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LPA Ref:
Our reference
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PP-12619215
17/00048/FULM
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Stefanie.Dodson@jll.com

18th December 2023

Dear Paul,

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
LAND TO THE EAST OF ASCOT ROAD, WATFORD**

NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF: 17/00048/FULM

On behalf of Cortland Cassiobury (PropCo) Limited please find enclosed our application for a non-material amendment to planning permission Ref: 17/00048/FULM which was granted in October 2017 for the *“Redevelopment of the site to provide a mixed use scheme including 485 residential units (Class C3), retail units (Class A1 and/or A2 and/or A3 uses), community floorspace (Class D1/D2), with associated cycle parking, car parking, playspace, landscaping and public realm improvements.”*

This non-material amendment application is seeking the amendment to BREEAM.

This Application

The application is submitted by Planning Portal (Ref: PP-12619215) and comprises the following documents:

- Application form (via Planning Portal);
- Fee of £293.00 (paid electronically);
- Proposed drawings:
 - BREEAM Assessment by Cudd Bentley
 - Supporting Letter from Cudd Bentley

Planning History

The original planning permission (Ref: 17/00048/FULM) received approval for 485 units in October 2017. A non-material amendment (Ref: 18/00703/NONMAT) for various alterations was approved in July 2018, this incorporated a change from 485 to 486 units and amendments to the layout and elevations, as well as wording to Conditions 3 (materials), 4 (detailed drawings), 15 (soft landscaping scheme), 16 (hard landscaping scheme), 32 (access, manoeuvring and parking layout), 33 (road safety audit), and 34 (swept path assessments).

As part of the non-material amendment application granted in July 2018 (Ref: 18/00703/NONMAT) revised plans for the lower ground, upper ground and first floor were approved which replaced the plans set out in Condition 2. In May 2021 (Ref: 21/00725/NONMAT) another non-material amendment was granted to regularise the first floor approved plans for Block A, reconfigure the lower ground floor to enlarge it for the whole site sprinkler system, small internal amendments to the layout, and the increase of 31 car parking spaces and to amend the “community use” (Use Class D1) to residential amenity space (C3).

In September 2021, a non-material amendment (Ref: 21/01259/NONMAT) was granted for the addition of an external terrace on roof of the southern part of Block C and the addition of a door on the eastern elevation.

Following this, in December 2021 a non-material amendment (Ref: 21/01642/NONMAT) was approved for a change in height to centralised heating plant flues Block D. In January 2022 a non-material amendment (ref: 21/01824/NONMAT) for the introduction of external terraces on roof levels of 4, 17 and 20 of Block A was approved.

The latest non-material amendment related to the subdivision of commercial unit in Block C to provide two units (ref: 22/01365/NONMAT). This was approved on 9th December 2022.

Proposals and Justification

This application seeks to amend Condition 30 in relation to BREEAM. The condition currently states:

'The Class A units hereby permitted shall not be brought into use until a certificate of compliance from an accredited assessor confirming that the development has achieved a BREEAM rating of Excellent has been submitted to and approved in writing by the Local Planning Authority.'

Reason: To ensure that the development is sustainable and makes efficient use of energy and water, in accordance with Policies SD1, SD2 and SD3 of the Watford Local Plan Core Strategy 2006-31.'

The contractor was building to 'Excellent', however during the collection of evidence for the BREEAM assessment, the main contractor became insolvent. Discussion with the team about the remaining available credits for the scheme based on the limited evidence received prior to the insolvency confirmed that the project is unlikely to achieve at least a 70% score to attain the BREEAM Excellent rating targeted for the final as built.

The highest available target score for this assessment based off discussion with the wider team on unforeseen evidence limitations, is 53.30% to achieve a 'Good' rating for the final combined design and post construction stage BREEAM assessment.

This application therefore seeks to amend Condition 30 in relation to BREEAM from 'Excellent' to 'Good' on this basis.

Please refer to the current BREEAM assessment and supporting letter explaining which credits can't now be achieved by Cudd Bentley.

Conclusion

We believe that the amendment is not material to the overall scheme, with no alteration to the appearance of the development and does not detract from the overall benefit and character the scheme will have on site and the surrounding area.

In light of the above, we trust that there is satisfactory information available to positively determine this Section 96a application.

Should you have any queries or require any additional information please contact Stefanie Dodson on 02031471815.

Yours sincerely,

Stefanie Dodson

Director – JLL Planning and Development
For JLL on behalf of Cortland Cassiobury (PropCo) Limited