7	Waste Storage and Recycling in New Development
SE24	Unstable and Contaminated Land
SE28	Groundwater Quality
SE36	Replacement Trees and Hedgerows
SE37	Protection of Trees, Woodlands and Hedgerows
SE39	Tree and Hedgerow Protection in New Development
T10	Cycle Parking Standards
T21	Access and Servicing
T22	Car Parking Standards
T24	Residential Development
H10	Educational and Community Facilities
L8	Public Open Space
L9	Children's Play Space

Supplementary Planning Documents and Supplementary Planning Guidance Notes

Residential design Guide Volume 1: Building New Homes

SPG6 Internal Space Standards

SPG10 Open Space Provision

CONSULTATIONS

Neighbour consultations

Letters were sent to 246 properties in King George's Avenue, Whippendell Road, Princes Avenue, Hagden Lane and Bramleas. Two letters have been received making the following comments:-

- The Transport Assessment has not been updated to reflect new Census data on car ownership or changes to bus services and rail timetables.
- The development will increase traffic on the surrounding roads and add to existing high levels of congestion.
- High levels of parking already occur on surrounding roads. The development will only increase these problems. A permit parking scheme should be introduced on King Georges Avenue to address this issue.
- The development may lead to sewer flooding in the locality as the capacity of sewers is not being increased.

Advertisements in local paper/site notices

Three site notices were displayed outside the site on 28th February 2014 and a public notice also appeared in the Watford Observer on 28th February 2014.

Statutory consultations

Environment Agency

Please ensure the conditions below are attached to any planning permission granted:

Condition 1 - 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Condition 2 - No infiltration of surface water drainage into the ground 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.

Condition 3 - The development permitted by this planning permission shall only be carried out in accordance with the submitted flood risk assessment (FRA).

Thames Water

No comments received.

Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions.

A previous planning application (11/00952/FULM), for the demolition of the existing buildings and the construction of 107 residential dwellings, commercial use and the provision of 215 parking spaces at the rear of Rembrandt House, Whippendell Road, Watford. 11/00952/FULM was granted planning permission by Watford Borough Council on 26th November 2012.

The current proposal relates to changes to the dwelling house types and car parking layout.

The current proposal (drawing number 1248_PLN_203), shows essentially the same highways layout as the drawings submitted for the approved planning application. The Highway Authority has no objection to this proposal and recommends that permission is granted subject to two additional conditions, as noted below:

1. The proposed parking spaces shall measure a minimum 2.4m x 4.8m each and shall be maintained for this use as ancillary to the development.
2. The proposed parking spaces/proposed vehicle crossovers must be at least 10 metres away from the junction of the proposed access with Hagden Lane.

Hertfordshire County Council (Property)

Financial contributions are sought towards primary education, secondary education, nursery education, childcare, youth facilities and libraries. Provision for fire hydrants is also sought.

It should be noted that for the original application (ref.11/00952/FULM) no childcare contribution was sought. As the application only seeks to change the design of the houses and layout of the car parking, it is not considered reasonable to seek childcare contributions for this application.

Hertfordshire Constabulary Crime Prevention Design Advisor

The Watford Residential Design Guide Volume 1 under 3.7 Safety and Security mentions the actual and perceived sense of safety and security experienced by residents and considers it a key consideration when looking at the layout and mix of housing schemes. The Guide also highlights that Secured by Design has been proved to reduce crime when utilised as part of the planning/design process.

There is a safety and security theme running through the Residential Design Guide as we are all looking for safe, secure and sustainable developments.

On a more specific level my comments/recommendations are:

- I am not clear on the proposed boundary treatment and will be looking for at least 1.8 metre timber close boarded fencing with those fences alongside a road or pathway being topped with 300mm trellis.
- The roadway and parking spaces are not overlooked by any “active” windows and I will be looking for flank windows to be installed in building plots F7, G1, G7 and H1 so as to provide some surveillance over these areas.
- I have concerns over the lack of surveillance over the car parking for Plots C1-4 and B1-4 as there do not appear to be any “active” rooms overlooking the parking area.
- Similarly the parking for Plots D1-8 whilst being partly overlooked the parking spaces for Plots D1-3 are rather remote from their homes and I can see residents parking either in their front gardens or on Hagden Lane. In order to prevent illegal parking could the block be moved back slightly and in curtilage parking provided in a similar fashion to Plots A1-5.
- I will be looking for access control for the flats.
- There is a cycle store near to Plot D4 which is next to a footpath and there is no indication of any form of security on the storage facility. Ideally I would be looking for either the storage facility to be moved or the pathway to be gated at the Hagden Lane end.
- There is no indication of a Lux plan and I would not want to see lighting bollards, rather lighting columns to provide a better a safer lighting scheme with at least 40% uniformity of light and 60% colour rendition – this cannot be achieved by lighting bollards.

- I have some concerns over the safety and security of residents using the pathways to Block E as they are somewhat hidden by the substation. I would look for the fencing around the substation to be weld mesh or another similar fence that can be seen through, I would not want timber close boarded fencing!
- I am not clear whether the bin store is behind a fence or essentially next to the pavement, could this be clarified, as it also has an impact on one of my comments above.

Environmental Services

No comments received.

Planning Policy (Design and Conservation)

Comments on submitted scheme

We are disappointed that the revised proposals for this site represent a deterioration in the quality of the design, both in terms of the individual buildings and the wider public realm. As it stands we would recommend that the current proposals are refused on design grounds.

We have the following concerns:

- The previous version of this scheme included a contemporary style of architecture, which we welcomed. The revised building elevations show a style that is confused and incoherent, with blocks of flats that include integrated garages featuring neo-classical cornices. Houses are now proposed in pastiche style, but again feature thick cornices over their entrances, with narrow support columns. The overall effect is of buildings that respond badly to the modern style of the flats in blocks J-L and the older existing properties in the wider area.
- Block F now features integrated garages, which we do not have problem with in principle. However, the impact on the entrances to the houses is problematic as it

results in narrow unsafe spaces between the bin stores and garages. To solve this problem, the recessed entrances should be brought forward to the advanced building line. This problem also needs resolving on blocks G and H.

- Unit F4 has living accommodation instead of a built in garage on land that was previously allocated for a car parking space. To facilitate this, an extra space has been put into an area of soft landscaping. This approach is unacceptable and the soft landscaping should be retained, with the parking space accommodated in an integrated garage. By relocating the space for F4 away from block E, the parking space E2 can be relocated so it sits next to the space for E1. This will allow the E2 space, which is currently next to block A to revert back to landscaping. This space should have a tree planted on it.
- The original parking proposals for block E were on land that is now allocated for the electricity sub-station. However, the new plan also includes two new visitor parking spaces in front of block E. These two new spaces need to be removed. A better arrangement would be to locate the two spaces for E1 and E2 where the two visitor spaces are, with the current E1 space used for landscaping, preferably with a tree planted. The electricity sub-station will need high quality landscaping to ensure that residents of block E have satisfactory views.
- Windows are required in the side elevations of F7, G1, G7 and H1 to ensure there is some overlooking of the access to the parking courts. To enhance the internal space standards of the properties and better facilitate passive surveillance, the upper storey windows should include projecting windows, similar in concept to the attached example.
- In the parking court between blocks B and C, the two spaces for B3 should be shifted slightly to create a landscaped strip between them and the two B4 spaces. A tree should be planted in the space to the north of space C3 (by property G1). Robust landscaping will be required to the side of unit F7.

- A tree should be planted adjacent to the cycle store that is located between blocks C and D.
- The number of car parking spaces to the north of blocks J-M has gone from 24 to 28. This needs to be revised back down to 24, with the additional space used for landscaping. The current arrangement, with as many as five spaces in a row means parking dominates this space. If the developer cannot accommodate the parking levels required, while ensuring a high quality of urban landscape, then they will need to revise down the number of housing units proposed.

Proposed bin stores may not be adequate for current requirements.

As the revisions include changes to the landscaping of the site, it is unfortunate that there is not a detailed landscape plan. I do acknowledge that this is likely to be covered by one of the conditions and we would welcome being consulted at that stage.

The elements included in the revised plans are at the rear of the site and do not have a notable impact on the setting of the Locally Listed Building.

Comments on amended scheme

The revised plans dated 17.04.2014 address a number of the smaller concerns we had with the revised designs for residential development on this site. However, the primary problem with the development remains, which is that the revised design for the residential buildings is not of style that either responds to any local vernacular styles present in the surrounding area or creates a high quality development with a good sense of place; the approved scheme used the same architectural style throughout all the additional development, which created a coherent new identity; the decision to move away from this approach and introduce a further style results in the loss of that coherence and identity.

We are disappointed that the revised proposals for this site represent a deterioration in the quality of the design, both in terms of the individual buildings and the wider public realm. As it stands we would recommend that the current proposals are refused on design grounds.

We have the following concerns:

- The previous version of this scheme included a contemporary style of architecture, which we welcomed. The revised building elevations show a style that is confused and incoherent. The materials are generally fairly traditional, such as brick and stucco, but are combined with massing and detailing that is completely at odds with traditional vernacular styles associated with those materials and which are found in the wider area. The design of blocks compares poorly with the previously approved scheme as it represents an unsuccessful attempt to apply more traditional design motifs and materials with built forms which are more modern; thus integrity is lost. For example, the wide depth of the main blocks include small, neo-traditional windows that are lost in the expanse of brickwork. The junctions of the blocks are badly articulated with part-pitched roofs meeting projecting bays in a notably ungainly manner. The front elevations also appear poor in comparison with the approved scheme, with modern rows of garages absurdly juxtaposed against classical cornices and pilasters. Moreover, while the previously approved scheme stylishly integrated project window bays above ground floor level, the revised scheme includes an uncomfortable and incoherent arrangement of upper floor windows that do not line up with the doors and garages below; thus the vertical articulation of the elevation is lost. As well as representing poor architecture in itself, the revised designs respond badly to the contemporary style of the approved flats in blocks J-L and will result in poor quality and incoherent streetscape.

Houses at the western end of the site are also proposed in pastiche style, with blocks A and E featuring thick cornices over their entrances, with narrow support columns. The overall effect is of buildings that respond badly to the modern style of the flats in blocks J-L and the older existing properties in the wider area.

- The original scheme did not accurately detail the size of the electricity substation next to block E. The current plans more accurately show the size of the structure and its related land/boundary treatment. There are two implications of the larger substation site. Firstly, displaced parking has resulted in the loss of a significant area of the limited green space by the road junction. Secondly, the more accurate plans shows how close the substation boundary is to the proposed new building known as E1. The reduced space means that the property E1 is too close to the substation infrastructure and will have a poor outlook. Similarly, the loss of the already limited landscaping to accommodate displaced parking harms the amenity of the wider development. The poor design that has resulted, both in terms of landscaping and built form, is not acceptable and the only way of resolving this would appear to be that E1 is deleted from the plans, with the land instead allocated for landscaping.

The proposed scheme is not in line with Policy UD1 of the Watford Local Plan Core Strategy or the Watford Residential Design Guide. The scheme also fails to comply with paragraph 58 of the National Planning Policy Framework and the National Planning Practise Guidance.

NOTE

At the time of writing the report, further amendments are being made to the proposed designs to address these comments.

Arboricultural Officer

The proposed amendments will not have a significant effect upon the existing trees (even though the block of dwelling (D1- D6) are closer to the retained trees they still meet the guidelines for root protection area). Whilst the landscaping and new tree planting is only indicative there does appear to be sufficient area to accommodate an acceptable scheme.

APPRAISAL

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

Land allocation

The site lies within a primarily residential area on the Proposals Map of the Watford District Plan and, therefore, redevelopment for residential use is acceptable in principle. This has also been established through the granting of planning permission ref. 11/00952/FULM in November 2012.

Heritage issues

The retained Rembrandt House building fronting Whippendell Road is a building of local interest. This is not included within the application site and the proposal will have no impact on this building.

Housing mix and residential amenity

The change in the type and size of dwellings has been proposed to improve the internal layout of some of the dwellings. In particular, the 3 bed maisonettes and 4 bed houses were not considered by the applicant to work particularly well and they have therefore been changed to 2 bed houses and 3 bed houses respectively. Although this has resulted in the loss of the originally approved 4 bed houses from the site, this is considered acceptable.

The requirement for 12 of the houses on this part of the site to be affordable housing remains unchanged. Although, technically, if the application is considered in isolation from

the rest of the site, the requirement is 14 houses (35% of 40 dwellings), this application will be linked to the original planning permission ref. 11/00952/FULM by a Section 106 deed of variation. This will ensure that all the original requirements of the agreement forming part of this planning permission (which included the provision of 25 affordable flats, equating to 37% of the units) will also apply to this application. With the loss of the 4 bed houses from the site, the affordable mix has changed slightly with the original approved 4 bed house for intermediate tenure being replaced with a 3 bed house.

House type and tenure	Approved	Proposed
2 bed social rented	6	6
2 bed intermediate tenure	1	1
3 bed intermediate tenure	4	5
4 bed intermediate tenure	1	0
	12	12

All of the proposed houses will have acceptable levels of amenity in respect of natural light, privacy and outlook.

Layout and design

The layout of the site remains as approved under planning permission ref.

11/00952/FULM, centred around the new access road which runs through the site linking Hagden Lane with King George's Avenue. The siting of the houses is also largely unchanged with the only exception being the previously approved pair of 2 bed houses forming Block E (Plots E1 and E2) adjacent to the junction with King Georges Avenue.

This have now been provided as a detached 2 bed house (Plot E1) and an end of terrace 2 bed house (Plot F1). The layout of the car parking within the site also closely follows that of the approved layout, with the main difference being the parking within the courtyard serving Blocks B and C. Here the original house designs incorporated some undercroft parking which has now been deleted from the new design. With regard to Blocks F, G and H, the undercroft parking spaces have been replaced with integral garages in the new

house designs. A number of the parking spaces have also been reassigned to different plots although this has no impact on the layout.

The main change is in respect of the design of the houses. There are a number of concerns with the submitted designs that have been expressed by the Council's design and conservation officers. These relate principally to the neo-Georgian pastiche style of the design and the loss of a coherent design across the site, due to the differences in the design approach between the approved blocks of flats and the proposed houses. These concerns are set out in detail in the Consultations section above. Following receipt of these comments, the applicant agreed to review the design of the houses and submit further designs for consideration. These were not available at the time this report was written but your officers are confident that significant improvements can be made to the designs. The recommendation of your officers is therefore that the application be approved, but only subject to satisfactory designs being submitted and agreed. If agreement regarding the design cannot be reached with the applicant, the recommendation may be changed to one of refusal on design grounds.

Impact on neighbouring properties

The neighbouring properties that could potentially be impacted by the development are located on Hagden Lane, Bramleas and King George's Avenue. Due to the fact that the proposed houses that adjoin existing properties on these roads (Blocks A, B, C and D) all have the same scale and siting as the approved scheme, they will have no greater impact on these existing properties.

Highways, servicing and car parking

The proposed changes to the car parking layout have no impact on traffic generation, highway safety or servicing arrangements. No car parking spaces are located within 10m of the junctions on Hagden Lane and King Georges Avenue.

Trees and landscaping

The proposal will have no adverse impact on the 3 preserved trees on the Hagden Lane frontage. The 2 preserved trees on the King Georges Avenue frontage were felled recently following severe storm damage over the winter. Two new trees have been planted as replacements.

Sustainability

Planning permission ref. 11/00952/FULM was subject to conditions requiring (i) an energy statement to detail how the development will generate 10% of its energy needs from renewable energy sources, in accordance with Policy ENG1 of the East of England Plan (Condition 16) and (ii) all the dwellings to be built to Level 3 of the Code for Sustainable Homes, in accordance with the submitted Design and Access Statement and Sustainability Statement (Condition 24). As the East of England Plan has now been revoked, the requirement of Condition 16 cannot be imposed on the current application. However, the requirement for Level 3 of the Code for Sustainable Homes to be achieved can still be imposed in accordance with Policy SD1 of the Core Strategy.

Planning Obligation

A deed of variation has been drafted to link this application to the Section 106 agreement that forms part of planning permission ref. 11/00952/FULM, which covers the whole site. This will ensure that all the required financial contributions and the provision of affordable housing across the whole site will be secured, avoiding any duplication, in the event of the flats on the southern part of the site being implemented under the original permission and the houses on the northern part of the site being implemented under a permission granted for this application.

Consideration of objections received

Objections	Officer's response
The Transport Assessment has not been updated to reflect new Census data on car ownership or changes to bus services and rail timetables.	As the planning permission granted in 2012 is still extant and no additional dwellings are proposed, it is not necessary to update the transport assessment.
The development will increase traffic on the surrounding roads and add to existing high levels of congestion.	This issue was addressed in the transport assessment. As the planning permission granted in 2012 is still extant and no additional dwellings are proposed, it is not necessary to update the transport assessment.
High levels of parking already occur on surrounding roads. The development will only increase these problems. A permit parking scheme should be introduced on King Georges Avenue to address this issue.	This issue was addressed in the transport assessment. A controlled parking zone will only be introduced with the agreement of residents within King Georges Avenue. In a survey in 2013 residents rejected the introduction of a CPZ.
The development may lead to sewer flooding in the locality as the capacity of sewers is not being increased.	A flood risk assessment was submitted with the 2011 application and agreed with the Environment Agency. This includes measures to reduce flows to the sewer system.

Conclusion

There is no objection in principle to a change in the design of the proposed houses, subject to the design being of an appropriate style and detail to ensure a coherent design approach is achieved across the site and specifically with the block of flats approved under planning permission ref. 11/00952/FULM. The changes to the layout of the site and the car parking are acceptable.

HUMAN RIGHTS IMPLICATIONS

The Local Planning Authority is justified in interfering with the applicant's Human Rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party Human Rights, these are not considered to be of such a nature and degree as to override the Human Rights of the applicant and therefore warrant refusal of planning permission.

RECOMMENDATIONS

- (A) That planning permission be granted subject to the completion of a deed of variation in respect of the planning obligation under s.106 of the Town and Country Planning Act 1990 entered into in respect of planning application 11/00952/FULM to secure the following obligations and subject to the conditions listed below:

Section 106 Deed of Variation

- i) To secure financial payments to the Council towards public open space and children's playspace, in accordance with the Agreement dated 26th November 2012.
- ii) To secure financial payments to the County Council towards sustainable transport measures, education, youth facilities and libraries, in accordance with the Agreement dated 26th November 2012.
- iii) To secure the provision of 12 affordable housing units within the application site comprising 6 x 2 bed houses for social rent, and 1 x 2 bed house and 5 x 3 bed houses for shared ownership or other intermediate tenure.

- iv) To secure the exclusion of the development from the local controlled parking zone to ensure future residents are not entitled to permits to park on-street in the surrounding roads.
- v) To secure the provision of necessary fire hydrants as required to serve the development.

Conditions

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing nos. to be added.

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

3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

4. The construction of the development shall be registered with the Considerate Constructors Scheme and shall be carried out in accordance with the requirements of this Scheme at all times.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include the phasing of the development and, for each phase, details of contractors parking, the delivery and storage of materials, any temporary access/egress points to adjoining highways, and wheel washing facilities. The Plan as approved shall be implemented throughout the construction period.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties and prevent obstruction of the adjoining highway during the time that the development is being constructed, pursuant to Policies T4 and SE22 of the Watford District Plan 2000.

6. No development shall commence until a final verification report demonstrating completion of the works set out in the Remediation Method Statement (dated September 2012) and the Interim Remediation Verification Report (dated September 2013), both by Rick Management Limited, and the effectiveness of the remediation has been 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. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To verify that all contamination has been successfully removed from site following all remediation works in the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zone 3) in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

7. 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 to, and obtained written approval from, the Local Planning Authority for an amendment to the Remediation Method Statement referred to in Condition 6, detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved amended FRA (Issue 4, February 2012) and the following mitigation measures detailed within:
 - i) Limiting the surface water run-off generated by the 100 year critical storm with 30% addition for climate change as identified in Section 4.10, so that it will not exceed the run-off from the developed site detailed in Section 4.20 as 17 litres per second for Design Option 1, and 12 litres per second for Design Option 2 as detailed in Section 4.35.

- ii) Utilising the sustainable drainage options (identified in Section 4.20) as the basis of the detailed surface water design.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants, in accordance with Policy SE30 of the Watford District Plan 2000.

- 9. No infiltration of surface water drainage into the ground 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.

Reason: To ensure infiltration of surface water would not create a pathway for contamination at the surface to migrate into the underlying groundwater in order to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

- 10. No piling or any other foundation designs using penetrative methods shall be undertaken without 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure piling or other penetrative foundation techniques would not create a pathway for contamination at the surface to migrate into the underlying groundwater in order to prevent pollution of controlled waters, in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

11. No development shall commence until details of the routing of all below ground services and cabling (electricity, gas, telephone, foul water, surface water, etc), including any temporary connections for site huts, showing depth, width and routing of all trenches, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure the below ground services do not have any adverse impact on the root protection zones of retained trees or prevent the implementation of an acceptable soft landscaping scheme for the development, in accordance with Policies SE37 and U4 of the Watford District Plan 2000.

12. No development shall commence until fencing of a style, height and in a position to be agreed in writing by the Local Planning Authority shall have been erected to protect all trees and shrubs which are to be retained. No materials, vehicles, fuel or any other items shall be stored or buildings erected or works carried out inside this fencing and no changes in ground level shall be made within the spread of any tree or shrubs (including hedges) without the prior written approval of the Local Planning Authority.

Reason: To safeguard the health and vitality of the existing trees which represent an important visual amenity during the period of construction works in accordance with Policies SE37 and SE39 of the Watford District Plan 2000.

13. 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.

Reason: In order to avoid harm to nesting birds which are a protected, in accordance with Policy SE31 of the Watford District Plan 2000.

14. No development shall commence until a landscaping scheme (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density, soil volume and drainage and irrigation systems) for all landscaped areas within the site has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the development. 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 in accordance with Policies U6, U2 and U3 of the Watford District Plan 2000.

15. No development shall commence until full details and samples of the materials to be used for the external surfaces of the buildings (including walls, roofs, windows, doors, balconies and solar panels) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site, pursuant to Policy U3 of the Watford District Plan 2000.

16. No development shall commence until full details and samples of the materials to be used for all hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved materials.

Reason: In the interests of the visual appearance of the site, pursuant to Policy U3 of the Watford District Plan 2000.

17. No development shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the first occupation of any part of the development to which the works relate and shall be maintained as such at all times thereafter.

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 Policies U2, U3 and U4 of the Watford District Plan 2000.

18. No development shall commence until details of a lighting scheme for the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved prior to the first occupation of each respective part of the development to which it relates.

Reason: To meet the needs for safety and security for users of the site and to ensure no adverse impacts on the adjoining public highways or adjoining properties, in accordance with Policies U2 and U4 of the Watford District Plan 2000.

19. No dwelling shall be occupied until a certificate has been submitted to the Local Planning Authority to confirm that the dwelling has been constructed to achieve Level 3 of the Code for Sustainable Homes.

Reason: To accord with the Design and Access Statement (Sutton Griffin Architects) and the Sustainability Statement (Bluesky Limited) submitted as part of the planning application.

20. No house in Blocks A, B, C, D, E, F, G and H shall be occupied until the refuse and re-cycling store for each dwelling shown on the approved drawings has been constructed. Each store shall be retained as approved at all times.

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 the aims of Policies U2, U3, T9 and T10 of the Watford District Plan 2000.

21. No dwelling shall be occupied until the new junctions onto Hagden Lane and King George's Avenue and the new access road through the site, as shown in principle on the approved drawing no. 1248_PLN_303A, have been constructed and all existing access/egress points on Hagden Lane and King George's Avenue have been closed and reinstated.

Reason: In the interest of highway safety, in accordance with Policy T21 of the Watford District Plan 2000.

22. No dwelling shall be occupied until details of the proposed bollards or other physical measures to prevent vehicular access between Hagden Lane and King George's Avenue, as shown in principle on drawing no. 1248_PLN_303A, have been provided, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, these measures shall be permanently 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.

23. No dwelling shall be occupied until the respective vehicle parking accommodation shown on the approved drawing no. 1248_PLN_303A (or any subsequent amendment agreed in writing with the Local Planning Authority) has been provided

and made available for use. This parking accommodation 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 Policies H5 and T22 of the Watford District Plan 2000.

24. The windows in the flank elevation of the buildings on Plots B1, B4, C1 and C4 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.

25. 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 dwellings 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.

26. The integral garages to the houses on Plots F2, F3, F4, F5, G2, G3, G5, G6, H3 and H4 shall only be used for the parking of cars and shall not be converted to habitable accommodation or any other use, without the written approval of the Local Planning Authority.

Reason: To ensure adequate car parking provision is retained on the site for future occupiers and to prevent on-street parking.

Informatives

1. This planning permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, children's play space, education facilities, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits. The agreement also secures the provision of affordable housing and requires the provision of necessary fire hydrants to serve the development.

Drawing nos.

To be added.

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- (B)** In the event that an acceptable deed of variation in respect of the planning obligation under s.106 of the Town and Country Planning Act 1990 entered into in respect of planning application 11/00952/FULM has not been completed by 20th May 2014 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for the application for the following reasons:

1. The proposal fails to make adequate provision for public open space or children's playspace, either in the form of on-site works or commuted payments, and as such is contrary to Policies L8 and L9 of the Watford District Plan 2000.
2. The proposal fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposal fails to contribute to the provision or improvement of community facilities (youth facilities and libraries) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
4. The proposal fails to contribute to the provision or improvement of education facilities in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.
5. The proposal fails to make provision for affordable housing on-site and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
6. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.
7. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

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