

PART A

Report of: **DEVELOPMENT MANAGEMENT SECTION HEAD**

Date of Committee: **16th December 2014**

Site address: **Land off Cardiff Road and between Wiggshall Road and Willow Lane and Dalton Way/Oxhey Park**

Reference Number : **14/00511/OUTM**

Description of Development: **Hybrid planning application for the development of a mixed-use health campus accessed from the approved Access Road comprising:**

- 1. Outline element for the construction of new hospital/healthcare accommodation, together with business, retail, office, food and drink, hotel, and leisure uses, and up to 681 new dwellings, safeguarding of land for the expansion of Laurance Haines primary school, new public spaces, play space and landscaping, associated car parking, access roads, footways and cycleways.**
- 2. Detailed element (business area south) for the construction of three industrial business units together associated vehicle and cycle parking, site landscaping and the creation of a new wildlife area.**

Applicant: **Watford Health Campus Partnership LLP**

Date received: **1st April 2014**

16 week date (EIA): **22nd July 2014**

Ward: **VICARAGE/CENTRAL**

SUMMARY

At its meeting on the 18 September 2014 the Committee resolved to grant planning permission for the development subject, inter alia, to the final terms of the planning obligation and the final wording of the planning conditions being referred back to the Committee for approval.

This report deals with both of these matters.

In the report to Committee on 18 September, the suggested Heads of Terms for the s.106 planning obligation were:

- Financial contributions payable to the County Council towards traffic calming measures on roads surrounding the site, enhancement of public transport infrastructure and the enhancement of bus services serving the site.
- Financial contributions payable to the Council towards the implementation of extensions to the existing Controlled Parking Zones and the improvement of cycleways and footways within 2000m of the boundaries of the site.
- Upgrading the traffic signal controller at Junction 5 of the M1.
- Junction improvements at Lower High Street/Dalton Way junction.
- The implementation of the framework travel plan.
- The implementation of a car parking management strategy.
- The provision or improvement either onsite and/or off site by means of either direct provision and/or financial contributions payable to the County Council towards facilities for secondary education, primary education, nursery education, childcare, youth and libraries.
- The provision of fire hydrants to serve the development.
- An affordable housing strategy for the delivery of 35% of the new dwellings as affordable housing.
- Financial contributions payable to the Council towards the provision of improved open space.
- The removal of river structures within the River Colne and the side channel and a masterplan for the River Colne within the site and off site.

- Biodiversity off setting and ecological improvements within the River Colne corridor.
- The improvement and upgrading of sewer capacity either on site or off site to serve the development.

Subsequent to these terms being suggested the applicant has submitted as part of the planning application evidence of the viability of the proposed development. An assessment of that evidence undertaken by Adams Integra (dated September 2014) has also been submitted on behalf of the applicant, and this assessment has concluded that the level of contributions to be sought through the planning obligation could have an effect on the viability of the scheme.

Following negotiations between the applicant, the Council and Hertfordshire County Council, an agreement has been reached on a global figure of £4,000,000 in respect of all the financial contributions sought by the County Council.

The Development Management Section Head therefore recommends that the revised Heads of Terms of the planning obligation are agreed and that planning permission be granted subject to the completion of a planning obligation incorporating the agreed terms, and subject to the planning conditions set out in the annexes to this report.

BACKGROUND

The report of the Development Management Section Head to the Committee on 18th September 2014 set out the details of the application and the responses received from statutory and non-statutory consultees and other third parties. In addition, it also discussed the merits of the application and made an assessment of the scheme against the current policy context.

Following the consideration of the application, the Committee resolved to grant planning permission subject to the completion of a s.106 planning obligation and to the imposition of appropriate conditions. The Committee also resolved that the final terms of the planning obligation and the planning conditions be determined by the Committee.

The 18th September report also highlighted four areas where further work was required. These were: “matters relating to the provision of education facilities, particularly at early years, nursery and primary level; how the adverse impacts of the development on ecology and biodiversity are to be mitigated, particularly within the River Colne and its valley; the extent to which the development is able to provide adequate and high quality open space and green infrastructure within the site; and the adequacy of the sewerage infrastructure to serve the proposed level of development”.

This report considers the details of the proposed Heads of Terms for the planning obligation and the wording of the planning conditions proposed to be attached to the grant of planning permission. It also considers the current situation with regard to the four areas where further work was required to be undertaken.

Further consultation responses

Hertfordshire County Council (Development Services)

Following the discussion of the planning application for the Health Campus and the decision made by your members in relation to planning permission, I am writing to set out the County Council’s position with regard to the required Section 106 Agreement.

We are pleased that an improved financial offer of £4m has been made to support the infrastructure requirements associated with the development, though it must be recognised that, with a highways requirement amounting to £1m approx., the sum available to fund the projected requirement of primary school capacity will fall short of the cost of the required provision, whether as an extension to an existing school or part of a new 2FE school.

At this stage, and after a significant amount of work on potential alternatives, there seem to be two potential options in terms of site for a school, namely, a new build on the allotment site or an extension to Laurance Haines school which already has 2 forms of entry.

The County Council's strong preference, in both financial and educational terms and subject to viability, is for a new 2FE school on the allotment site. In financial terms, a new school offers the possibility of additional capital finance being made available through the Free School route, thus mitigating the shortfall in funding, even if part of the Section 106 sum had to be used to pay the £1.7m (approx.) residential value for the allotment site. We urge Watford Borough Council to also adopt this as the preferred option for school provision.

Clearly, if the allotment site cannot be secured for legal reasons, or if it is not viable due to traffic assessment or other issues, then the County Council will have to look to the extension of Laurance Haines to meet rising demand unless any other alternative of additional options are identified. It would be helpful to know whether the outcome of the legal challenge to the appropriation of the allotment land is known. The estimated cost of even a 1FE extension of Laurance Haines is up to £5.6m excluding land. Additional land would be required to extend the school, both from the development and the Borough's recreation site (to relocate the school's nursery). Given the shortfall in funding, just to meet building costs and that the Free School option would not be available if the need is met via extension, we would ask that as part of the S106 agreement, Watford BC commit to providing the additional lands required at nil cost if the Laurance Haines option has to be pursued.

In summary, the County Council would support a Section 106 agreement that provides £4m to the County Council towards infrastructure costs, with the allotment site purchased at residential value (assuming the £1.7m estimate provided is correct), as the preferred option and Laurance Haines expansion, with a free transfer of the required land by Watford BC as the fall back option should the allotment site not be viable and no other option is identified.

I hope that this now allows us to agree a way forward for the S106 agreement to the satisfaction of your members.

Environment Agency

Response awaited.

Thames Water

Response awaited.

APPRAISAL

The overall planning policy context for the determination of the planning application was previously set out in the previous report to Committee. However, as the issue of viability has now been raised by the applicants, it is necessary to consider the policy background in respect of the viability of planning applications and how decisions on planning applications should be taken where viability is a material planning consideration.

Viability – the planning context

There are two primary definitions of ‘viability’ commonly used when discussing development economics. These are:

‘An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and costs and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade a land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered.’

Local Housing Delivery Group, June 2012

'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering that project. (where viability is being used to test and inform planning policy, it will be necessary to substitute 'a development project' into the wide context.'

Financial Viability in Planning, RICS Guidance Note August 2012

In determining planning applications, evidence of development viability is required at a site specific level. A development will become unviable if the cumulative total of the land value, development costs, rate of return and the extent of any required planning obligations exceeds the expected value of the development. In cases where the deliverability of a scheme is threatened by the level of planning obligations sought, decisions must be underpinned by an understanding of viability, ensuring realistic decisions and expectations of developers are made to support development and promote economic growth.

The assessment of viability as a material planning consideration and its application on decision making requires an evidence-based judgement of the viability of a particular scheme. The local planning authority must make that judgement on the basis of a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market.

Watford's Local Plan Part 1 – Core Strategy 2006 - 2031

The Watford Health Campus is an identified Special Policy Area (SPA) within Watford Borough Council's Core Strategy that was adopted in January 2013. The Core Strategy sets out the key elements of the Council's planning vision and spatial strategy for the Borough, and the SPAs form an important part of the strategy due to the expectation of significant levels of change within these areas in terms of development and infrastructure.

Watford Health Campus is designated as SPA 3 within the Core Strategy and the main objective is to deliver a major mixed use development providing a new quarter for west Watford which seeks to provide new housing, jobs and community facilities with the catalyst of a significantly enhanced acute hospital.

The Core Strategy places a significant expectation on the delivery of this scheme in order to fulfil the identified Housing need for Watford for the plan period. The Council are expected to facilitate the delivery of 6,500 new homes during the plan period of 2006/7 to 2030/31. At the time of adoption of the Core Strategy, 2,430 of the homes had been completed, leaving an outstanding balance of 4,070 new dwellings to be delivered up to 2031. The Watford Health Campus is expected to provide at least 500 of these 4070; 12.28% of Watford's total identified housing need. This is not an insignificant amount.

Policy SPA3 identifies that development was expected to start on site in 2013, with Housing delivery expected from 2015/16. Page 67 of the Core Strategy shows a diagram of the Council's Housing Trajectory up to 2028 and an expected annual completion rate of 260 new dwellings. Analysis of the Trajectory shows that, following a peak in housing delivery in 2011 in Watford, the expected delivery drops significantly in 2015/16. Given Policy SPA3 refers to an expected housing delivery period from 2015/16 for the Health Campus, it is evident that, to maintain suitable levels of housing supply in Watford, the delivery of the Watford Health Campus scheme is an essential development to address the gaps in this period of the plan and ensure a consistent housing supply.

As a Borough, Watford suffers from constricted space due to its small overall area and the fact that much of the town is bordered by Metropolitan Green Belt. These factors significantly dictate the locations of residential development within the area and, in accordance with the policies of the National Planning Policy Framework, intrinsically steer new development to brownfield sites. Their delivery on these sites is therefore essential to address housing need within Watford, despite the excessive levels of 'abnormals' often associated with brownfield sites, for example land contamination and remediation.

National Planning Policy Framework (NPPF)

The NPPF identifies economic growth as the first aim of delivering sustainable development is a clear signal of the NPPF's pro-growth agenda. It requires the planning system to do everything it can to support sustainable, economic growth, and states that 'significant weight' should be placed on this objective. Local Plans should be addressing barriers to investment, setting out clear economic strategies and planning positively and flexibly for growth.

Local Plans are expected to identify areas or locations where development would be inappropriate or restricted, but such restrictions must be supported with a clear explanation. They must also be based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

In addition, paragraph 19 of the NPPF requires planning to 'operate to encourage growth and not act as an impediment to sustainable growth'.

The NPPF makes it clear (paragraph 173) that viability is a material consideration in the determination of planning applications. Moreover, and of significant relevance to this proposal given that this is an allocated housing site and Special Policy Area within an adopted Plan, paragraph 173 further comments that "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened".

Paragraph 173 also refers to the provision for a developer of a 'competitive return':

"Pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. Plans should be deliverable. ... To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".

In addition, paragraph 205 of the NPPF states that “where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”

National Planning Practice Guidance (NPPG)

To support the policies of the NPPF, the NPPG was published in March 2014. Together, the NPPF and the NPPG set out the Government’s national planning policies and guidance for new development. As its name suggests, the NPPG is not adopted Government policy but instead provides guidance on the application of the policies set out in the NPPF.

The NPPG points out that “decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.” The NPPG further advises that “A site is viable if the value generated by its development exceeds the cost of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.”

The Adams Integra report comments that “the level of profit a scheme should make has been the subject of debate with expert witnesses and Inspectors coming to the view that, if at all possible, schemes should make between 17.5% and 20% profit on GDV.” Thus, in current market conditions, a ‘competitive return’ (as referred to in both the NPPF and the NPPG) would be expected to be between 15% and 20% of GDV. Consequently, any developer looking to bring a site forward would expect development values to generate a profit of at least 15% in order that the identified ‘competitive return’ is provided and the ability to generate a profit less than this could potentially stall a development site from being brought forward.

Watford Health Campus is a brownfield site; whilst such sites are generally preferred for development in order to minimise the need for building on Green Belt or greenfield sites, the nature of these sites is such that they often require substantial, up-front investment in terms of remediating and cleaning up the land. For the Health Campus application, abnormal costs associated with cleaning up the site are currently circa £40m which is almost 15% of the total development cost. The NPPG advises that:

“to incentivise the bringing back into use of brownfield sites, local planning authorities should:

- look at the different funding mechanisms available to them to cover potential costs of bringing such sites back into use
- take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make the site unviable.

The second bullet point above refers in particular to the use of a ‘flexible approach’ and to have a view of the ‘combined total’ when considering the impact of planning obligations on viability. The NPPG also advises that “where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations”.

As the NPPG further points out, “Central to the consideration of viability is the assessment of land or site value. ... In all cases, land or site value should:

- reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;
- provide a competitive return to willing developers and land owners (including equity resulting from those wanting to build their own homes); and

- be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise.”

Similar advice is offered in the NPPG in the section that deals with planning obligations, where, in considering the cumulative impact of the required financial contributions and the effect on viability, it is said that “local planning authorities should ensure that the combined total impact of such requests does not threaten the viability of the sites and scale of development identified in the development plan.”

On a general point relating to planning obligations, the NPPG advises that “the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” and, further, that “obligations must be fully justified and evidenced”.

Planning obligation – policy and legal background

The development proposed in this application is one where, in accordance with Policy INF1 of the Core Strategy, the Council would normally require the applicant to enter into a planning obligation to provide contributions towards the provision or improvement of community facilities and infrastructure, as demonstrated by the originally proposed terms. Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy and saved policies L8, L9 and H10 of the Watford District Plan 2000, together with *SPG 10: Open Space Provision*, provide the policy basis for financial contributions towards improved services and facilities within the Borough. The application of these policies ensures that all applicants make payments in proportion to the additional demand on services and facilities that their development will generate.

The Council's approach to seeking financial contributions by means of a planning obligation is fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework. In each case, the contributions received are pooled together in order to accumulate sufficient funds for the Council and the County Council to undertake capital works within the Borough. Given the small size of the Borough, this is considered to be a reasonable and acceptable approach to the provision of new or improved services and facilities and accords with paragraphs 203 to 205 of the National Planning Policy Framework.

The 'viability' argument

A viability assessment undertaken by Adams Integra (dated September 2014) has been submitted on behalf of the applicant "to advise on the viability of the proposed development and to comment on the appraisal assumptions and outputs". The report also examines and comments on "whether the estimated development and any other abnormal costs associated with the development are a realistic assumption".

Adams Integra has considered the submitted financial details of the scheme, including build costs and expected returns on the different uses that are proposed within the development, and it has been concluded that the scheme could provide a total of financial contributions up to a maximum of £4m. A contribution of this level would provide the applicant with a profit of 18.5% on cost which equates to a profit level of 15% on GDV. Whilst the NPPF requires applicants to make a 'competitive return' on their development costs, this is not quantified and clearly will vary on a site wide basis depending on total development costs and the projected development value of the scheme. As referred to

above, Adams Integra have advised that, in their experience of representing both private sector clients and local planning authorities at inquiries and appeals, expert witnesses and planning inspectors have come to the view that, if at all possible, schemes should make between 17.5% and 20% profit on Gross Development Value (GDV). This target figure is also set out within the NPPG as a recognised and acceptable level of return. The projected figure of 15% of GDV associated with the Health Campus scheme is therefore already generating a return to the applicant that falls beneath the levels deemed as 'competitive' and provides a lower than average rate of return on the associated development costs. The Adams Integra report concluded that, in order to deliver the required land value to the applicant and generate a profit that is commercially viable and 'competitive', the scheme can carry no further abnormal costs associated with planning obligations over the £4m already included within the development appraisals. If additional contributions were sought, the scheme would become less viable and there is the risk that it would not be deliverable.

The Health Campus is allocated as a Special Policy Area within the Council's adopted Core Strategy. It is an 'important part of the spatial strategy' and is intended to provide 'a significant proportion of Watford's future development needs'. The adopted policy context therefore places significant emphasis on the delivery of the scheme and therefore a scheme that is not deliverable will place significant pressures on other areas of Watford in order to offset the minimum requirement of 500 new homes and the provision of 1,000 to 1,900 new jobs by 2031 identified for the Health Campus site.

The NPPF requires local planning authorities to 'approach decision taking in a positive way to foster the delivery of sustainable development' (paragraph 186). In addition, paragraph 173 of the NPPF expects plans to be 'deliverable' and, most significantly in the context of this application, 'the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'.

Given the importance of the delivery of the Health Campus to meet the objectives of Watford Spatial Strategy, a pragmatic approach to the scale of obligations and policy burdens needs to be taken to ensure that the scheme can be delivered viably.

In light of the conclusions of the viability assessment of the scheme carried out by Adams Integra and the importance placed on the viability and deliverability of development schemes in the NPPF and NPPG, the applicant has engaged with the County Council to discuss and agree a financial contribution that would go some way in meeting the demand for services generated by the development yet also provide the applicant with a competitive return and would enable the development to be delivered within an appropriate and immediate timescale.

As a consequence, it has been agreed that a total of £4m of financial contributions can be made to the County Council towards the requirements for highways, education, youth, libraries and children's services. The County Council has confirmed that it is in agreement with this approach.

Heads of Terms

At the meeting on 18th September, the Committee resolved that the following Heads of Terms should be included in the s.106 planning obligation:

- (a) Financial contributions payable to the County Council towards traffic calming measures on roads surrounding the site, enhancement of public transport infrastructure and the enhancement of bus services serving the site.
- (b) Financial contributions payable to the Council towards the implementation of extensions to the existing Controlled Parking Zones and the improvement of cycleways and footways within 2000m of the boundaries of the site.
- (c) Upgrading the traffic signal controller at Junction 5 of the M1.
- (d) Junction improvements at Lower High Street/Dalton Way junction.
- (e) The implementation of the framework travel plan.
- (f) The implementation of a car parking management strategy.

- (g) The provision or improvement either onsite and/or off site by means of either direct provision and/or financial contributions payable to the County Council towards facilities for secondary education, primary education, nursery education, childcare, youth and libraries.
- (h) The provision of fire hydrants to serve the development.
- (i) An affordable housing strategy for the delivery of 35% of the new dwellings as affordable housing.
- (j) Financial contributions payable to the Council towards the provision of improved open space.
- (k) The removal of river structures within the River Colne and the side channel and a masterplan for the River Colne within the site and off site.
- (l) Biodiversity off setting and ecological improvements within the River Colne corridor.
- (m) The improvement and upgrading of sewer capacity either on site or off site to serve the development.

These originally proposed Heads of Terms are considered in more detail below.

Highway works

This includes matters falling within paragraphs (a), (b), (c) and (d) above.

As previously reported to the Committee, the following contributions had been identified in relation to highway works in relation to paragraphs (a) and (b):

	2010 Masterplan	Revised payments
Traffic Calming Measures	£250,000	£232,949
Enhancement of Public Transport Infrastructure related to development	£450,000	£50,000
Towards enhancement of cycleways and footways within 700 metres of site	£175,000	£175,000

10 payments of £100,000 towards new on-site bus stops and improvement to bus services in west Hertfordshire	£1,000,000	£600,000 (over 5 years)
£30,000 towards implementation of appropriate extensions to CPZ	£30,000	£30,000
Total contribution	£1,905,000	£1,087,949

Due to the securing of funding for the Croxley Rail Link which is due to be operational by 2017 and the new station proposed at Vicarage Road which is only 410m to the west of the site, contributions in respect of enhancements to public transport were reduced from those agreed at the time of the 2007 application, because of the significantly improved accessibility of the site by public transport.

In the light of the conclusion reached with the County Council as referred to above, the detailed figures in the above table have been deleted from the Heads of Terms and replaced by the global contribution figure of £4m.

In respect of paragraphs (c) and (d), these remain in the Heads of Terms. The details in relation to paragraph (d) are set out below:

- (i) No more than the total amount of new development associated with the Business Area South (6950sqm B1/B2/B8), in addition to any of the development land use combinations set out in Table 1, shall be occupied until the works associated with upgrading the traffic signal controller at M1 junction 5 interchange with wireless MOVA have been Practically Completed:

Table 1

Business Area South (6,950 sqm) + any one of the combinations 1 – 6 below	
Combination 1	Clinical Office 2,060 sqm
Combination 2	Retail 2,980 sqm
Combination 3	Houses – 99 Flats – 310 Units
Combination 4	Office - 3,685 sqm Leisure – 1,719 sqm Flats – 140 Units
Combination 5	Office – 3,685 sqm Leisure – 1,719 sqm Flats – 140 Units
Combination 6	Hotel (80 Beds) Flats – 230 Units

(ii) not to Occupy any part of Development Area 2 (South of the Access Road) until the following highway works have been substantially completed:

(a) junction improvement scheme at Lammas Road /Wiggenhall Road/Fisher Industrial Estate junction to improve safety and pedestrian connectivity whilst integrating with the new Link Road/Access Road/Wiggenhall junction in accordance with drawing numbers:

60288684-TR-CD-03

60288684-TR-GA-03

60288684-TR-CD-05

60288684-TR-GA-05

Approved under planning application reference 13/00971/FULM

- (b) new signal controlled junction with restricted movements at the Site Access/Link Road/Wiggenhall Road junction in accordance with drawing numbers:
60288684 –TR-CD-03
60288684 – TR-GA-03
60288684-TR-CD-05
60288684-TR-GA-05
Approved under planning application reference 13/00971/FUL
- (c) new junction at the eastern end of the Link Road with Dalton Way in accordance with drawing numbers:
60288684-TR-GA-04
60288684-TR-CD-04
60288684-TR-GA-06
60288684-TR-CD-06
Approved under planning application reference 13/00971/FULM
- (d) lane reallocation and realignment within the highway boundary at the Lower High Street/Dalton Way (south) junction to provide two right hand lanes from Lower High Street onto Dalton Way with provision of pedestrian/cycle facilities at the junction of Lower High Street and Dalton Way gyratory in accordance with drawing numbers:
60288684-TR-GA-04
60288684-TR-CD-04
60288684-TR-GA-06
60288684-TR-CD-06
Approved under planning application reference 13/00971/FULM

Framework travel plan

A Framework Travel Plan is a package of measures designed to encourage a more sustainable approach to transport behaviour. These measures may be designed to reduce

the overall need to travel, reduce the number and duration of trips, or encourage people to use public transport, walking or cycling as alternatives to car use. A Travel Plan also identifies how this approach will be implemented, managed, monitored and reviewed to maximise its success.

A Framework Travel Plan was submitted in conjunction with the planning application and this will sit alongside a similar plan currently being developed by West Hertfordshire Hospitals NHS Trust for their hospitals. This will be consistent with the objectives set out in the Plan for the Health Campus and will be applicable to the hospital staff on the Health Campus site.

The requirement to implement and adhere to the provisions of the Framework Travel Plan has been included in the planning obligation.

Car parking management strategy

The previous report to Committee identified how, in order to prevent excessive levels of surface car parking on the site, the mix of uses in the masterplan will allow the opportunity for the shared use of some parking spaces, particularly those within the Central development area where demand for different uses will vary throughout the day.

In addition, the overall level of car parking across the site was deemed acceptable but would require careful management to ensure that uncontrolled street parking does not occur on the roads and shared surfaces and that suitable provision for parking is available for each development area.

Accordingly, the requirement for a Car Parking Management Strategy has been included in the planning obligation. This requires the applicant to submit to the Council a strategy for car parking within each Development Area, prior to the submission of a reserved matters application for that area. This will enable the Council to assess both the level of parking and the management of parking within each area and across the whole development.

Education, childcare, youth and libraries

In its initial comments on the planning application, the County Council advised that, in terms of primary provision, the proposed development would generate a demand for 1.43 forms of entry (FE) at primary level and 1.35 FE at secondary level. In addition, the development would also generate demand for the provision of early years and nursery education in the form of a children's outreach facility and childcare premises.

It was noted that feasibility work had been undertaken at Laurance Haines School to expand this by either one or two forms of entry. Studies were undertaken by the applicant to demonstrate that this could be done and these showed that the proposed expansion up to a maximum of 2FE could sit comfortably within the site, alongside improvements to highway safety to the benefit of the school.

It was the view of the County Council that, despite the "Planning Obligations Toolkit" being used in respect of the previous planning application for the Health Campus, it was not appropriate to use this tariff based approach to collect contributions in respect of the current application. The County Council indicated that an assessment of the development based on the Planning Obligations Toolkit would offer less than £1m if primary and nursery contributions were combined. The County Council has advised that, since the determination of the earlier planning application for the site, the demand for school places in Watford has increased significantly and is now under severe pressure in Watford. The County Council has worked on education strategies to deal with existing and future demand requirements and has embarked on a substantial primary school expansion programme in the town and elsewhere in Hertfordshire to respond to this challenge.

As a result of this significant increase in demand for school places in Watford, the tariff based approach that is normally used to calculate financial contributions was considered by the County Council to be inappropriate. Instead, the County Council wished to see the provision of 1.43 forms of entry at primary level. Given the feasibility work that had previously been undertaken at Laurance Haines school, a 1FE expansion here was

expected to cost between £3.5 and £5m. This represents an increase in expected contributions from the applicant of between £2.5m and £4m, solely for education provision, compared to the usual 'toolkit' calculation. In addition, there is a requirement for further financial contributions in respect of youth, childcare and library facilities in the region of £105,000 in accordance with the Toolkit (exclusive of the contribution of £1,087,949 in respect of highway works referred to above). This would have resulted in total financial contributions to the County Council of circa £6,200,000, which is an increase of over £5,000,000 since the determination of the previous Health Campus application in 2010.

Further discussions with the County Council have provided greater clarity on both the mix of dwellings proposed and also the expected phased construction of those dwellings that would generate demand for school places. As a result, the County Council has adjusted its projected forecast of demand arising from the current planning application from 1.43 FE to 0.9FE at primary level. Nevertheless, the applicant has argued that such a significant increase in financial contributions associated with the scheme cannot be reasonably sought given the existing marginal viability of the project.

Having regard to the viability argument, there are two issues which have to be resolved:

- (a) the value of the financial contribution to be provided by the applicant to the County Council; and
- (b) the method of delivery for the required school places generated by the development.

(a) the value of the financial contribution

As referred to above, the applicant has produced viability evidence to assess the extent of financial contributions that could be achieved from the development, whilst still allowing a competitive return for the developer that would ensure that this strategic site could be brought forward in a timely fashion.

Arising from further discussions between the applicant and the County Council, the County Council has indicated that it would agree to a planning obligation that makes provision for a financial contribution to the County Council of £4m towards infrastructure costs, to be shared as the County Council considers appropriate across all services.

Clearly, a contribution of £4m is significantly lower than the £6.2m contribution that had previously been indicated by the County Council as being the required contribution. However, the County Council has determined that this is an acceptable figure, having regard to the viability argument and the importance of delivering the proposed development of the Health Campus.

(b) the method of delivery for the required school places generated by the development

Whilst the County Council has agreed a financial contribution payment with the applicant, it is also clear that the County Council is concerned as to how the projected requirement of primary school capacity will actually be provided.

From the evidence of the two feasibility reports commissioned by the applicant, the existing Laurance Haines school can be extended by up to 2FE, which would include the additional parcel of land that is allocated for expansion purposes in the illustrative masterplan. However, given the adjusted forecast from the County Council and the reduction in primary school places to 0.9FE, a 2FE expansion at Laurance Haines may not be required. The County Council has also previously expressed concerns about doubling the size of the existing school, as there are no existing 4FE schools in Hertfordshire; the largest being 3FE.

The County Council, in conjunction with the Borough Council, is considering various proposals for the provision of primary school places in Watford, not only in respect of the demand likely to be generated by the present development proposal but also to address the existing shortage of primary school places in the Borough. A number of sites are being reviewed by the County Council to see if they would be suitable for a new school. In addition, and since the report to the 18th September meeting of the Committee, the

applicant has initiated discussions with the County Council in respect of the construction of a school on that part of Farm Terrace Allotment (FTA) site not covered by the proposed hospital expansion.

At the present time of writing of this report, the FTA site has not been appropriated because of the quashing by the High Court of the Secretary of State's decision to approve the appropriation of the land, following a Judicial Review. There is, therefore, continued uncertainty over the availability of the FTA site and, consequently, the deliverability of a primary school on this site. Whilst the County Council has indicated this option as its preference for a new primary school, further work is currently being undertaken by the applicant to explore this option.

In conclusion on this element of the planning obligation, agreement has been reached with the applicant and the County Council that a global financial contribution £4m will be made to the County Council, and it will be for the County Council to determine how that sum is to be apportioned between the various service requirements. Given the ongoing discussions between the Borough Council, the applicant and the County Council, it is reasonable to conclude that an acceptable solution can be found with regard to the provision of additional primary school places, either by way of a new school or by expansion of existing provision, using the financial contribution secured through the planning obligation. The Borough Council has also agreed to set aside two areas of land, one within the application site and one at the Harwoods Adventure Playground, for use, if required, by the County Council in connection with the expansion of Laurance Haines school.

Fire hydrants

Provision for fire hydrants to serve the development, as required by the County Council's Fire and Rescue Service, has been included within the planning obligation.

Affordable housing strategy

Policy HS3 of the Council's adopted Core Strategy requires the provision of 35% affordable housing on major applications of ten residential units and above. The policy

also provides a tenure breakdown as a reflection of the current need within the Borough. Policy HS3 stipulates that, in accordance with the evidence gathered within the SHMA and Development Economics Study, the provision of affordable housing should be split into the following tenure mix:

Social Rent – 20%

Affordable Rent – 65%

Intermediate Affordable Housing (Shared Ownership) – 15%

A total of 681 dwellings are proposed within this application. This will result in the delivery of 238 affordable units for the Borough. The tenure split of these units as proposed by the applicant is directly in accordance with the requirements set out within Policy HS3.

The commitment to securing both the 35% provision and the identified tenure split directly in accordance with the policy requirement has been included in the planning obligation, and this will ensure the delivery by the applicant of the required affordable housing. In addition, provision is made for an Affordable Housing Delivery Strategy to outline the percentage, mix, tenure and distribution of the affordable units throughout the site within each development area. The planning obligation also makes provision for the transfer of the affordable units to one or more Registered Providers.

Given the size of this development, the level of residential units proposed and the pressures on the Borough in terms of the delivery of affordable housing and rising house prices, it is clearly very important that the required quantum and tenure split of affordable housing is both provided and maintained, notwithstanding the pressures on viability that have been argued. In this context, it is appropriate to consider that the provision of affordable housing should be given greater weight and precedence over the provision of other infrastructure requirements, such as youth and library facilities and highway improvements.

The NPPF places great weight on the delivery of housing, including affordable housing; in this instance, the planning obligation will require the applicant to meet the necessary provision of 35% on-site affordable dwellings. In considering the viability of a development scheme, it is often necessary to strike a balance between seeking overall financial contributions and delivering on-site infrastructure that has wider benefits. At present, the planning obligation provides for the full provision of 35% affordable housing; however, if additional financial contributions were to be required, this could affect the viability of the scheme. In such circumstances, it is often the case that the provision of affordable homes is reduced in order to redress the balance. It is appropriate, therefore, to attribute significant weight to the proposed provision within the planning obligation for affordable housing.

Provision or improvement of open space

The 18th September report to Committee highlighted that there would be significant losses on the site arising from the development proposal. These primarily related to the loss of the woodland on the former Willow Lane allotments and the loss of the part of Oxhey Park along the line of the Link Road. The report questioned the appropriateness of including shared surface roads and footpaths as 'open space' and concluded that more work was needed to address the question of the extent to which the development was able to provide adequate and high quality open space and green infrastructure within the site.

An updated Open Space Diagram has been provided by the applicant that attempts to deal with this issue, although it is noted that the drawing is referred to as "draft – work in progress". The Diagram includes a schedule of open space, subdivided into 'amenity green space' and 'shared surface and spaces'. So far as the current application site is concerned, the Diagram shows 3.22 ha of amenity green space and 2.66 ha of shared surface and spaces, making a total of 5.88 ha. The figures previously reported were 1.84 ha of amenity green space and 2.15 ha of shared surface and spaces, a total of 3.99 ha. However, the Diagram continues to include internal footpaths, roads and sustainable drainage features as part of the site's 'open space' on the basis of the applicant's argument that designating such areas as 'shared space' is acceptable

because, since cars should not take precedence over pedestrian users of these areas, they can therefore be used as external areas of amenity space.

Saved Policy L8 of the Watford District Plan 2000 requires open space provision at a ratio of at least 2.8 hectares of open space for every 1,000 persons (or 380 dwellings). This equates to a provision of 0.007 hectares per residential unit. 681 dwellings are proposed within this application, generating an open space requirement of 5.01ha of open space in order to comply with this policy. The total of open space provision as noted above is now 5.88 ha; although this exceeds the policy requirement it is open to question, as the 18th September report noted, how much of this provision is the type of open space referred to in Policy L8.

The applicant also draws attention to the Colne Valley and Lairage Land that lie directly adjacent to the development site, noting that these are existing open spaces that suffer from poor accessibility and, as a consequence, are not used to their full potential. It is argued that, because the proposed development will include an improved link under the Croxley Rail Link to the Ebury Way, this will enable improved access to and better use of the Colne Valley. The existing pedestrian route under the Croxley Rail Link, which provides access to the Lairage Land from Stripling Way, is being retained.

Notwithstanding the continued inclusion of shared surfaces and other landscape features in the open space calculations, it is nevertheless argued by the applicant that the overall provision of open space in the development is acceptable and that, with the improved access to the Colne Valley, which further supplements this provision of space, there is no longer a need for the planning obligation to include a financial contribution to offset any deficit in provision within the site.

The removal of river structures, a masterplan for the River Colne and biodiversity offsetting and ecological improvements

In the 18th September report to Committee, attention was drawn to the reference by the Environment Agency (EA) to the Water Framework Directive (WFD) (a European

Directive) and how its objectives will be achieved for the site. At present, the section of the River Colne running through and alongside the application site is deemed as being of 'moderate' ecological status and the EA considers that measures are required to ensure that the masterplan is compliant with the WFD and to improve the status of the river to that of 'good' by 2027.

These measures involved the removal of the weir and sluice in the side channel and the sluice in the main channel. By removing these structures, the impounding of water will be reduced and this will have the effect of improving the ease of passage of fish in the river as well as improving its resilience.

The EA has identified three structures that should be removed to ensure that the development is fully compliant with the objectives of the WFD and in order to maximise WFD outcomes on the site. These are:

- (1) the weir on the side channel (adjacent to west of Lakeside Development Area and the Croxley Rail Link);
- (2) the sluice on the side channel (adjacent to Riverside Park); and
- (3) the sluice on the main channel (to the rear of houses on Riverside Road).

It has been suggested that the removal of (1) and (2) above would result in increased water levels and an increase in flood risk to both the CRL and Health Campus projects. However, (3) is currently impounding water, causing water levels to rise further upstream. As such, the removal of all three structures would result in an improvement to overall levels, although (3) would require removal first.

Policy SE26 of the Watford District Plan 2000 states that 'The Council will support in principle initiatives that protect and enhance watercourses' and the NPPF requires EU Directives to be taken into account. The EA's concerns are, therefore, a material planning consideration which must be taken into account.

Of the three structures identified by the EA for removal, (2) and (3) are outside the application site. Consequently, as suggested in the 18th September report, the most appropriate way of dealing with all three structures is by means of a planning obligation, and this is the approach that is to be followed.

In respect of the biodiversity off-setting and ecological improvements in the river corridor, these will be undertaken as part of the river management works and the removal/clearing of rubbish from the banks and the river itself. These requirements can be controlled by means of a planning condition and need not, therefore, be included in the planning obligation. Appropriate conditions relating to biodiversity measures have been included in Annex A and Annex B.

Improvement and upgrading of sewer capacity

In the 18th September report, it was noted that Thames Water had “identified an inability of the existing waste water infrastructure to accommodate the needs of this application”.

An impact study has since been carried out which has investigated the potential effects of the development on the foul sewerage network. The study highlighted that the proposed development will have a detrimental effect on the existing foul sewerage system upstream of the development. It also identifies the location of the lack of capacity had proposed a solution to increase the capacity of the system. It is understood that this solution has been discussed and agreed by Thames Water.

The location of the proposed capacity improvement works is outside the application site, although it is understood to be on land that is owned by the Borough Council. There is no reason to suppose, therefore, that the works cannot be carried out. However, it will be necessary to ensure, by means of an appropriate planning condition, that these works are actually implemented. Such a condition has been included in Annex A.

As the improvement and upgrading of sewer capacity is now being addressed by means of a planning condition, this issue is not included in the planning obligation.

Conclusion

The planning merits of the proposed development of the Watford Health Campus were discussed at the 18th September meeting of the Development Control Committee when it was resolved that planning permission be granted, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the imposition of appropriate conditions.

Planning applications must be determined having regard to the provisions of the development plan and to any other material planning considerations. At the outset, there is a presumption in favour of the proposals, in the light of the provisions of Policy SPA3 of the Core Strategy, which is a key component of the development plan for Watford. In addition, the NPPF and NPPG are both material planning considerations which must be taken into account in determining this application. Both documents emphasise the need to deliver housing and draw attention to the need to have regard to the issue of viability in negotiations over planning obligations.

In the light of the viability evidence submitted by the applicant since the 18th September meeting, and the assessment of that evidence by Adams Integra, agreement has been reached between the applicant, the Borough Council and the County Council on the Heads of Terms of the planning obligation. Consequently, the final Heads of Terms for the planning obligation are now presented to the Committee for approval.

It is proposed that the measures for the upgrading of the sewerage infrastructure and the improvements to biodiversity will be secured through the imposition of planning conditions. These, and other appropriate conditions as previously outlined in the 18th September report, are set out in full in Annex A (in respect of the outline element of the development) and Annex B (in respect of the detailed element of the development).

HUMAN RIGHTS IMPLICATIONS

The grant of planning permission subject to the completion of a s.106 legal agreement and appropriate conditions will have an adverse impact on the human rights of the applicants to develop and use their land. This impact is considered justified in order to protect the human rights of third parties to use their land or enjoy their homes and in the wider public interest.

RECOMMENDATIONS

(A) That a planning obligation under s.106 of the Town and Country Planning Act 1990 be entered into on the following terms:

- Upgrading of the traffic signal controller at Junction 5 of the M1;
- Junction improvements at the Lower High Street/Dalton way junction;
- Provision and implementation of a framework travel plan;
- Implementation of a car parking management strategy;
- Provision of financial contributions of £4,000,000 to the County Council in respect of the following: traffic calming measures on roads surrounding the site; enhancement of public transport infrastructure; the enhancement of bus services; the provision of education, childcare, youth and library facilities;
- An affordable housing strategy for the delivery of 35% of the new dwellings as affordable housing and an affordable housing delivery strategy;
- The removal of river structures within the River Colne and the side channel;
- The provision of fire hydrants;
- The retention of land for the possible expansion of Laurance Haines School.

(B) That the planning permission be granted subject to conditions:

- (i) in respect of the outline element, as set out in Annex A; and
- (ii) in respect of the detailed element, as set out in Annex B.

Informatives

1. This planning permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial payments towards the provision or improvement of childcare, education, youth facilities, library facilities and sustainable transport measures for the Borough of Watford; and the provision of any fire hydrants that are necessary to serve the development, in accordance with the provisions of Supplementary Planning Guidance 10 (SPG10), Policies L8 and H10 of the Watford District Plan 2000 and Policies T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31. The planning obligation also includes provisions relating to the provision of 35% affordable housing and an affordable housing delivery strategy; traffic signal improvements at M1 J5; a package of transport measures including alterations to the Lower High Street/Dalton way junction; the implementation of a travel plan and the implementation of a car parking management strategy, the removal of river structures within the River Colne and the side channel; the provision of fire hydrants; and the retention of land for the possible expansion of Laurance Haines School.
2. For the avoidance of doubt, site preparation works shall not include the removal of trees and shrubs from the site or works comprising the erection of site hoarding for security and safety reasons.
3. All species of bat are European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Report prepared by: Matthew Taylor
Senior Planning Consultant, Aitchison Raffety
Email: Matthew.Taylor@argroup.co.uk
Telephone: 01604 880163

ANNEX A

Watford Health Campus – 14/00511/OUTM

Hybrid planning application for the development of a mixed-use health campus

Schedule of conditions

Outline Element

Masterplan for each Development Area

1. No reserved matters shall be submitted for any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a masterplan for the development area showing the following details has been submitted to and approved in writing by the Local Planning Authority:
 - (i) Vehicle routes including access to parking areas, servicing of buildings, and emergency vehicles;
 - (ii) Pedestrian and cycle routes;
 - (iii) Maximum building footprints;
 - (iv) Active building frontages;
 - (v) Location and size of green open space and hard landscaped open space;
 - (vi) Location and size of children's play facilities;
 - (vii) Linkages to adjoining development areas.

Reason: To ensure the proper planning of each development area and appropriate relationships to adjoining areas.

Phasing Plan for each Development Area

2. No reserved matters shall be submitted for any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a phasing plan showing how the development within the relevant development area will be phased and implemented has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall delineate each separate phase of development and provide details of start and indicative completion dates. Phase boundaries shall be contiguous with each other. For the avoidance of doubt, the phasing plan for the Riverside development area shall include the creation of the Colne Island open space and Ebury Way Link as approved under planning permission ref. 13/00971/FULM. The development shall only be carried out in accordance with the approved phasing plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is carried out in an appropriate sequence within each development area in the interests of proper planning.

Reserved Matters

3. No development shall commence within any phase of development within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the reserved matters of access, appearance, landscaping, layout and scale for the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To comply with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

Time Limit

4. Applications for approval of the reserved matters must be made not later than the expiration of ten years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Drawings

5. The reserved matters applications pursuant to this permission shall be made in accordance with the following approved drawings and substantially in accordance with the supporting documents:-

Parameter Plan: Development Areas and Land Uses – drawing no. A10336D0010 rev.P3

Parameter Plan: Pedestrian and Green Links – drawing no. A10336D0012 rev.P3

Parameter Plan: Vehicular Access – drawing no. A10336D0013 rev.P3

Parameter Plan: Maximum Building Heights – drawing no. A10336D0014 rev.P1

Parameter Sections: East-West Sections – drawing no. A10336D0015 rev.P2

Parameter Plan: North-South Sections West Side – drawing no. A10336D0016 rev.P2

Reason: For the avoidance of doubt and in the interests of proper planning.

Hours of Construction

6. 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

Construction Environmental Management Plan

7. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a Construction Environmental Management Plan (based upon the Environmental Management Plan dated 31st March 2014 in the Environmental Statement) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include (but not exclusively) details of the operation of the Considerate Contractors Scheme; a contact procedure for complaints; the routing of construction vehicles; the management of deliveries to avoid peak times; the management of contractors parking; hours of noisy operation; hours for deliveries; air, noise and dust monitoring around the boundaries of site; the siting and demarcation of compounds within the site; the siting and type of fencing to protect all trees, hedges and habitats to be retained and all watercourses; safe access to site offices; and wheel washing facilities at all exits from the site. The Plan as approved shall be implemented throughout the period of works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impacts of site preparation and construction activities on surrounding properties, the local environment and the local highway network during the time the development is being undertaken.

Land Contamination

8. No development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as

shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a scheme that includes the following components to deal with the risks associated with contamination of the relevant development area has been submitted to and approved in writing, by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) 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.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

9. 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

10. No occupation of any building within any phase of the development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy 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.

Reason: To protect the water environment by ensuring the remedial work for each phase of the development is complete and has been successful, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

Archaeological investigation

11. (i) No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until an Archaeological Written Scheme of Investigation for the relevant development area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions and:
1. the programme and methodology of site investigation and recording;
 2. the programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 3. the programme for post investigation assessment;
 4. provision to be made for analysis of the site investigation and recording;
 5. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 6. provision to be made for archive deposition of the analysis and records of the site investigation;
 7. nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- (ii) The development shall only be undertaken in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under part (i).
- (iii) No occupation of any building within any development area shall take place until the site investigation and post investigation assessment have been

completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (i) and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains on the site can be evaluated and recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

Site Waste Management Plan

12. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a Site Waste Management Plan (SWMP) (based upon the Design Stage SWMP dated 28th March 2014 in the Environmental Statement) for all aspects of waste management during site preparation and construction has been submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

Flood Risk

13. No works of development shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a scheme to address flood risk has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) prepared by AECOM dated March 2014. The scheme shall include the following mitigation measures detailed within the FRA:

1. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Details of how the scheme shall be maintained and managed after completion shall be included.
2. Finished floor levels set no lower than the 1 in 1000 year flood event design level.
3. Flood compensation works as determined by any buildings encroaching into the 100 year climate change design level.
4. Resilience measures as indicated to direct flood flows away from buildings by land shaping.
5. Providing safe dry access/egress to higher ground from any buildings within the 100 year climate change flood envelope.

Reason: To prevent an additional risk of flooding on site and elsewhere, in accordance with paragraph 102 of the National Planning Policy Framework and Policy SD2 Watford Local Plan Core Strategy 2006-31.

Built Footprint within Floodplain

14. No built footprint shall be constructed within the 100 year climate change baseline flood envelope with the Tributary flows and updated topographic survey data included (see drawing 60288684-INF-SK14 Rev 3.0 in Appendix 2 of the Flood Risk Assessment prepared by AECOM dated March 2014) until after the works to open up and improve the flow capacity of the Wighenhall Tributary Ditch have been completed and the completion of these tributary works has been demonstrated in writing to and been approved in writing by the Local Planning Authority.

Reason: To ensure that flood risk is not increased on the site and to the surrounding areas.

Bridge Design

15. The design of any new bridge over a designated 'main river' watercourse shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the bridge is free-spanning over the watercourse with the abutments set back a minimum of one metre from the top of the riverbank on the landward side and with a soffit level in excess of the 100 year climate change level with an appropriate freeboard. Any new bridge shall only be constructed in accordance with the approved details.

Reason: To ensure that any new bridge does not increase the risk of flooding on the site or to the surrounding area.

Surface Water Drainage

16. No infiltration of surface water drainage into the ground shall take place other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table.

Piling

17. Piling or any other foundation designs using penetrative methods shall not take place other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Some of the buildings' foundations may be partially below the water table and piling/foundation construction activities may disturb contamination, causing it to migrate into the groundwater.

Non Native Invasive Species Strategy

18. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a detailed method statement for the removal or long-term management/control of Japanese Knotweed and Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free from the seeds, roots or stems of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall only be carried out in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed and Himalayan Balsam, which are invasive non-native species found throughout the site, and pose a long term risk to biodiversity if they are not controlled, in accordance with Policy GI2 of the Watford Local Plan Core Strategy Policy 2006-31.

Services Strategy

19. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence within any development area as

shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a Services Strategy, setting out all existing services in the relevant development area to be removed or diverted and all new services to be provided, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure these works do not have any adverse impacts on the local environment.

Sustainability Targets

20. All non-residential units within the development hereby permitted shall be constructed to achieve a minimum rating of 'Very Good' in accordance with the relevant BREEAM standard for the proposed uses(s) (or the equivalent standard in such measure of sustainability for design which may replace that scheme).

No development shall commence within any phase of development within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until an Interim (Design Stage) Certificate issued by or on behalf of the British Research Establishment to demonstrate that the shell and core design of the non-residential buildings or the non-residential elements of mixed-use buildings within the relevant phase will achieve a minimum BREEAM rating of 'Very Good' has been submitted to and approved in writing by the Local Planning Authority. This shall be supplemented by details of any measures that would need to be secured by the tenant fit out and a mechanism by which these will be secured. No non-residential unit shall be occupied until a Post-Completion Final Certificate to certify that the rating of 'Very Good' has been achieved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2013.

21. All residential units (Use Class C3) within the development hereby permitted shall be constructed to achieve a minimum of Code Level 4 in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme).
- (i) No residential development shall commence within each phase of each development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a design stage interim certificate issued by or on behalf of the British Research Establishment to demonstrate how the residential dwellings within the relevant phase will achieve a minimum of Code Level 4 has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) No later than 4 months after the first occupation of each building, the Final Code Certificate certifying that a minimum of Code Level 4 has been achieved for each of the dwellings within the building shall be submitted for the approval in writing of the Local Planning Authority.

Tree and shrub removal

22. No trees, scrub or hedges within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal will not harm nesting birds or any protected species.

Reason: To prevent harm to nesting birds and other protected species during the breeding season.

Tree Protection Measures

23. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until the fencing to protect all trees, hedges and habitats to be retained and all watercourses as approved as part of the Construction Environmental Management Plan (Condition 7) has been erected on the site. No works shall take place within the protected areas until a method statement detailing the works to be undertaken and the methods to be used have been submitted to and approved in writing by the Local Planning Authority. Works within the protected areas shall only be undertaken in accordance with the approved method statement.

Reason: To safeguard the health and long term retention of the existing trees, shrubs and hedges on the site which represent an important visual and ecological asset within the River Colne corridor.

Existing and Proposed Ground Levels

24. No development shall commence within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the existing and proposed ground levels and the finished ground floor levels of all the buildings, roads and footpaths within the relevant development area have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: To ensure an acceptable relationship between the proposed building and the adjoining highway and surrounding buildings.

Soft Landscaping Scheme

25. No building within any phase of development within any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:
- (i) a landscape management plan for the long term maintenance of all soft landscaping and biodiversity measures within the site;
 - (ii) a phasing plan for the implementation of the soft landscaping scheme.

The soft landscaping scheme shall only be implemented in accordance with the approved details and shall be maintained in accordance with the approved management plan at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

External Lighting

26. No development shall commence until full details of the siting, height, design and type of all external lighting and details of ground lux levels have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise any light spillage towards the River Colne and to minimise any adverse impacts on wildlife. The external lighting shall only be installed in accordance with the approved details.

Reason: To ensure light pollution is minimised in the interests of the River Colne and local ecology and the visual impact of the development, in accordance with Policies GI3 and UD1 of the Watford Local Plan Core Strategy 2006-31.

Access

27. No building within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' shall be occupied until all access measures approved as reserved matters have been completed in full for the relevant phase.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

Car Parking Provision

28. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) the location and layout of car parking spaces including spaces for people with disabilities;
- (ii) the allocation of car parking spaces including spaces for visitors;
- (iii) details of on-site parking controls and charges;
- (iv) a management plan for the enforcement of parking controls and charges;
- (v) the provision and location of charging points for electric vehicles.

No building shall be occupied within any phase until the approved car parking measures relevant to that phase have been provided in full, unless otherwise approved in writing by the Local Planning Authority. The spaces shall be retained at all times for the parking cars.

Reason: To ensure adequate parking facilities are provided on the site and to minimise any additional on-street car parking, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000.

Cycle Parking Provision

29. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) the location and size of secure and weatherproof cycle stores for residential and non-residential use;
- (ii) the number of cycles to be accommodated in each store and the type of racking system to be used;
- (iii) the residential flats and non-residential floorspace respectively served by each store;
- (iv) the number, type and location of cycle stands for general public use.

No building shall be occupied within any phase until the approved cycle parking measures relevant to that phase have been provided in full, unless otherwise approved in writing by the Local Planning Authority. The cycle stores shall be retained at all times for the parking of cycles and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policies T10 and T21 of the Watford District Plan 2000.

Bin Storage Provision

30. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) the location and size of secure and weatherproof bin stores for residential and non-residential use;
- (ii) the number and size of bins for waste, dry recycling and green waste to be accommodated in each store;
- (iii) the residential flats and non-residential floorspace respectively served by each store;
- (iv) details of collection routes, collection points and any other collection arrangements, as appropriate, for the emptying of bins;
- (iv) details of access routes, turning and manoeuvring space for refuse vehicles.

No building shall be occupied within any phase until the approved bin stores relevant to that phase have been provided in full, unless otherwise approved in writing by the Local Planning Authority. The bin stores shall be retained at all times for the storage of bins and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy SE7 of the Watford District Plan 2000.

Plant and Equipment

31. No plant or equipment shall be installed externally on any building or within any plant room or enclosure or within the site of any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until full details have been submitted to and approved in writing by the Local Planning Authority. These details shall include the type, size and design of the plant/equipment; its siting and height above ground level; measures to mitigate its visual impact; details of any noise or odours emitted by the plant/equipment; and measures to mitigate any impacts arising from noise or odours. All plant and equipment shall achieve a noise level of -10dB(A) compared

to background noise levels as recorded in the Environmental Statement. The plant/equipment shall only be installed in accordance with the approved details and shall be retained as such at all times.

Reason: In the interests of the residential occupiers of the site and the patients at the hospital.

Maximum Floorspace and Use

32. The maximum number of residential dwellings to be developed within the application site shall not exceed 681.

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

33. The maximum number of residential dwellings within any development area shall not exceed the number shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses'.

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

34. The maximum total gross external floorspace to be developed within the application site shall not exceed 104,449m² and the maximum gross external floorspace by use shall not exceed the following amounts:

Hospital (Class C2) - 25,960m²

Offices/laboratories (Class B1(a) and B1(b)) - 3,685m²

Retail/commercial (Classes A1-A5) - 5,620m²

Residential (Class C3) - 55,988m²

Hotel (Class C1) - 3,000m²

Business/commercial (Classes B1(c), B2 and B8) - 8,477m²

Leisure (Class D2) - 1,719m²

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

35. The maximum gross external floorspace for each use within any development area shall not exceed the amount shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses'. The floorspace within any development area shall only be used for the uses specified and shall not be used for any other purpose.

Reason: To accord with the impact assessments undertaken in the Environmental Statement.

Design Standards

36. All residential units (Use Class C3) within the development hereby permitted shall be designed in accordance with the standards and guidelines contained in the Council's adopted Residential Design Guide 2014 (or any subsequent revision of this document), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the units provide satisfactory levels of accommodation and amenity for the future occupiers.

Open Space and Children's Play Facilities

37. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the public open space and children's play facilities for the relevant area have been submitted to and approved in writing. The details shall include the following:

- (i) The location and size of public open space.

- (ii) Details of the fencing, seating, litter bins and landscaping of the public open space.
- (iii) The location and size of children's play space.
- (iv) Details of the fencing, seating, litter bins, landscaping and play equipment for the children's play areas.

No buildings shall be occupied within each phase until the open space and children's play facilities relevant to that phase have been provided in full in accordance with the approved details.

Reason: To ensure adequate provision is made for open space and children's play facilities to serve the future occupiers of the development.

Biodiversity measures

38. No works of development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of measures to enhance the biodiversity of the development area including the river corridor have been submitted to and approved in writing by the Local Planning Authority. The range of measures to be considered shall include green roofs, brown roofs, green walls, bird and bat boxes and habitat creation in addition to the planting of native species. The details shall also include a management plan for the maintenance of the approved measures, as well as for any green infrastructure assets that are being retained and protected. No dwelling or unit shall be occupied until the approved measures have been installed as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity value of the site.

Travel Plan

39. No unit shall be occupied within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until a detailed Travel Plan based upon the Framework Travel Plan (March 2014) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be operated as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote alternative modes of transport to the private car and minimise impacts on the local highway network and the wider environment.

Shopfronts

40. No use of any unit within Classes A1, A2, A3, A4, A5 and D2 shall commence until details of the shopfront to the unit have been submitted to and approved in writing by the Local Planning Authority and the shopfront has been installed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development.

Hours of Use

41. No use of any unit within Classes A4 and A5 shall take place before 0800 hours or after 2330 hours on any day.

Reason: In the interests of the residential occupiers of the site and the patients at the hospital.

Construction of Access Road

42. No dwelling or non-residential unit within any development area shall be occupied until the access road and bridge approved under planning permission ref. 13/00971/FULM have been completed in full.

Reason: To ensure adequate and safe access is available for vehicles, cyclists and pedestrians to each phase of the development.

Renewable Energy

43. No development shall commence within any phase of any development area as shown on drawing no. A10336D0010 rev.P3 entitled 'Parameter Plan: Development Areas and Land Uses' until details of the low or zero carbon energy technologies to be used within the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, size and appearance any external plant and equipment. The technologies shall be installed as approved.

Reason: To ensure adequate measures are in place to reduce carbon emissions from the development and in the interests of the character and appearance of the development.

Internal Noise Levels

44. No development shall commence on any residential unit until details of the measures to be used to achieve internal noise levels that do not exceed the guidance levels given for residential rooms in BS8233:2014 have been submitted to and approved in writing by the Local Planning Authority. These measures shall include wall construction, windows, glazing and ventilation. No residential unit shall be occupied until the approved measures have been installed.

Reason: In the interests of the residential occupiers of the site and the patients at the hospital.

Sewerage infrastructure improvements

45. No discharge to the foul sewerage network from any of the buildings forming part of the development shall take place until a drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The strategy

shall specify, for each development area, such works (including any on-site or off-site infrastructure provision) as may be necessary in order to provide the required capacity in the sewerage network for that development area. No building in any development area shall be occupied, nor shall there be any discharge to the sewerage network from any such building, until the works specified in the approved drainage strategy relating to that development area have been completed.

Reason: To ensure that the necessary sewerage infrastructure is provided to serve the development.

Floorspace of Class A units

46. Of the retail/commercial floorspace referred to in Condition 34, not more than 2,125m² shall be contained within a single unit.

Reason: To ensure that the provision of retail/commercial floorspace on the site does not have a significant impact on the vitality and viability of the town centre or planned investment at Charter Place, in accordance with Policies SS1 and TLC1 of the Watford Local Plan Core Strategy 2006-31.

ANNEX B

Watford Health Campus – 14/00511/OUTM

Hybrid planning application for the development of a mixed-use health campus

Schedule of conditions

Detailed Element **Business Area South**

The following conditions relate to the detailed element of the application for Business Zone South as shown on drawing no. 1567-TP-01.

Time Limit

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

1567-TP-01, 02, 03, 04, 05

Reason: For the avoidance of doubt and in the interests of proper planning.

Hours of Construction

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.

Construction Environmental Management Plan

4. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Construction Environmental Management Plan (based upon the Environmental Management Plan dated 31st March 2014 in the Environmental Statement) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include (but not exclusively) details of the operation of the Considerate Contractors Scheme; a contact procedure for complaints; the routing of construction vehicles; the management of deliveries to avoid peak times; the management of contractors parking; hours of noisy operation; hours for deliveries; air, noise and dust monitoring around the boundaries of site; the siting and demarcation of compounds within the site; the siting and type of fencing to protect all trees, hedges and habitats to be retained and all watercourses; safe access to site offices; and wheel washing facilities at all exits from the site. The Plan as approved shall be implemented throughout the period of works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impacts of site preparation and construction activities on surrounding properties, the local environment and the local highway network during the time the development is being undertaken.

Land Contamination

5. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing, by the Local Planning Authority:
- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The results of the site investigation and detailed risk assessment referred to in (2) 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.
 - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

6. 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

7. No occupation of any building (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy 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.

Reason: To protect the water environment by ensuring the remedial work for each phase of the development is complete and has been successful, in accordance with Policies SE24, SE26 and SE28 of the Watford District Plan 2000 and Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

Archaeological investigation

8. (i) No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground

remediation and service diversions) or construction shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions and:

1. the programme and methodology of site investigation and recording;
 2. the programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 3. the programme for post investigation assessment;
 4. provision to be made for analysis of the site investigation and recording;
 5. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 6. provision to be made for archive deposition of the analysis and records of the site investigation;
 7. nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- (ii) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 6(i).
- (iii) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8(i) and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains on the site can be evaluated and recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

Site Waste Management Plan

9. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Site Waste Management Plan (SWMP) (based upon the Design Stage SWMP dated 28th March 2014 in the Environmental Statement) for all aspects of waste management during site preparation and construction has been submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy SD4 of the Watford Local Plan Core Strategy 2006-31.

Flood Risk

10. No works of development shall commence until a scheme to address flood risk has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) prepared by AECOM dated March 2014. The scheme shall include the following mitigation measures detailed within the FRA:
 1. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site

following the corresponding rainfall event. Details of how the scheme shall be maintained and managed after completion shall be included.

2. Finished floor levels set no lower than the 1 in 1000 year flood event design level.
3. Flood compensation works as determined by any buildings encroaching into the 100 year climate change design level.
4. Resilience measures as indicated to direct flood flows away from buildings by land shaping.
5. Providing safe dry access/egress to higher ground from any buildings within the 100 year climate change flood envelope.

Reason: To prevent an additional risk of flooding on site and elsewhere, in accordance with paragraph 102 of the National Planning Policy Framework and Policy SD2 Watford Local Plan Core Strategy 2006-31.

Built Footprint within Floodplain

11. No built footprint shall be constructed within the 100 year climate change baseline flood envelope with the Tributary flows and updated topographic survey data included (see drawing 60288684-INF-SK14 Rev 3.0 in Appendix 2 of the Flood Risk Assessment prepared by AECOM dated March 2014) until after the works to open up and improve the flow capacity of the Wighenhall Tributary Ditch have been completed. Completion of these tributary works must be demonstrated to and approved in writing by the Local Planning Authority.

Reason: To ensure that flood risk is not increased on the site and to the surrounding areas.

Surface Water Drainage

12. No infiltration of surface water drainage into the ground is permitted other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table.

Piling

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express approval in writing 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 protect the quality of the water environment, which is extremely sensitive beneath this site. Some of the buildings' foundations may be partially below the water table and piling/foundation construction activities may disturb contamination, causing it to migrate into the groundwater.

Non Native Invasive Species Strategy

14. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a detailed method statement for the removal or long-term management/control of Japanese Knotweed and Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that

will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stems of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall only be carried out in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed and Himalayan Balsam, which are invasive non-native species found throughout the site, and pose a long term risk to biodiversity if they are not controlled, in accordance with Policy GI2 of the Watford Local Plan Core Strategy Policy 2006-31.

Services Strategy

15. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Services Strategy, setting out all existing services on the site to be removed or diverted and all new services to be provided, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure these works do not have any adverse impacts on the local environment.

Sustainability Targets

16. No development shall commence until an Interim (Design Stage) Certificate issued by or on behalf of the British Research Establishment has been submitted to the Local Planning Authority to demonstrate that the shell and core design of the buildings will achieve a minimum BREEAM rating of 'Very Good'. This shall be supplemented by details of any measures that would need to be secured by the

tenant fit out and a mechanism by which these will be secured. No unit shall be occupied until a Post-Completion Final Certificate to certify that the rating of 'Very Good' has been achieved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2013.

Tree and shrub removal

17. No trees, scrub or hedges on the site shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal will not harm nesting birds or any protected species.

Reason: To prevent harm to nesting birds and other protected species during the breeding season.

Tree Protection Measures

18. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until the fencing to protect all trees, hedges and habitats to be retained and all watercourses as approved as part of the Construction Environmental Management Plan (Condition 4) has been erected on the site. No works shall take place within the protected areas until a method statement detailing the works to be undertaken and the methods to be used have been submitted to and approved in writing by the Local Planning Authority. Works within the protected areas shall only be undertaken in accordance with the approved method statement.

Reason: To safeguard the health and long term retention of the existing trees, shrubs and hedges on the site which represent an important visual and ecological asset within the River Colne corridor.

Existing and Proposed Ground Levels

19. No development shall commence until details of the existing and proposed ground levels across the site and the finished ground floor levels of all the buildings, roads and footpaths have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: To ensure an acceptable relationship between the proposed building and the adjoining highway and surrounding buildings.

External Materials

20. No development shall commence until details of the materials to be used for all the external finishes of the buildings, including all external walls, roofs, doors and windows, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

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

Hard Landscaping Scheme

21. No development shall commence until a hard landscaping scheme and details/samples of all materials to be used for all roads, footpaths, servicing areas and car parking areas have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved hard landscaping scheme has been implemented and the works have been carried out as approved.

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

Fencing and Boundary Treatments

22. No development shall commence until details of all means of enclosure and gates on the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. This shall include details of all retaining walls and structures within the site. No part of the development shall be occupied until the approved works have been carried out.

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

Soft Landscaping Scheme

23. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:
- (i) details of all existing trees, shrubs and hedges to be retained;
 - (ii) details of all new tree, shrub, hedge and other planting proposed within the site;
 - (iii) a schedule of planting including species, plant sizes and planting densities;
 - (iv) measures to enhance the biodiversity and ecological value of the site;
 - (v) a planting specification for all new planting;
 - (vi) a landscape management plan for the long term management and maintenance of all soft landscaping and biodiversity measures within the site;
 - (vii) a phasing plan for the implementation of the soft landscaping scheme.

The soft landscaping scheme shall only be implemented in accordance with the approved details and shall be maintained in accordance with the approved management plan at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

Ecological Enhancement Works

24. Prior to the commencement of the development hereby permitted a scheme to improve the biodiversity and habitat within the area shown on Plan 344-PA-061A shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for the implementation of the approved works and a future management strategy. The scheme shall then be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the ecological value of the site

External Lighting

25. No development shall commence until full details of the siting, height, design and type of all external lighting and details of ground lux levels have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise any light spillage towards the River Colne and wildlife area and to minimise any adverse impacts on wildlife. The external lighting shall only be installed in accordance with the approved details.

Reason: To ensure light pollution is minimised in the interests of the River Colne and local ecology and the visual impact of the development, in accordance with Policies GI3 and UD1 of the Watford Local Plan Core Strategy 2006-31.

New Access Junction

26. No part of the development shall be occupied until the new access junction with the Access Road, as shown in principle on the approved drawings, has been completed in full.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with saved Policies T21, T22 and T24 of the Watford District Plan 2000.

Car Parking Provision and Servicing

27. No part of the development shall be occupied until the car parking spaces, service yards and manoeuvring areas shown on the approved drawings have been laid out and constructed in full, unless otherwise approved in writing by the Local Planning Authority. The car parking spaces, service yards and manoeuvring areas shall be retained at all times and solely for these purposes.

Reason: To ensure adequate parking and servicing facilities are provided on the site and to prevent on-street parking and waiting of vehicles, in accordance with saved Policies T21, T22 and T24 of the Watford District Plan 2000.

Cycle Parking Provision

28. No part of the development shall be occupied until details of the siting, size, design and external materials of cycle stores for each of the proposed units (or communal stores to be shared by units) have been submitted to and approved in writing by the Local Planning Authority. The respective stores shall be retained at all times for cycle storage only and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policies T10 and T21 of the Watford District Plan 2000.

Bin Storage Provision

29. No part of the development shall be occupied until details of the siting, size, design and external materials of bin stores (for waste and recycling) for each of the proposed units (or communal stores to be shared by units) have been submitted to and approved in writing by the Local Planning Authority. The respective stores shall be retained at all times for bin storage only and shall not be used for any other purpose.

Reason: To ensure adequate facilities are provided for the occupiers of the site and in the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy SE7 of the Watford District Plan 2000.

Plant and Equipment

30. No plant or equipment shall be installed externally on any building or within the site until full details have been submitted to and approved in writing by the Local Planning Authority. These details shall include the type, size and design of the plant/equipment; its siting and height above ground level; measures to mitigate its visual impact; details of any noise or odours emitted by the plant/equipment; and measures to mitigate any impacts arising from noise or odours. The plant/equipment shall only be installed in accordance with the approved details and shall be retained as such at all times.

Reason: In the interests of the visual appearance of the site and its impact on the street scene and character of the surrounding area, in accordance with Policies SD1 and UD1 of the Watford Local Plan Core Strategy 2006-31

Specified Uses

31. The units hereby permitted shall only be used for purposes within Classes B1(b), B1(c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the units are used only for employment uses in accordance with the approved masterplan and to accord with the uses assessed in the Environmental Statement.

Trade Counters

32. In respect on any unit used for purposes within Class B8, no trade counter provided within that unit shall exceed 10% of the gross internal ground floor area of the unit and shall not exceed 40m² in any event.

Reason: To ensure the units are used only for employment uses in accordance with the approved masterplan.

Maximum Floorspace

33. The maximum floorspace that shall be provided within the approved buildings shall not exceed 6,950m² gross internal area (GIA).

Reason: To accord with the level of floorspace assessed within the Environmental Statement.

Travel Plan

34. No unit shall be occupied until a detailed Travel Plan based upon the Framework Travel Plan (March 2014) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be operated as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote alternative modes of transport to the private car and minimise impacts on the local highway network and the wider environment.