



## Appeal Decision

Inquiry held on 29 to 31 August and 1, 4 to 6 and 8 September 2023

Site visit made on 6 September 2023

**by O S Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26<sup>th</sup> September 2023**

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**Appeal Ref: APP/Y1945/W/23/3317838**

**50 Clarendon Road, Watford WD17 1TX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Vedose Limited against the decision of Watford Borough Council.
  - The application Ref 22/00484/FULM, dated 1 April 2022, was refused by notice dated 7 September 2022.
  - The development proposed is redevelopment of the site to provide a mixed use scheme including the provision of 247 build to rent residential units (Class C3) and 4,798 sq m Class E floorspace in buildings ranging from 5 to 24 storeys with associated cycle parking, car parking, landscaping and amenity.
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### Decision

1. The appeal is allowed, and planning permission is granted for redevelopment of the site to provide a mixed use scheme including the provision of 247 build to rent residential units (Class C3) and 4,798 sq m Class E floorspace in buildings ranging from 5 to 24 storeys with associated cycle parking, car parking, landscaping and amenity at 50 Clarendon Road, Watford WD17 1TX, in accordance with the terms of application Ref 22/00484/FULM, dated 1 April 2022, subject to the conditions set out at Annex 3.

### Preliminary Matters

2. At the time of determination of the planning application the subject of this appeal, the Watford Local Plan Core Strategy 2006 – 2031 and the Watford District Plan 2006 were both part of the Development Plan. However, these plans have since been superseded by the Watford Local Plan 2021 – 2038 (the LP) which was adopted in October 2022. This is reflected throughout my Decision.
3. A s106 Planning Obligation, dated 20 September 2023 (the s106) has been submitted. It secures:
  - in relation to affordable housing:
    - 13 of the proposed dwellings to be affordable housing, in the form of discounted private rented units at 80% of market rents; and,
    - a late stage viability review and associated payment (if required) before 175 dwellings have been occupied;
  - in relation to the Build to Rent dwellings:
    - clawback payments if any of the dwellings are not retained as private rented accommodation within the first 15 years of occupation;

- a Residents Travel Pack;
  - a Residents Management Plan, including a requirement that all the dwellings be managed as a whole by a single professional property manager;
  - a Residential Travel Plan, annual reviews, and associated contribution towards monitoring compliance with the Travel Plan;
  - a contribution towards the variation of Controlled Parking Zones to exclude future occupants of the dwellings from applying for parking permits in Zones A and B, ie those zones close to the appeal site;
  - a Sustainable Travel Voucher for each dwelling; and,
  - the provision of a car club operator and scheme for free for three years for future occupiers and a car club credit;
  - a Local Employment Plan;
  - a contribution towards monitoring the s106;
  - an Office Travel Plan, annual reviews, and associated contribution towards monitoring compliance with the Travel Plan; and,
  - a contribution towards real-time information boards to be provided at the St Johns Road bus stop..
4. The Council's CIL Compliance Statement sets out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the tests at Paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. I return to matters of weight and detail of the s106 throughout my Decision.
5. A number of revised drawings and documents were submitted in the lead-up to the Inquiry. This included revised floorplans which altered the layout at lower levels to provide some M4(3) compliant flats, in accordance with the requirement for at least 4% of proposed dwellings to be M4(3) compliant, as set out in Policy H03.10 of the LP. It was agreed by the Council at the Inquiry that the revised floorplans were acceptable in this respect and that they did not give rise to any other concerns. I therefore accepted the drawings and they form part of the formal drawing set.
6. A number of other submissions were received during the Inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents.

## **Main Issues**

7. The main issues are:
- whether or not the proposal would provide an acceptable level and type of employment floorspace;
  - the effect of the proposal on the character and appearance of the area;
  - whether or not the proposal would preserve or enhance the character or appearance of the Estcourt Conservation Area; and,
  - whether or not the proposal would provide satisfactory living conditions for future occupiers.

## Reasons

### *Employment*

#### Quantitative

8. The LP does not specify whether Gross Internal Area (GIA), Net Internal Area (NIA) or Net Lettable Area (NLA) should be used to measure office floorspace. Gross floorspace is most commonly used in the planning system. For example, it is the basis for floorspace figures quoted on application forms and for all floorspace measurements in The Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)<sup>1</sup>. This is because gross measurements are constant and do not change over time due to internal layout changes outwith the planning system. The use of NIA, and in particular NLA, could result in measurements that do not accurately reflect changes to floorspace from a planning perspective. I therefore adopt GIA figures to measure the existing and proposed office floorspace.
9. By adopting GIA figures, this renders the dispute regarding the courtyard structure largely academic. It is common ground, and I agree, that the GIA of the existing office building on the appeal site is 6,600 sq m and that the GIA of the proposed office floorspace would be 5,677 sq m. This would represent a reduction in office floorspace of 923 sq m GIA, ie 14%.

#### Qualitative

10. The existing building lies vacant. It has an EPC of 'D' whereas most occupiers now require a minimum of 'B' due to increasing environmental awareness and energy costs. There are several more modern buildings in the local area that better suit the needs of modern occupiers, for example 54 Clarendon Road and 41-43 Clarendon Road. Refurbishment of the building is not viable because it has a small reception and entrance, no raised floor, no network cabling, no air conditioning, and the slab-to-slab distance is not sufficient to retrofit these elements. It has been marketed since July 2021, yielding only one inspection and no offers. There is therefore no realistic prospect of the existing building, including the courtyard structure, being re-let.
11. The office element of the proposal would have high quality and larger communal areas, air conditioning, a much better EPC, and an overall high standard of office accommodation. This would much better reflect the requirements of modern occupiers, particularly in the 'post-lockdowns' market where collaborative working spaces and the quality of the office accommodation is paramount. In addition, the office element of the proposal would be located at the lower levels along Clarendon Road and would have a large entrance on Clarendon Road.

#### Overall

12. The proposal would result in a reduction of office floorspace. However, it would also result in the replacement of an unlettable and vacant building with a still substantial amount of modern, high quality office floorspace which would be prominent on Clarendon Road. It would sustain and enhance the commercial attractiveness and offer of the Clarendon Road Primary Office Location. Overall,

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<sup>1</sup> For example, Part 3, Class P, P.1 or Part 7, Class A, A.1.

therefore, the proposal would provide an acceptable level and type of employment floorspace.

13. It therefore complies with Strategic Policy CDA2.1 of the LP, which seeks a mixed-use urban quarter along Clarendon Road as long as proposals in the first part of the plan period (within which we currently fall) are for employment redevelopment. It complies with Policies EM4.1 and EM4.3 of the LP, neither of which explicitly resist the loss of office floorspace, but which do support sustainable economic growth, encourages the growth of new businesses, and seek to attract inward investment. Policy EM4.3 supports proposals where there is no net loss of office floorspace but this is of limited relevance because the proposal would comply with the underlying objective of the LP policies. The proposal also complies with Paragraphs 81 and 83 of the Framework, which support economic growth and productivity including specific locational requirements of different economic sectors.

### *Character and appearance*

#### Existing

14. The appeal site comprises a large commercial building and associated hard standing. It is mid-rise and sits on a prominent corner at the junction of St John's Road and Clarendon Road. The building is of non-descript appearance, with a brick façade and limited articulation or fenestration detailing. It is relatively bulky with a fairly consistent height across the site, apart from some breaking up of the silhouette from the verticality introduced by the two main cores.
15. Clarendon Road is a fairly long and straight road that links Watford Junction railway station to the north and the town centre of Watford to the south. It is predominantly lined by substantial commercial buildings, mostly of similar mid-rise height to the appeal site building and in a variety of architectural styles. The road is clearly distinct from its surroundings to the east and west, which are low rise, mostly residential streets of domestic scale. To the north and south are the commercial areas of the station and town centre, both of which contain some relatively large and tall buildings.
16. Two recent planning permissions are currently being constructed. The first is to the southern end of Clarendon Road and will eventually include a tower of 23 storeys, albeit this would be to the rear of the site, fronting the ring road and not Clarendon Road. The second is 94-98 and 114 St Albans Road (herein 'the Eight Gardens development'), which is on the opposite side of the railway station and therefore somewhat divorced from Clarendon Road. This will eventually comprise a number of tall buildings.
17. In both the existing and emerging contexts, Clarendon Road is mid-rise, with the existing and emerging taller towers not located on the road, although they do provide a context of tall development in the surroundings of the road and the appeal site. Nevertheless, a key component of the existing character and appearance is the large scale commercial nature of the buildings on Clarendon Road, including on the appeal site, set directly next to the domestic scale buildings to the east and west.

### Proposed

18. It is proposed to demolish the existing building. It would be replaced by a new building providing both office and residential floorspace. The building would be seven storeys along Clarendon Road rising to a 24 storey tower element on the corner of Clarendon Road and St John's Road. The tower would be fairly wide along Clarendon Road, at approximately half of this elevation. It would present a slimmer profile to St John's Road. The building would then step down in stages to the rear, where it would be six storeys.
19. The architectural language of the office façade has been adjusted to reflect a commercial frontage. However, there would also be consistency through the use of similar materials, ie concrete frame and aluminium cladding, to both the commercial and residential elements along Clarendon Road and as the building turns the corner to St John's Road. The rear part of the proposed building would change materials to be predominantly brick.

### Assessment

20. The proposal would introduce a tall building into a road where there are none of this height at present or emerging. However, the existing buildings on Clarendon Road are nearly all large footprint, bulky buildings of a completely different scale to the surrounding areas to the east and west. The abrupt transition from these buildings to the surroundings is a key existing characteristic of the area. Although only of mid-height, the existing buildings are visible in views from many of the surrounding streets and properties, including fairly prominently from the east and west as well as along Clarendon Road. In addition, the under construction tall towers to 37-39 Clarendon Road and the Eight Gardens development, whilst not on Clarendon Road, will shortly provide a backdrop of tall buildings in the surrounding area. This is in addition to the existing tall buildings around the station and in the town centre.
21. The proposed tall building would be in the middle of Clarendon Road. However, it would be on the corner of a relatively major road junction, furthest away from the domestic scale area to the east. This is an appropriate location for a tall building and would act as a wayfinder, which does not need to be limited to the railway station and town centre ends of Clarendon Road because of its existing large scale commercial character. The height of the tower element would be similar to emerging tall buildings in the surrounding area. It would not, therefore, dominate the Clarendon Road streetscape or the wider townscape.
22. In terms of detailed design, the tower would have a slender profile as viewed looking at the St John's Road elevation, with a pleasing change in massing as the building gradually steps down from the highest point to the six storey element to the north and east. The relatively wide elevation to Clarendon Road is more visually challenging. However, this façade would be articulated through subtle changes to the aluminium cladding and fenestration patterns. It is a balancing act between introducing articulation and the façade becoming overly fussy and/or the massing too disjointed. The proposal successfully walks this line.
23. The proposal would maintain a commercial presence and architectural feel to the building at the lower levels fronting Clarendon Road. The materiality would be more commercial to this road and the corner with St John's Road before

changing to brick towards the residential area to the east. This is successful and appropriately addresses these two different character areas. The proposal includes landscaped areas to both road frontages that would be attractive and along St John's Road would afford a degree of use and animation by being linked to the communal areas for the residential floorspace.

### Overall

24. Therefore, the proposal would be of high quality design and would not harm the character and appearance of the appeal site or the wider area. It therefore complies with Chapter 12 of the Framework, which requires high quality design, and the National Design Guide, dated January 2021 (the NDG) which also requires high quality design and that new development respond positively to its surrounding context and integrates into its wider surroundings<sup>2</sup>. It also complies with the Watford Residential Design Guide 2016, which requires high quality design.
25. It complies with Policy QD6.1 of the LP insofar as it requires high quality design, supports high densities within the Core Development Area, and states that tall buildings should be of a height that reflects the location and contributes to wayfinding. It complies with Policy QD6.2 of the LP, which requires high quality design that relates well to its local context and positively contributes to the local area. It complies with Policy QD6.5 insofar as it relates to townscape and skyline. It complies with Policy CDA2.1 of the LP insofar as it requires high quality design including a transition in scale from taller to lower urban form where adjacent to residential uses. The proposal also complies with Policy QD6.3 of the LP, which requires safe, accessible, inclusive and attractive areas of public realm.
26. The proposal would significantly exceed the minimum density target set out in Policy HO3.2 of the LP of 95 dwellings per hectare (dpa), at 441 dpa. However, this is expressed as a minimum and the overarching aim of the policy insofar as it relates to design is that proposals optimise the density of the site taking account of their context, which is achieved by the proposal.
27. However, Policy QD6.1 of the LP also requires that taller buildings demonstrate outstanding design and innovation. Policy QD6.5 of the LP similarly requires outstanding design quality for a building of the height proposed. The proposed tall building, although a high quality design that would not harm the character and appearance of the site or wider area, would not be of outstanding design quality. The proposal therefore fails to comply with these elements of these policies.

### *Heritage*

#### Significance of the Estcourt Conservation Area

28. The appeal site is adjacent to the Estcourt Conservation Area (the CA). The Conservation Area Character Appraisal, December 2015 (the Appraisal) states the significance of the CA derives from three main factors: (1) its mixed-use character with terraced housing and commercial buildings; (2) from the small scale streetscapes and roofscapes; and, (3) from the spaces created at the junctions of roads. I agree with this assessment.

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<sup>2</sup> See Paragraphs 41 and 43.

29. With regard to the second factor, the low height of the buildings, coupled with the rising topography to the south gives a feeling of enclosure on Estcourt Road in particular. This roofscape has a strong silhouette against an open sky as experienced walking along the street. This is also true of other streets within the CA, particularly Southeron Road. However, this is not universally true and the existing commercial scale buildings are visible in places on those roads, and are prominent in other locations, for example looking west from on St John's Road.

Effect of the proposal on significance

30. The Council confirmed under cross examination that the alleged harm is to the ability to appreciate the significance of the CA, not the significance of the CA itself. Guidance from Historic England<sup>3</sup> states that this is an integral part of the consideration of the setting of heritage assets. The main body of the Framework does not mention the ability to appreciate directly. However, the Glossary defines the setting of a heritage asset as including the elements of a setting that may affect the ability to appreciate the significance. If the ability to appreciate significance is changed by a proposal it logically follows this could affect the significance. The effect of a proposal on the ability to appreciate the significance of a heritage asset is therefore a relevant consideration.
31. The proposal would be more visible than the existing building but no building of any scale would hinder the ability to appreciate the mixed-use character of the CA itself. This element of the significance of the CA would not, therefore, be harmed.
32. The streetscapes and roofscapes of the CA are already visually breached in several places by the existing building, other existing buildings along Clarendon Road, and by nearby existing and under construction buildings such as the Eight Gardens development. This development is relatively distant but the scale of the proposal means it is prominent and clearly forms part of the backdrop. The presence of the large scale commercial buildings is therefore already felt and seen from within the CA.
33. The proposal would be more visible than the existing building, including in glimpsed views to both residents and people walking along the streets of the CA. It would be more prominent than any existing or emerging building by a combination of its height and proximity. However, the detailed design of the proposal would be acceptable. The concrete and aluminium treatment to the taller elements of the proposed building would be no more incongruous than the existing reddish brick building that contrasts starkly with the more muted brick tones of many of the buildings within the CA. Although prominent it would not be dominant because it would be clearly distinct from the buildings in the CA by its materiality and scale and because the abrupt transition from the domestic scale of the CA to the large scale of Clarendon Road is an existing characteristic.
34. The ability to appreciate the small scale architecture and roofscape, which are primarily experienced in the foreground of the CA at street level, is not meaningfully harmed by the existing buildings. The proposal would not materially alter this relationship or harmfully distract from the ability to

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<sup>3</sup> The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3, Second Edition 2017.

appreciate the small scale architecture and roofscape. This element of the significance of the CA would not, therefore, be harmed.

35. The spaces at junctions of roads are often the areas where both the existing and proposed buildings on the appeal site, and other buildings in the area, are or would be most visible. They are also important locations where people are likely to idle, for example the pub garden to the Wellington Arms or the slightly open space including benches at the junction of Cross Street and Sutton Road. However, in either the existing or proposed situations, this does not hinder the ability to appreciate the spaces, which are experienced at ground level and in their immediate surroundings. This element of the significance of the CA would not, therefore, be harmed.

#### Overall

36. As set out above, the proposal would preserve the character and appearance of the CA and there would be no harm to the ability to appreciate the significance of the CA and, therefore, no harm to the significance of the CA. The proposal consequently complies with Paragraph 197 of the Framework, which requires proposals to sustain the significance of heritage assets. It also complies with Policies HE7.1 and HE7.2 of the LP, which reflect national policy.

#### *Living conditions*

##### Aspect

37. There are a number of proposed dwellings facing St John's Road that would be single aspect and north facing. There are many further proposed dwellings that would also be single aspect, either facing into the courtyard or to Clarendon Road.
38. Many of the proposed dwellings facing east, to the rear of the site, include a 'turn' in the building façade which provides a secondary aspect. The Housing Design Standards London Plan Guidance document, dated June 2023 (the HDS) does not consider such limited turns in the façade to be dual aspect<sup>4</sup>. However, the appeal site is not within the Greater London Authority area and the HDS is not, therefore, relevant to the appeal. In terms of local policy, the Glossary to the LP states that dual aspect dwellings are those with windows to the exterior on at least two sides. These dwellings are therefore dual aspect as defined by the LP. Nevertheless, I acknowledge that the 'dual' element of the aspect is rather limited but it does afford an alternative elevation and angle both for views out and for light coming in for the relevant dwellings.
39. Overall, 55% of the proposed dwellings would be single aspect and many others would have a very limited 'dual' aspect. This is a relatively low proportion of dual aspect provision. However, the appeal site is north facing and there is a requirement for commercial floorspace to front onto Clarendon Road, at least at lower levels. These design considerations restrict the ability to provide dual aspect dwellings. In addition, mechanical ventilation is proposed which would alleviate the majority of the harm caused by a lack of cross-ventilation. Many of the proposed dwellings would also be at a relatively high level, affording expansive views over Watford and further afield. Some duplex dwellings are proposed to the lower floors for the north facing dwellings, which would provide partial mitigation.

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<sup>4</sup> See Appendix 3 to the document.



40. Therefore, whilst the proposal technically fails to comply with Policy QD6.4 of the LP, which requires a high proportion of dual aspect units, I place limited weight on this conflict because the overall quality of the proposed accommodation in this respect would be acceptable and would provide suitable living conditions for future occupiers.

#### Amenity space

41. A high proportion, 78%, of the proposed dwellings do not have access to private amenity space, and of the 55 dwellings with private space, 31 would have sub-standard space at only 2.6 sq m. The total amount of private space would be 379 sq m, and it is common ground, and I agree, that this falls significantly below the minimum requirement set out in Policy HO3.11 of the LP.
42. Extensive communal outside areas are proposed. The terrace alongside St John's Road would not be particularly private because of overlooking from the highway but it would still provide communal outside space. The courtyard would be overlooked by occupiers of the proposed office and residents of the scheme but an overlooked courtyard to the centre of a building is a common layout and this would not meaningfully detract from the quality or the privacy of this space. However, the two areas to the southern side of both wings of the proposed building would provide limited amenity value because they provide space for cycle parking, are heavily overshadowed, and are really glorified access routes to the courtyard and the park. Even removing those two areas from the calculations, the proposed communal outside amenity space would be 1,781 sq m.
43. Policy HO3.11 does not afford the ability to off-set sub-standard private amenity space provision with enhanced communal provision. It also does not set out different standards for Build to Rent development. The proposal therefore fails to comply with this policy. However, I place limited weight on this conflict because, whether or not the policy acknowledges it, the quality and extent of the proposed communal amenity provision would at least partially mitigate the sub-standard private space. The living experience for future residents would not be confined to their individual dwellings, particularly because a Build to Rent development is proposed, and the overall amenity provision exceeds that what would be expected for a traditional residential development. The proposal therefore complies with Policy QD6.5(h) of the LP, which requires appropriate amenity and play spaces are provided.

#### Space standards

44. The Technical housing standards – nationally described space standard, dated March 2015 (NDSS) is statutory guidance, and the standards are also reflected in Policy H03.10 of the LP, which states that proposals must meet or exceed the NDSS. Paragraph 10 of the NDSS requires that, inter alia, a dwelling is of at least the floorspace set out in Table 1 and that a bedroom must meet minimum areas and widths, split into 1 -bedspace or 2-bedspace bedroom sizes. Table 1 sets out the minimum dwelling floorspaces based on the number of bedspaces, not bedrooms. However, the minimum areas and widths for a bedroom are set as minima not maxima. There is nothing in the NDSS that requires that a bedroom be artificially kept below the minimum sizes for a 2-bedspace bedroom for it to still be counted as a 1 bedspace bedroom.

45. The NDSS is therefore ambiguous regarding the relationship between bedroom size and overall property size. It is important to place the NDSS in their proper context – the standards are seeking to ensure the delivery of high quality housing<sup>5</sup>. I interpret the disputed dwellings as being over-sized 1-bed 1-person or 2-bed 3-person flats, not under-sized 1-bed 2-person or 2-bed 4-person flats. For example, any future adult occupant, even if they were living by themselves, would be highly likely to want a bedroom of sufficient size to accommodate a double bed. The appellant could arbitrarily meet the NDSS by moving the internal walls dividing the bedrooms from the living area to make the bedrooms smaller but all that would achieve would be a flat with a compromised layout.
46. In terms of storage areas, air source heat pumps are proposed for each flat. It was confirmed by the appellant at the Inquiry that these and all other relevant utilities could be provided within the proposed storage cupboard. In addition, further storage could be provided in, for example, built-in cupboards in bedrooms. Sufficient storage space would therefore be provided.
47. Therefore, whether or not they would technically meet the NDSS, and therefore Policy HO3.10 of the LP, all the proposed dwellings would be of a suitable size and layout to provide acceptable living conditions for future occupiers.

#### Outlook

48. The northernmost flat<sup>6</sup> to the lower ground floor would be adjacent to the car park entrance and a pedestrian access to the park. However, it would have a defensible space outside the main living area and further communal landscaping separating the flat from the access road. The terrace to the flat in the north east corner of the courtyard at ground floor level<sup>7</sup>, would be overlooked by the proposed gym. This would be an uncomfortably close relationship. However, this could be mitigated by a combination of the provision of obscure glazing to the two windows nearest this corner for the gym and extending the flat's terrace to meet the gym elevation. This could be secured by conditions.
49. The flats at 1<sup>st</sup> and 3<sup>rd</sup> floor levels on the north elevation of the courtyard<sup>8</sup> would have a balcony which would be close to the flats at the same levels on the eastern elevation of the courtyard<sup>9</sup>. However, there would be a reasonable separation distance, the balconies are small and would be unlikely to be used extensively, and this is a fairly common relationship to the corners of blocks of flats. This relationship would not, therefore, give rise to an unacceptable loss of privacy or harm to outlook to the affected dwellings.
50. Some of the flats to the north west corner of the courtyard have a balcony that would be close to the eastern façade of the proposed office floorspace<sup>10</sup>. However, where there would otherwise be direct overlooking there are no windows to the office floorspace, just an infill panel. The next window panel would, though, afford overlooking. Due to the proximity, despite this being at a relatively oblique angle, this would give rise to an uncomfortable relationship

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<sup>5</sup> See Paragraph 348.

<sup>6</sup> Flat No LG.1, as set out at ID3.

<sup>7</sup> Flat No G.1, as set out at ID3.

<sup>8</sup> Flat Nos 1.18 and 3.18, as set out at ID3.

<sup>9</sup> Flat Nos 1.17 and 3.17, as set out at ID3.

<sup>10</sup> Flat Nos 1.7, 3.6, 5.6, 6.6 and 7.6, as set out at ID3.

with regard to privacy for the occupiers of the proposed flats. This could be successfully mitigated by the use of obscure glazing for the relevant office windows, which could be secured by condition.

51. Subject to the above mitigation measures, the outlook from all the proposed dwellings would be acceptable and would provide acceptable living conditions for future occupiers.

#### Overloaded cores

52. There would be 12 flats from one corridor, albeit separated by a fire door, at ground floor level. There would be 11 flats from one core at first floor level. There would also be 10 flats from one core at floors 8 to 16. There would, therefore, be instances where there would be more than 8 flats per core, contrary to Policy QD6.4 of the LP. However, the 12 flat corridor links to two cores, and either could be regularly used because one provides quicker access to the town centre and the other quicker access to Watford Junction railway station. In addition, the 11 flats core provides access to duplex flats and the same core at the level above only serves seven flats.
53. The purpose of the policy is to facilitate socialising and interaction between residents<sup>11</sup>. This would be achieved by the proposal because it is a Build to Rent scheme with significant and meaningful communal facilities. This would also foster relationships between immediate neighbours. The proposal therefore complies with Policy QD6.4 of the LP insofar as it relates to units per core because over eight units are allowed if it is demonstrated that internal living standards would not be adversely affected.

#### Sunlight and daylight

54. 37 of the proposed flats would not meet the BRE standards for sunlight<sup>12</sup>. 84 of the proposed flats would not meet the BRE standards for daylight. However, it is very difficult to achieve full compliance with these criteria in the context of an urban location and a high density proposal. The failures are largely concentrated on pinch points, for example to the internal corners facing the proposed courtyard. Many of the most poorly lit areas are the kitchen elements of a combined living/kitchen room and the main living area of the room would be relatively well lit.
55. In addition, the proposal is for a Build to Rent product with significant communal areas. The external communal areas would all meet the BRE guidance. Any deficiencies to individual flats or habitable rooms must be considered in this context because the living experience for future residents would not be confined to their individual dwellings. Therefore, whilst there would be a technical conflict with the BRE standards, the proposed flats would provide acceptable living conditions for future occupiers in respect of sunlight and daylight.

#### Overall

56. A number of the proposed flats would have multiple amenity failures. For example, the majority of the single aspect units, 105 units, also don't have private amenity space. This is 43% of total units. Of those with a private

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<sup>11</sup> See Paragraph 6.19 of the LP.

<sup>12</sup> See the BRE Site layout planning for daylight and sunlight A guide to good practice, 3<sup>rd</sup> Edition, published 2022.

amenity space, 31 do not meet the policy space standards, including all the duplexes. There are several further multiple living conditions failures within individual dwellings. However, as set out above, none of the individual failings would result in unacceptable living conditions for future occupiers. The failings are also relatively minor.

57. As set out above, the quality and extent of the proposed communal facilities is an important factor. These include a lounge, office, gym, children's play area, cinema room, communal kitchen, and an elevated roof terrace, as well as communal outside areas. All the proposed flats would be managed by a single, professional operator. Opportunities for socialising and use of the communal areas would be an integral part of the operation of the building. The proposed facilities to the ground floor, in particular, go above and beyond what would be expected with a traditional residential proposal.
58. Overall, despite some limited failings to meet some technical standards and policy requirements, the overall quality of the accommodation and the living experience for future occupiers would be high. Therefore, the proposal would provide satisfactory living conditions for future occupiers. It therefore complies with Paragraph 130(f) of the Framework, which states that planning decisions should ensure a high standard of amenity for future users. I place limited weight on the technical conflicts with Policies HO3.10, HO3.11 and QD6.4 of the LP, for the reasons set out above and because the proposal complies with the under-lying objective of these policies, which is to ensure high quality living standards for occupiers.

## **Other Matters**

### *Consultation*

59. Several letters of objection have been submitted. They raise various concerns in addition to those addressed above, including: harm to the living conditions of neighbouring occupiers, in particular with regard to loss of light and privacy; lack of proposed car parking and potential resultant increase in on-street car parking on surrounding streets; impact on local infrastructure; increase in traffic congestion; increased air pollution in the area; rights to light; request for more information on re-use of existing material during construction; lack of children's playspace; lack of community consultation; disruption, highways safety and pollution during construction; and, loss of existing trees.
60. Rights to light is not a material planning consideration. I have taken all the other factors into consideration. Specifically, the Council's Environmental Protection Officer has confirmed that the existing air quality is within acceptable limits and that there would not be significant increases in air pollution as a result of the proposal. There would be limited loss of existing trees and the proposed landscaping scheme could be controlled by condition to ensure adequate replacement tree planting in the proposed open spaces. A combination of conditions and the s106 secures the adequate provision of children's playspace, both internal and external. The Council has raised no objection to the proposal with regard to the effect on local infrastructure and the proposal would also give rise to Community Infrastructure Levy payments.
61. It is common ground, and I agree, that demolition of the existing building is necessary to facilitate the continued use of the appeal site, because the existing building would not relet. The Energy + Sustainability Statement, dated

- 23 March 2022, confirms that none of the existing material would be re-used. However, it also sets out in detail that the proposal would meet all relevant environmental standards. A Car Park Management Plan could be required by condition and the s106 secures that no future residents could park on surrounding streets. There would therefore be no material increase in pressure for on-street car parking. The Highway Authority do not object to the proposal.
62. Pollution, highway safety and any other disruption during construction could be minimised by a Construction Environment Management Plan, which could be secured by condition. The appeal site is relatively large with direct access to two relatively large roads and there is no reason to believe that a satisfactory construction programme could not be achieved. A Statement of Community Involvement was submitted with the planning application. This confirms that the community were consulted through a leaflet drop and a drop-in session. In addition, local Councillors and amenity groups were contacted and, of course, the Council consulted upon the planning application and this appeal.
63. The proposed building would be set back from the boundary with the rear gardens of the properties on the west side of Estcourt Road, to the east of the application site. The Council has concluded that there would be no material harm to these neighbours with regard to loss of privacy. Because of the distance to the properties and the proposed intervening landscaping at grade, I agree with this conclusion. A Daylight and Sunlight Report Neighbouring Properties, dated 20 December 2022, has been submitted which confirms that there would be no unacceptable worsening in light levels to existing occupiers.
64. In addition, Mr Woldermariam, a local resident, spoke at the Inquiry. He raised concerns as follows: there should have been a BRE Residential Statement in support of the proposal; no Overheating Assessment for the residential floorspace has been provided; the proposed heat pump strategy would take a long time to heat water; electric heating is the cheapest to install and the most expensive to run; a Noise Assessment is required regarding the proposed mechanical ventilation; the design detail in response to fire regulations is likely to require sprinklers and associated generators and flues to elevations, neither of which have been detailed on the drawings or form part of any noise assessment; unsure where and how drainage paving would work with a basement car park; the Thames Water letter<sup>13</sup> is only valid until 2022; and, ventilation details for all non-residential communal areas is not shown.
65. The speed of heating water is not a material planning consideration. Following the verbal submission by Mr Woldermariam, the Council confirmed that it had no additional concerns and the appellant provided a written response. This confirmed that there is sufficient space in the plant area for all generators and that there would be no need for flues visible on the elevations of the building beyond any already depicted. A BRE Residential Statement is not a requirement of LP policy. An Overheating Assessment for both the residential and commercial floorspace was provided with the planning application<sup>14</sup>. Building Regulations would enforce compliance with noise standards and their relationship to measures to avoid overheating. The proposal does not rely on permeable paving above the proposed car parking<sup>15</sup> and the detail of the

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<sup>13</sup> See Appendix F to the Drainage Strategy and SUDS Assessment, dated March 2022.

<sup>14</sup> See Appendix E and F to the Energy + Sustainability Statement, dated 23 March 2022.

<sup>15</sup> See the Drainage Strategy and SUDS Assessment, dated March 2022.

drainage measures could be controlled by condition. Thames Water have raised no objection.

66. A letter has also been submitted supporting the proposal because of the proposed large number of new homes.

#### *Fire*

67. The Health and Safety Executive has raised concerns regarding fire safety in the absence of a second stair to the tallest part of the proposal<sup>16</sup>. The appellant has produced a draft set of revised drawings indicating how a second stair could be included<sup>17</sup>. This would result in changes to the layouts of some of the proposed flats. The Council confirmed at the Inquiry that they have no objection to the revised layout in principle. If required, they would need to be secured by a revision to any planning permission granted, for example through a s96a 'non-material amendment' application or a s73 'minor-material amendment' application. The changes are relatively minor and would not materially affect the proposal and I therefore see no reason why they could not be secured through one of the above routes, if required.
68. The revised drawings were not accepted to become part of the appeal proposal because it is not yet clear if the second stair will be required, because the Government has not yet released transitional arrangements for schemes currently in the planning system.

### **Planning Balance**

#### *Positive*

69. 234 market flats are proposed. The provision of housing is one of, if not the most, important aspiration of national planning policy and is a key part of the spatial strategy set out in the LP. 13 of the proposed flats would be for affordable housing, at a 20% discount to market rent. It is common ground that this is the maximum viable amount of affordable housing that the proposal can sustain. I place significant weight on both the proposed market and affordable housing.
70. The existing building is vacant and it is common ground that it will not relet. The proposal would therefore result in the creation of significant numbers of jobs on the appeal site from the proposed employment floorspace. The unchallenged figure from the appellant is that this would be 600 full time equivalent jobs. In addition, the ongoing management of the Build to Rent dwellings would create jobs, as would the expenditure on goods and services in the local area from the future residents and workers in the proposed building. I place significant weight on these economic benefits of the proposal.
71. The appeal site is in a highly accessible location, a short walking distance from both Watford town centre with its significant cultural offer and Watford Junction railway station which provides direct train links to central London and to various other locations outside London. I place moderate weight on this factor.
72. The proposal would exceed Building Regulations and Strategic Policy CC8.1, Policy CC8.2 and Policy CC8.3 of the LP requirements for managing energy demand and energy efficiency. The proposed mitigation measures, which could

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<sup>16</sup> See their Substantive Response, dated 14 June 2022.

<sup>17</sup> See Appendix 14 to Mr West's Proof of Evidence.

be secured by condition, would result in a betterment of surface water drainage from as existing. The proposal would result in a biodiversity net gain of 19% habitat units and 202% hedgerow units. The existing biodiversity is low and even with the net gain would remain relatively low. Nevertheless, this would represent an improvement and there are limits to what could realistically be achieved on such a relatively small, urban site. I place moderate weight on all these factors.

### *Neutral*

73. There would be no harm to the significance of the CA. However, nor would there be an enhancement to its significance. The proposal would also not harm the character and appearance of the site or the wider area. These factors, therefore, weigh neutrally in the planning balance.
74. The overall quality of the proposed residential accommodation would be high and the living conditions for future occupiers would be acceptable. This, therefore, weighs neutrally in the planning balance, despite some technical conflicts with policy.
75. Policy HC12.2 of the LP requires a Health Impact Assessment be submitted in support of proposals of the scale of the appeal scheme. This has not been provided. However, the purpose of the HIA is to ascertain whether or not the proposal would have an adverse effect on the immediate area and/or people living close by. No harms have been identified or asserted in these respects. Therefore, despite the technical conflict with this policy, this weighs neutrally in the planning balance.

### *Negative*

76. The proposal would result in a loss of office floorspace, in an area specifically highlighted for the growth of commercial floorspace. However, the existing building is unlikely to be relet and the proposed office floorspace would be of high quality and would be much more likely to find tenants. I therefore place limited weight on the proposed loss of floorspace.
77. The proposal would be for a tall building and would not be of outstanding design quality, failing to comply with Policies QD6.1 and QD6.5 of the LP. However, I place limited weight on this because I have found the location of the proposed tall building would be acceptable in-principle, including with regard to townscape and wayfinding, and the design, although not outstanding, would be of high quality.
78. Policy HO3.2 of the LP requires that at least 20% of proposed residential units be 3+ bedrooms in size. The proposal does not include any 3+ bedroom dwellings and therefore conflicts with this policy. However, I place limited weight on this because the proposal is for Build to Rent accommodation, which is a specific market sector largely focussed on younger tenants. The product is not aimed at families and achieving a variety of housing types on the appeal site in this model would not be desirable. I therefore place limited weight on this factor.

### *The Development Plan*

79. S38(6) of the Planning and Compulsory Purchase Act 2004 states that regard must be had to the Development Plan unless material considerations indicate

otherwise. There would only be limited harm from the loss of office floorspace, failure to achieve outstanding design for the tall building element of the proposal, and failure to provide family-sized housing. The proposal would result in the provision of much needed housing and a higher quality of office floorspace that would be much more likely to be occupied than the existing building. These are significant benefits. The appeal site is also highly accessible and there are also further benefits with regard to employment generation, biodiversity net gain, energy efficiency and drainage. The proposal therefore accords with the Development Plan, when considered as a whole.

### *Material considerations*

#### Extant planning permission

80. There is a planning permission<sup>18</sup> for redevelopment of the appeal site, including demolition of the existing building and a proposed mixed-use scheme including 100 residential flats and 5,945 sq m of office floorspace, in a building of up to 17-storeys. The appellant has confirmed that the scheme is no longer viable and has no realistic prospect of being built. I have seen no substantiated evidence from the Council to contradict this position. It is possible that the extant scheme may become viable again in the future due to changes in macro-economic circumstances. However, this is purely speculative and not a possibility in any meaningful sense. It does not, therefore, constitute a 'fallback' position.
81. However, it is common ground, and I agree, that the permission has been implemented through works to dig trenches for support beams. It is therefore extant and a material consideration for this appeal, even if it is not viable. Either this or any number of potential alternative proposals could come forward on the appeal site. However, I must determine the appeal proposal on its own merits.
82. In addition, any comparison to the extant permission regarding character and appearance could only tip the balance further in favour of the appeal proposal, because it would shift the baseline closer to the proposal than the existing situation. There is no material difference in the amount of proposed office floorspace, at 5,677 sq m for the appeal proposal against 5,945 sq m for the extant permission. This would not materially alter my conclusions on this element. The extant proposal included 33 affordable dwellings, more than the 13 secured through the s106 for the appeal proposal. However, I place limited weight on this consideration because the extant permission is unviable.

#### The 'tilted balance'

83. The Council's Housing Delivery Test results<sup>19</sup> engage Paragraph 11d of the Framework and the 'tilted balance'. However, I do not need to consider this matter further because this could only further tip the balance in favour of the proposal.

### **Conditions**

84. A schedule of conditions was agreed between the main parties and was discussed at the Inquiry. In light of that discussion and government guidance

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<sup>18</sup> Ref 17/01433/FULM, dated 12 March 2018.

<sup>19</sup> 48%.



on the use of conditions in planning permissions I have amended the agreed schedule of conditions. I set out below my justification for each condition:

- in addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty;
- the Demolition Environmental Management Plan (DEMP), Contamination Risk Assessment (CRA), Contamination Remediation Scheme (CRS), unexpected contamination, temporary drainage, and Construction Environmental Management Plan (CEMP) conditions are necessary to limit the effects of construction with regard to highway safety, free-flow of traffic, air quality, pollution, living conditions of neighbouring occupiers and drainage;
- the CRA, CRS, unexpected contamination, Noise Assessment, and obscure glazing conditions are necessary to ensure a satisfactory standard of living conditions for future occupiers of the proposal;
- the Surface Water Drainage Scheme (SWDS), Car Park Management Plan (CPMP), materials, hard and soft landscaping, residential and office bin storage, residential and office cycle storage, energy saving and renewable energy, water efficiency, and Verification Report conditions are necessary in the interests of ensuring a satisfactory standard of development and in ensuring that the proposal meets relevant technical standards;
- the CRA, CRS, unexpected contamination, and CPMP conditions are necessary to satisfactorily control pollution;
- the off-site highways works, CPMP, and residential and office cycle storage conditions are necessary to control and limit the effect of the proposal on highway safety and the free-flow of traffic;
- the materials, hard and soft landscaping, and residential and office cycle storage conditions are necessary to protect the character and appearance of the area; and,
- the office use restriction condition is necessary to ensure the proposed office floorspace remains as such in perpetuity.

85. The DEMP, CRA, CRS, SWDS, temporary drainage and CEMP conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

### **Conclusion**

86. For the reasons above, the proposal accords with the Development Plan when considered as a whole, and there are no material considerations that indicate I should make a decision otherwise. I therefore conclude that the appeal be allowed.

*O S Woodward*  
INSPECTOR

## **ANNEX A: APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Edward Grant, of Counsel. He called:

Phillip Hughes MRTPI FRS MCIM	Director, PHD Chartered Town Planners
Laura Johnson Carol Chen	Senior Built Heritage Consultant, Place Services Group Head of Democracy and Governance, Watford Borough Council

### FOR THE APPELLANT:

Christopher Katkowski KC assisted by Gary Grant, of Counsel. They called:

Tony Mead RIBA	Director, Corstorphine & Wright
Colin Pullan	Senior Director, Pegasus Group
Ignus Froneman ACIfA IHBC	Director, Cogent Heritage
Richard West MRTPI	Director, Cerda Planning
Chris Harris	Partner, Delva Parman Redler LLP
James Kon LARTPI	Legal Associate, Asserson

### INTERESTED PERSONS:

Joseph Haile Woldemariam	Local resident
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## **ANNEX B: DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1 Appearances for Verdose Ltd (the appellant)
- 2 List of appearances for Watford Borough Council
- 3 Floorplans annotated with flat numbers
- 4 Appellant's Opening Submissions
- 5 Opening submissions on behalf of Watford Borough Council
- 6 Pre-application advice note, dated 24 November 2021
- 7 Circulation List – neighbour notifications
- 8 Response to Third-Party Speaker, by Cerda Planning
- 9 Updated Table 11 from PH Proof Page 73 – Incorporating Apartment Numbering
- 10 Deficient Daylight Units and Amenity Deficits by Apartment Schedule
- 11 Area Schedule Rev P10
- 12 Proposed Sunlight Exposure Schedule, dated 31 August 2023
- 13 Annotated Daylight Illuminance Study Floorplans
- 14 Proposed ADF Schedule, dated 31 August 2023
- 15 Proposed Daylight Illuminance Schedule, dated 31 August 2023
- 16 Comments of LLFA in Respect of Conditions
- 17 List of appearances (amended) for Watford Borough Council
- 18 Site Visit Walking Route
- 19 Updated Appearances for Verdose Ltd (the appellant)
- 20 Updated Condition Schedule
- 21 Watford Controlled Parking Zone Map
- 22 Hertfordshire County Council (HCC) Guide to Developer Infrastructure Contributions 2021
- 23 HCC Travel Plan Guidance 2020
- 24 Closing submissions on behalf of Watford Borough Council
- 25 Appellant's Closing Submissions and associated Court of Appeal judgement, Ref [2004] 2 P. & C.R. 22

## **ANNEX C: SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 21473-CW-XX-A-DW-0201-P00; 0202-P00; 0203-P00; 0204-P00; 0210-P00; 0211-P00; 0220-P00; 0221-P00; 0301-P00; 0302-P00; 0303-P03; 0304-P00; 21473-CW-XX-B1-A-0310-P09; 00-A-0311-P09; 01-A-0312-P07; 02-A-0313-P05; 03-A-0314-P05; 04-A-0315-P07; 05-A-0316-P08; 07-A-0318-P03; 08-A-0319-P04; 17-A-0328-P04; 20-A-0331-P04; ZZ-A-0350-P05; 0351-P03; 0352-P04; 0353-P05; 0360-P04; 0361-P03; 0362-P03; 0363-P01; XX-A-0370-P03; 0341-P02; 0342-P01; 0343-P-01; 0344-P01; 0345-P01.

### **Pre-commencement**

- 3) No development, including demolition, shall commence until a Demolition Environmental Management Plan (DEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The DEMP must include details of:
  - a) demolition vehicle numbers, type, routing;
  - b) access arrangements to the site;
  - c) traffic management requirements;
  - d) demolition and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) siting and details of wheel washing facilities;
  - f) cleaning of site entrances, site tracks and the adjacent public highway;
  - g) timing of demolition activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) provision of sufficient on-site parking duplication;
  - i) where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - j) all air quality mitigation measures consistent with the Air Quality Assessment, dated 23 June 2022.

Thereafter the demolition of the development shall only be carried out in accordance with the approved DEMP.

- 4) No development shall commence until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority. This Risk Assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with BS10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The Assessment shall include:
  - a) a survey of the extent, scale and nature of contamination;
  - b) the potential risks to:
    - human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems; and,
  - archaeological sites and ancient monuments.
- 5) (A) No development shall take place where (following the Risk Assessment) land affected by contamination is found which poses risks identified as unacceptable in the Risk Assessment, until a detailed Remediation Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The Scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- (B) The approved Scheme shall be carried out and upon completion a Verification Report by a suitably qualified contaminated land practitioner shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied.
- 6) No development shall take place, excluding any demolition, until a detailed Surface Water Drainage Scheme (SWDS) for the site, including the details below based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority. The SWDS must include:
- a) a fully detailed drainage strategy showing all SUDS/drainage features, manholes and pipes, demonstrating how the entire site will be drained including the access roads, basement ramp, roof surfaces and shared/communal areas;
  - b) detailed network calculations (informed by FEH2022 rainfall data) for all rainfall events up to and including the 1 in 100 year + 40% climate change storm, including half drain down times;
  - c) further consideration of the proposed discharge rate to determine if a restriction to greenfield runoff rates (or as close as is practicable) is feasible;
  - d) further consideration of the feasibility of SUDS features such as permeable paving, tree pits, rain gardens and swales to promote open, multifunctional SUDS in preference to below-ground storage;
  - e) a detailed assessment of how runoff quality treatment will be provided on site for drainage from roads and parking, through the use of SUDS features;
  - f) detailed ground investigations to confirm the height of groundwater on site, in consideration of the proposed basement parking and below-ground drainage features such as attenuation tanks;
  - g) 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; and,
  - h) identification of the exceedance flow paths for surface water for events greater than the 1 in 100 year +40% climate change storm.

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

- 7) Development shall not commence until details and a Method Statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to, and approved in writing by, the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved Method Statement.
- 8) No development, excluding demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP must include details of:
  - a) construction vehicle numbers, type, routing;
  - b) access arrangements to the site;
  - c) traffic management requirements;
  - d) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) siting and details of wheel washing facilities;
  - f) cleaning of site entrances, site tracks and the adjacent public highway;
  - g) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) provision of sufficient on-site parking prior to commencement of construction activities;
  - i) post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k) all air quality mitigation measures consistent with the Air Quality Assessment, dated 23 June 2022.

Thereafter the construction of the development shall only be carried out in accordance with the approved CEMP.

#### **Pre-specific part of development**

- 9) No works above slab level shall commence until a detailed scheme for the off-site highway improvement works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall reflect drawing Ref 21473-CW-XX-A-0311 Rev P05 but be updated to provide continuous footway crossover at the proposed access on St John's Road. Prior to first occupation of the development, the highways works shall be completed in accordance with the approved details.

- 10) Prior to first occupation of the development, a Car Parking Management Plan (CPMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CPMP must include details of:
  - a) car parking allocation and distribution;
  - b) the operation, management, and implementation scheme for the car club, including a minimum of five car club spaces and cars to be provided prior to first occupation of any residential unit, and to be retained for a minimum period of five years;
  - c) methods to prevent on-site car parking outside of the designated spaces, including inappropriate parking within the layby;
  - d) a timetable for agreement of a monitoring plan regarding the implementation of the CPMP; and,
  - e) the provision of active EV charging spaces and chargers (at minimum 20%) and confirmation that all other spaces provide passive infrastructure.
- 11) No external facing materials shall be installed on the development until samples of all external facing materials have been submitted to, and approved in writing by, the Local Planning Authority. This shall include obscure glazing to the two windows for the gym nearest the north east corner of the courtyard. The relevant works shall thereafter be carried out in accordance with the approved details.

### **Pre-occupation**

- 12) Prior to first occupation of the development, details of both hard and soft landscape works shall have been submitted to, and approved in writing by, the Local Planning Authority. These details must include:
  - a) the roof gardens including irrigation systems;
  - b) hardstanding areas;
  - c) soft landscaping including tree planting;
  - d) boundary treatments;
  - e) the children's play area;
  - f) external lighting;
  - g) an extended terrace to Flat Nu G.1; and,
  - h) a Landscape Management and Maintenance Plan.

The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development. The soft landscaping works shall be carried out in accordance with the approved details 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.

- 13) No dwelling shall be first occupied until the bin storage has been provided for the use of residents, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the residential occupiers of the dwellings.
- 14) No part of the office floorspace shall be first occupied until the bin storage has been provided for the use of staff and visitors, in accordance with the approved drawings. These facilities shall be retained at all times for the use of the office occupiers.

- 15) No dwelling shall be first occupied until full details of the cycle storage for the residential occupiers has been submitted to, and approved in writing by, the Local Planning Authority. Details must include a security scheme for the parking of cycles and the type of cycle stands must also be clarified. The storage approved under this condition shall be installed and made available for use prior to the first occupation of any dwelling and shall be retained at all times for cycle storage only and shall not be used for any other purpose.
- 16) No part of the office floorspace shall be first occupied until full details of the cycle storage for the office occupiers has been submitted to, and approved in writing by, the Local Planning Authority. Details must include a security scheme for the parking of cycles and the type of cycle stands must also be clarified. The storage approved under this condition shall be installed and made available for use prior to the first occupation of any part of office floorspace and shall be retained at all times for cycle storage only and shall not be used for any other purpose.
- 17) No part of the development shall be first occupied until details of the proposed energy saving and renewable energy measures have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be based on those set out in the Energy and Sustainability Statement, dated March 2022. Thereafter the construction of the development shall only be carried out in accordance with the approved details.
- 18) No dwelling shall be first occupied until the recommendations of the Noise Assessment, dated 8 February 2023, have been implemented and/or undertaken in full.
- 19) The residential development hereby approved shall not be first occupied until details have been submitted to, and approved in writing by, the Local Planning Authority to confirm that the dwellings have been completed to meet the water efficiency requirement of 110 litres of water per person per day.
- 20) The office premises shall not be first occupied until a scheme to obscure the glazing of some of the windows in the eastern elevation of offices has been submitted to, and approved in writing by, the Local Planning Authority. The offices shall not be first occupied until the scheme, as approved, has been carried out in full, and it shall be retained thereafter.
- 21) Prior to first occupation of the development, a detailed Verification Report, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the Surface Water Drainage Scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism, as well as the following:
  - a) provision of a complete set of as built drawings for site drainage;
  - b) a management and maintenance plan for the SUDS features and drainage network; and,
  - c) arrangements for adoption and any other measurements to secure the operation of the scheme throughout its lifetime including name and contact details of any appointed management company.



**For observation**

- 22) The offices premises shall be used only as for offices within Classes E (g)(i) and shall be used for no other purpose.
- 23) Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a Risk Assessment carried out and submitted to, and approved in writing by, the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to, and approved in writing by, the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 24) The development shall be undertaken in accordance with the Drainage Strategy and SuDS Assessment, dated 18 March 2022, and must include the following measures:
  - a) a safe vehicular and pedestrian access through creation of an evacuation plan to ensure vehicular access is maintained for emergency services; and,
  - b) finished floor levels should be 300mm above the flood level of the 100 year plus climate change event.

The works shall be implemented in accordance with the approved scheme before the development is first occupied.

===== END OF SCHEDULE =====