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TOWN AND COUNTRY PLANNING ACT 1990

DECISION NOTICE

Planning Ref. No. 19/00936/VAR

Miss Emma Runesson
Ridgepoint Homes
Terriers House
201 Amersham Road
High Wycombe
HP13 5AJ
Bucks

Conditional Planning Permission

Applicant	Miss Emma Runesson
Development	Variation of Condition 2 of planning permission ref. 18/00269/FULM for the redevelopment of the site to provide 81 apartments in 3 apartment buildings with associated access, parking, amenity space, bin store and bicycle/residential storage areas - minor amendments to the floor plans and elevations of the approved buildings.
Location	Whippendell Marine 477 - 479 Whippendell Road Watford

In pursuance of their powers under the above Act and the Orders and Regulations in force thereunder, the Council hereby grants the above variation requested by you in your application received with sufficient particulars on 15th August 2019.

The conditions attached to the original planning permission referred to above are amended to read as follows :-

- 1 The development to which this permission relates shall be begun before 5th June 2021.

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 and planning permission ref. 18/00269/FULM.

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

01258_S_00 P1, S_01 P1, S_02 P1, S_03 P1

E18.026.SLP Rev2
19-3493-1C, 2C, 3B, 4A, 5B, 6A, 7B, 8B
01258_P_04 P1, P_05 P1
01258_EL_08 P1
D0328_001A, 002B, 003B

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

- 3 No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) 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; and potentially unacceptable risks arising from contamination at the site;
 - ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - iii) the results of the site investigation and risk assessment referred to in (ii) above 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;
 - iv) 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 (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure any contamination of the ground is identified and remediated in the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of groundwater within the secondary and Principal aquifers present beneath the site. The submitted geo-environmental assessment has identified known and suspected contamination from current and historical land uses. The proposed development includes extensive groundworks and foundation works which will alter the current site conditions, resulting in the creation of new pollutant pathways. This will need to be addressed to better constrain the conceptual site model and provide greater detail to the risk assessment.

- 4 No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3 above) 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: This is a pre-commencement condition to verify that all contamination has been successfully removed from site following all remediation works and that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. To prevent deterioration of groundwater within the secondary and Principal aquifers.

- 5 The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. To prevent deterioration of groundwater within the secondary and principal aquifers.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site, in accordance with Policy SE24 of the Watford District Plan 2000.

- 7 No infiltration of surface water drainage associated with the development is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants. To prevent deterioration of groundwater within the secondary and principal aquifers onsite. Infiltration of surface water has the potential to mobilise contamination present within the soil.

- 8 Piling or other intrusive ground works (investigation boreholes, tunnel shafts, ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. A piling risk assessment and appropriate mitigation measures should be submitted for approval. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling or deep foundations do not harm groundwater resources. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

- 9 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies.

10 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy (133191-R1(2)-FRA, dated 20/04/2018) by RSK and the following mitigation measures detailed within the surface water drainage strategy:

- i) Off site discharges to be reduced to a rate of 13.5l/s and sufficient attenuation storage is being installed to accommodate the 1 in 100 year plus 40% climate change storm event.
- ii) Storage to be provided by permeable paving within car parking spaces and lined modular storage beneath the car park area as shown on the Indicative Drainage Strategy - Appendix K-2 P5.
- iii) Improvement of water quality to be provided through appropriate source treatment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

11 No development (excluding demolition works) shall take place until the full final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) Final drainage strategy shown on a drawing overlaid to the final layout and supported by the drainage calculations carried out for all rainfall events up to and including the 1 in 100 year event + climate change.
- ii) The location, extent and depth of any informal flooding of the site above 1 in 30 year rainfall event shown on a layout plan to confirm they are safely contained within the site. In addition any exceedance routes proposed for flood management on the site should be also shown on the final plan.
- iii) Full detailed engineering drawings of all the proposed SuDS measures in line with the latest edition of the SuDS Manual by CIRIA.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the design of the surface water drainage scheme is able to prevent any increased risk of flooding, both on and off site.

12 No development (excluding demolition works) shall commence until a noise mitigation scheme for each of the residential dwellings requiring acoustic double glazing, based upon the recommendations of the Noise Assessment Affecting the Proposed Residential Development (Report Ref. GA-2017-038-R1-RevA dated 16th February 2018) by Grant Acoustics, has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure appropriate noise mitigation measures are built into the development to ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

- 13 No development (excluding demolition works) shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings requiring acoustic double glazing, based upon the recommendations of the Noise Assessment Affecting the Proposed Residential Development (Report Ref. GA-2017-038-R1-RevA dated 16th February 2018) by Grant Acoustics, has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwellings remaining closed. The system must not compromise the sound insulation of the façades. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure appropriate ventilation measures are built into the development to ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

- 14 No development (excluding demolition works) shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors, balconies and privacy screens) have been submitted to and approved in writing by the Local Planning Authority. These should be based upon the details given in the Design and Access Statement dated February 2018 by JTP. The development shall only be constructed in the approved materials.

Reason: This is a pre-commencement condition to ensure high quality materials are used for the buildings 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.

- 15 No dwelling shall be occupied until an updated management and maintenance plan for the all the SuDS features and structures of the approved surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime. It shall be supported by a full set of as-built drawings, a post-construction location plan of the SuDS components cross-referenced with a maintenance diagram.

Reason: To ensure the design of the surface water drainage scheme is able to prevent any increased risk of flooding, both on and off site.

- 16 No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site (based upon the Proposed Landscape Masterplan, drawing no. D0328_003 B dated January 2018, by Neil Tulley Associates) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the amenity play area and, where practicable, enhanced tree and hedge planting along the western and eastern site boundaries. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

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

- 17 No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site (based upon the Proposed Landscape Masterplan, drawing no. D0328_003 B dated January 2018, by Neil Tulley Associates) has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.

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

- 18 No dwelling shall be occupied until the respective refuse and recycling stores and residential stores to serve the dwellings, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times and shall be used for no other purpose.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

- 19 No dwelling shall be occupied until the following works have been completed in full:

- i) the existing vehicular crossover on Whippendell Road at the western end of the site frontage has been removed, the footpath has been reinstated and the controlled parking zone bay has been extended to incorporate this part of the highway.
- ii) the existing vehicular crossovers on Sydney Road have been removed, the footpath has been reinstated and the controlled parking zone bay has been extended to incorporate these parts of the highway.
- iii) the new access junction on Sydney Road to serve the development has been constructed in full, as shown on drawing no. 01258_P_00 P2.
- iv) the servicing bay on Whippendell Road has been formed, to be effective between the hours of 8.00am and 6.30pm, Mondays to Saturdays only, as shown on drawing no. 171015-02F within Appendix C of the Transport Statement dated February 2018 by Motion.
- v) the 83 parking spaces have been provided as shown on drawing no. 01258_P_00 P2, to include 8 unallocated spaces served by active electric charging points and 1 car club space.

Reason: In the interests of highway safety and convenience, in accordance with saved Policy T21 of the Watford District Plan 2000.

- 20 No dwelling shall be occupied until a detailed Travel Plan, based upon the Travel Plan by Motion (dated 23 February 2018) submitted with the application and the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance', has been submitted to and approved by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure the development encourages a wide range of sustainable travel choices to reduce the impact of travel and transport on the environment, in accordance with Policy T3 of the Watford Local Plan Core Strategy 2006-31.

- 21 No dwelling shall be occupied in the respective blocks until details of a communal terrestrial television aerial(s) and satellite dish(es) for the block have been submitted to and approved in writing by the Local Planning Authority.

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

- 22 For the avoidance of doubt, no communications development permitted by Classes A, B or C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be undertaken on any of the buildings hereby approved.

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

INFORMATIVES :-

- 1 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2019 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.
A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email.
If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course.
Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.
- 3 This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure 24 flats as affordable housing, the exclusion of the development from the local controlled parking zone, the necessary fire hydrants to serve the development, a monitoring fee for the Travel Plan and a parking space for a car club vehicle.
- 4 All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must apply online via www.watford.gov.uk/SNN as early as possible. The council will correspond with yourself and Royal Mail to form the official address, including the postcode. The council will then issue an official notice to all statutory bodies. It is the responsibility of the developer to inform streetnamenumbering@watford.gov.uk when properties are ready for occupancy.
- 5 You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at: https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise

- 6 All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

This notice should be attached to and regarded as part of the original planning permission referred to above.

Issued by Watford Borough Council on 16th March 2020

DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2010
PART 5
TOWN AND COUNTRY PLANNING ACT 1990

Notes

1. If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or refuse approval for the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Planning Inspectorate, in accordance with Section 78 of the Town and Country Planning Act 1990, **within six months of the date of this notice.**

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs The Planning Inspectorate has the power to allow a longer period for the giving of a notice of appeal but this power will not be exercised unless there are special circumstances which excuse the delay in giving notice of appeal.

3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Sites or developments the subject of an enforcement notice please note:-

If this decision regards a planning application relating to the same or substantially the same land and development as its already the subject of an enforcement notice and you want to appeal against this decision then you must do so within 28 days of the date of this notice or,

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this decision then you must do so within 28 days of the date of service of the enforcement notice, or 6 months of the date of this notice whichever period expires earlier.