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#### **TOWN AND COUNTRY PLANNING ACT 1990**

# **DECISION NOTICE**

Planning Ref. No. 20/00553/VARM

GS8 Watford Limited C/O DP9 Ltd 100 Pall Mall London SW1Y5NQ

## **Conditional Planning Permission**

Applicant	GS8 Watford Limited
Development	Variation of Condition 2 to amend the internal layout and external elevations to facilitate a revised mix of accommodation pursuant to planning permission 18/01629/FULM.
Location	56D, 56E, 58 And 58A Vicarage Road Watford WD18 0EN

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 4th June 2020.

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 19 March 2022.

Reason: To comply with the time period for commencement of the original planning permission 18/01629/FULM.

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

1715-LS-X-XX-DR-A-0100\_P1
1715-LS-X-XX-DR-A-1000\_P1
1715-LS-X-00-DR-A-1100 / P4
1715-LS-X-05-DR-A-1100 / P2
1715-LS-X-10-DR-A-1100 / P2
1715-LS-X-20-DR-A-1100 / P2
1715-LS-X-30-DR-A-1100 / P3
1715-LS-X-50-DR-A-1100 / P3
1715-LS-X-XX-DR-A-1201 / P2
1715-LS-X-XX-DR-A-1202\_P4

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

No demolition of the existing buildings shall commence until a Historic Building Record of 58, Vicarage Road has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition as the building is locally listed and will be lost as a result of the proposal and a record of the building is required before it is demolished, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31 and the NPPF.

4 No demolition of the existing buildings shall commence until details of the tree protection measures to protect the retained tree at the rear of 56E, Vicarage Road have been submitted to and approved in writing and these measures have been installed as approved. These measures shall be retained at all times during the demolition and construction of the development.

Reason: This is a pre-commencement condition in order to ensure the long term health and retention of the tree.

- 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.

No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 4 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: In order 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. In the interests of the health of the future occupiers of the site, in accordance with saved Policy SE24 of the Watford District Plan 2000.

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 saved Policy SE24 of the Watford District Plan 2000.

- The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Elliott Wood Partnership Ltd (job number 2170842, revision P3, dated December 2018):
  - i) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.5 l/s during the 1 in 100 year event plus 40% of climate change event.
  - ii) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 46m³ (or such storage volume agreed with the LLFA) of total storage volume in underground tank.
  - iii) Discharge of surface water from the private drain into the Thames Water sewer network.

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.

- 9 No development (excluding demolition works) shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
  - i) Final detailed post development modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period including a +40% allowance for climate change. This should include the final version of the proposed drainage strategy.
  - ii) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
  - iii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: This is a pre-commencement condition in order to ensureadequate measures are incorporated into the design to prevent any increased risk of flooding, both on and off site.

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 Exposure Assessment (Report 13537-NEA-01 RevB dated 29 November 2018) by Clement 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.

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 Exposure Assessment (Report 13537-NEA-01 RevB dated 29 November 2018) by Clement 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.

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, 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 (version P1 dated 20 December 2018) by Lynas Smith. 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.

No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site, based upon the details given in the Design and Access Statement (version P1 dated 20 December 2018) by Lynas Smith, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the biodiverse roof system. 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.

No dwelling shall be occupied until the bin and cycle 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.

- 15 No dwelling shall be occupied until the following works have been completed in full:
  - i) the widening of the public footpath outside the site;
  - i) the formation of a vehicular crossover on Vicarage Road in front of the bin store to facilitate collection;
  - ii) the provision of 2 cycle stands (4 cycles) for short stay visitors.

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

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.

No dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, based upon the Residential Travel Plan dated December 2018 by Caneparo Associates. The approved plan shall be implemented in full.

Reason: To encourage and promote sustainable modes of travel to the residents of the development.

No dwelling shall be occupied until a detailed external lighting scheme for the development, based upon the details given in the Design and Access Statement (version P1 dated 20 December 2018) by Lynas Smith, has been submitted to and approved in writing by the Local Planning Authority and the lighting scheme has been installed 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.

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:-**

- 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.
- 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.
- This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/393927/Party\_ Wall etc Act 1996 - Explanatory Booklet.pdf

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

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.

7 This planning permission is accompanied by an agreement/unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the following planning obligations:

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 4th February 2021** 

# 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 <a href="https://www.planningportal.gov.uk/pcs">www.planningportal.gov.uk/pcs</a> 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.