

<b>PART A</b>	
<b>Report of: Head of Development Management</b>	
Date of committee:	<b>28<sup>th</sup> February 2018</b>
Site address:	<b>2 The Boulevard Blackmoor Lane</b>
Reference Number:	<b>17/01510/FULM</b>
Description of Development:	<b>Demolition of existing office and storage building (Use Class B1/B8) and erection of new office and storage building (Use Class B1/B8) with associated car parking and landscaping.</b>
Applicant:	<b>Storm Technologies Ltd</b>
Date Received:	<b>30<sup>th</sup> October 2017</b>
Agreed Extension to Target Date"	<b>1<sup>st</sup> March 2018</b>
Ward:	<b>Holywell</b>

## **1.0 Site and surroundings**

- 1.1 No. 2 The Boulevard is located close to the junction of Blackmoor Lane and Ascot Road within the designated Watford Business Park Employment Area and is accessed via Ascot Road. The existing building is single storey and has a gross internal area of 1943sqm which provides office space at the front and a warehouse at the rear. The adjacent building to the east at No. 1 The Boulevard is similar in design and scale to the subject property and is also in employment use. The buildings at Nos. 1 & 2 are served by a vehicular access from Blackmoor Lane. There are 83 parking spaces to the front, side and rear of the subject building. A servicing area is located to the rear of the building. There is an area of landscaping to the front of the site which includes mature trees.
- 1.2 To the south of the application site are commercial buildings at The Tech Site. Outline planning permission (ref: 17/00091/OUT) was granted at Development Management Committee on 13 June 2017 for the demolition of the existing buildings and erection of four new buildings to provide 40,000sqm (gross external area) of office space, an ancillary staff amenity building, and car parking. Access was the only matter to be determined at outline stage with the matters of scale, layout, appearance and landscaping reserved for subsequent approval. An illustrative scheme was submitted to give some maximum parameters for the reserved matters and to illustrative how the site may be developed in the future. It shows the

buildings to be part 4 storey, part 5 storey (16 – 20m high). To the rear of the buildings a multi-storey car park up to 12m high (720 spaces) is indicated with some adjoining surface level parking (156 spaces), providing up to 875 parking spaces. This gives a maximum parking ratio of 1 space per 45m<sup>2</sup>.

- 1.3 Planning permission was granted in 2015 by Three Rivers District Council on a site to the south of the application site (beyond The Tech Site) known as Buildings 1 and 2 Hatters Lane. These are 3 and 4 storeys respectively and of a high quality, contemporary design. They are served by a multi-storey car park and surface level parking with high quality landscaping.
- 1.4 The Pavilion Blackmoor Lane is located immediately to the west of the subject property. It is a single storey office building which has surface level car parking to the side and rear. There is a line of trees between the properties.
- 1.5 To the north of the application site there is a two storey office building (3 The Boulevard) which has its vehicular access from Ascot Road.
- 1.6 The River Gade and Grand Union Canal is located approximately 57m to the west at its nearest point. The Environment Agency's 'Flood Map for Planning' shows that the application site is located in Flood Zone 1 (low probability of flooding)
- 1.7 The subject building is not listed or located in a designated conservation area. No trees on site are protected by a tree preservation order.

## **2.0 Proposed development**

- 2.1 The application proposes demolition of the existing office and storage building (Use Class B1/B8) and erection of a new building to provide 4787sqm (gross internal area) of floorspace for office and storage use (Use Class B1/B8) with associated car parking and landscaping.
- 2.2 The proposed building is contemporary in design and consists of 3 storeys (15.44m tall). The second floor would be recessed which reduces the bulk of the building.
- 2.3 The warehouse, loading area and reception would be located at ground floor. The external walls of the ground floor would be predominantly solid due to the nature of the ground floor use and would be finished in anodised aluminium solid metal panels. The main entrance on the front elevation would consist of glazing at ground and first floor. The office floorspace would be located over the first and second floors and the external walls of the upper floors predominantly consist of clear glazed curtain walling. The elevations include vertical columns at ground floor and

first floor which are finished in white stone cladding or metal cladding. The building is designed with a flat roof and includes a metal brise soleil canopy. The design includes a glazed atrium towards the rear of the building which would provide light to the first and second floors.

- 2.4 The plans include an external roof terrace to the rear of the second floor which would be enclosed by a 1.1m high glass balustrade. A green roof would surround the roof terrace. There would also be a plant room on the roof of the main building (above the second floor) which would be enclosed by an acoustic metal louvred screen.
- 2.5 A single storey outbuilding would be positioned adjacent to the north-western side boundary. It would provide a bicycle store for 38 bicycles (2 tier rack system), an external plant room, a warehouse bin store, an office bin store and a new substation. There would also be plant on the roof of the outbuilding which would be enclosed by an acoustic metal louvred screen around the roof. The outbuilding would be positioned adjacent to the loading bay.
- 2.6 The existing premises has 83 on-site parking spaces which would be increased to 91 parking spaces. The proposal includes an extension to the car park resulting in the replacement of an area of landscaping to the front of the car park with hard surfacing. The extension to the car park was previously granted planning permission in 2015 (ref: 15/01062/FUL), however it has not been implemented to date. The proposed parking layout includes 5no. disabled spaces and 5no. motorcycle spaces. The number of on-site parking spaces would be increased from 0 to 38. There would be changes to the parking layout, however no alterations are proposed to the vehicular access to the site.

### **3.0 Relevant planning history**

- 3.1 The following planning history is relevant to this application:

17/00768/PREAPP - Pre-application enquiry for extension of existing single storey office/warehouse building to create a three storey office/warehouse building. June 2017. The pre-application advice is summarised below:

- The proposed uses comply with the policy objectives of the Watford District Plan 2000 and Watford Local Plan Core Strategy.
- The contemporary design approach is acceptable.
- The scale of the enlarged building would be acceptable in the business park setting and would not appear unduly prominent.
- Any formal application would need to be accompanied by turning diagrams

to demonstrate that there is adequate space within the site for vehicles to manoeuvre in and around the site (and loading bays/areas).

- 92 on-site parking spaces are proposed. It is felt that such levels of on-site parking provision would be acceptable as these would not exceed the maximum parking standards set out by saved Policy T22 of the Watford District Plan 2000 and would be in line with the emerging standards in the Watford Local Plan Part 2.
- A transport assessment should be submitted with a planning application which should include an assessment of the cumulative impact of committed and future development in the area.
- A travel plan should be submitted which sets out the measures to encourage employees and visitors to travel to and from the site using sustainable modes of travel.
- The provision of cycle storage is welcomed. It should be designed so it is secure and weatherproof.
- No residential properties are likely to be affected by the proposal. The proposal has the potential to reduce some natural lighting to neighbouring premises. The impact on the natural lighting of surrounding offices should be considered.
- An application would need to be accompanied by a Sustainable Urban Drainage Strategy.
- It appears that some piling or other ground works may be required to facilitate the development. Given the former industrial use of the site and because it lies within ground source protection zone 1, any application would need to be accompanied by reports/assessments to establish if there would be any contamination risks posed by the development and, if so, how these would be dealt with.

In comparison to the pre-application submission the proposed building has been reduced in size. A single storey side element providing a plant room, loading bay and roof terrace has been removed and replaced by an outbuilding. Furthermore, the depth of the second floor has been reduced and there is now an external roof terrace to the rear. The gross internal area has been reduced from 5657sqm to 4787sqm.

15/01062/FUL - Change of use of green area at the front in order to create additional car parking spaces. Conditional planning permission. December 2015.

## **4.0 Planning policies**

### **4.1 Development plan**

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) the continuing “saved” policies of the *Watford District Plan 2000;*
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026;* and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016.*

### **4.2 Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

- Residential Design Guide
- Watford Character of Area Study

### **4.3 National Planning Policy Framework**

The National Planning Policy Framework sets out the Government’s planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Decision taking

## **5.0 Consultations**

### **5.1 Neighbour consultations**

7 properties in the surrounding area were notified of the application. No representations have been received.

## 5.2 **Statutory publicity**

The application was publicised by 1 site notices posted on 22<sup>nd</sup> November 2017 and by advertisement in the Watford Observer published on 17<sup>th</sup> November 2017. The site notice period expired on 7<sup>th</sup> December 2017 and the newspaper advertisement period expired on 8<sup>th</sup> December 2017.

## 5.3 **Technical consultations**

The following responses have been received from technical consultees:

### 5.3.1 Hertfordshire County Council (Highway Authority)

No objection subject to conditions and the completion of a s106 agreement to secure the implementation of the submitted Travel Plan, the submission and implementation of a Car Parking Management Plan and a contribution of £6000 towards travel plan monitoring.

### 5.3.2 Hertfordshire County Council (Lead Local Flood Authority)

No objection to the proposed surface water drainage scheme subject to 2 conditions.

### 5.3.3 Hertfordshire County Council (Ecology)

H.C.C. Ecology stated in their initial consultation response that the submitted Preliminary Ecological Appraisal provides a thorough assessment of the site's ecological value and the impacts of the proposals. The habitats are considered to be of limited ecological value and the site is not considered to be suitable to support protected species, apart from the potential for nesting birds in trees and shrubs.

An invasive plant species (Cotoneaster) was recorded on site and H.C.C. Ecology recommend a condition to require the submission of precautionary control measures prior to site clearance to prevent further spread.

A further consultation response was provided on 29<sup>th</sup> November. It states that the main ecological issue is the loss of trees and shrubs to the front of the building and it is considered that the loss of the trees – whilst only a relatively small group – is of some significance to the site. However, H.C.C. do not consider their importance should represent a constraint on the proposal. The group of trees do not appear to have any known additional historic or other local value that would be sufficient to merit a fundamental constraint on the proposals. However, there would be a net loss of biodiversity on the site and there is little opportunity to compensate the loss of trees on site given limitations of space, therefore off-site compensation should be provided to replace a similar collection of native tree and shrub species. This would be needed as locally as possible within Watford to ensure that the ecological resource was not diminished within this general area and ensure that it is

enhanced, if possible.

5.3.4 Hertfordshire County Council (Archaeology)

No objection subject to a condition requiring an archaeological investigation.

5.3.5 Hertfordshire County Council (Development Services)

No comments.

5.3.6 Thames Water

No objection.

5.3.7 Crime Prevention Design Advisor (Hertfordshire Constabulary)

No comments.

5.3.8 Arboricultural Officer

Whilst the proposals indicate the loss of a number of trees (some of which are already agreed for a car park extension) the replacement planting will compensate the losses.

A condition requiring the tree protection methods and extents set out in the Arboricultural Method Statement shall be adhered to ensure that the retained trees are not adversely affected during or post construction. The landscape details as set out in the detailed planting plan PJC/0692-004 Rev A are also considered acceptable. A condition also requiring these details to be adhered to should also be attached to any consent granted.

5.3.9 Environment Agency

No objection subject to conditions.

5.3.10 Contaminated Land Officer

No objection subject to condition.

## 6.0 **Appraisal**

### 6.1 **Main issues**

The main issues to be considered in the determination of this application are:

- (a) Principle of use.
- (b) Design and layout.
- (c) Access, parking and traffic generation
- (d) Impact on neighbouring properties
- (e) Environmental matters.

6.2 (a) Principle of use

The site is located within Employment Area E1 (Watford Business Park) in the Watford District Plan and Special Policy Area 6: Western Gateway in the Core Strategy. Policies in both plans seek to retain, enhance and increase B Class uses in this area. The Core Strategy sets out the requirement for the provision of at least 7000 new jobs by 2031 to meet strategic objectives and maintain Watford's role as a regional employment centre.

6.3 The GVA Employment Study 2010 (forming part of the evidence base for the Core Strategy) identified potential demand for up to 90,000m<sup>2</sup> of B1(a) office floorspace to 2031. Even if all existing vacant floorspace was taken up, there would still be a demand for 34,600m<sup>2</sup> of new floorspace. This study also highlighted the fact that the quality of floorspace is equally important as the quantity. Clarendon Road/Station Road is identified as needing improvement in the quality of stock to compete effectively and attract occupiers. It is important to have not only the right quality and quantity of floorspace but also the right type of space to meet the future employment needs of the Borough and generate new jobs. As a regional centre, it is important that Watford remains an employment destination and does not become merely a commuter town.

6.4 The latest Economic Growth and Delivery Assessment (EGDA) prepared by Nathaniel Lichfield and Partners (2014) has identified a significantly greater predicted growth in employment at 13,290 new jobs, almost double the predicted 7,000 new jobs in the 2010 Employment Study. Some 11,630 of these are forecast to be in Class B1(a) and B1(b) office jobs. It also predicts a significant shortfall of employment floorspace, in the order of 181,025m<sup>2</sup> to 265,585m<sup>2</sup>, a significant proportion of which will need to be in the form of office floorspace. Even allowing for some adjustment and refinement of these figures, these figures are a magnitude greater than that planned for in the Core Strategy.

6.5 The proposed development will increase the amount of employment floorspace on the site from the existing 1943sqm to 4787sqm. It will provide 3508sqm of new high quality Class B1(a) office floorspace which will make a contribution to the predicted shortfall in office floorspace. The proposal would make more efficient use of employment land and would support the growth of the existing business which would increase the provision of local jobs. As such, the proposal accords with the key objectives and employment policies of the Core Strategy and is acceptable in principle.

6.6 (b) Design and layout

The design of the proposed building is contemporary and is considered to be of



high quality. The building includes vertical column components in front of the ground floor and first floor levels and these features would help to create a strong identity and robust design. The second floor level would be set in from the building's edge on all sides and would have more of a "lightweight" feel to it than the rest of the building owing to the visible extent of full height glazing that would surround the majority of the wall surface at second floor level. The metal canopy roof with its deep overhang would integrate suitably with the contemporary design approach.

6.7 The scale of the proposed building is acceptable in the business park setting and would not appear unduly prominent. It is acknowledged that the adjacent buildings to the sides and rear comprise a mix of single storey and two storey buildings, however the outline planning permission for The Tech Site (ref: 17/00091/OUTM), which is on the opposite side of Blackmoor Lane, shows indicative buildings of part 4 and part 5 storey. Furthermore, the approved buildings at 1 and 2 Hatters Lane are part 3 and part 4 storey buildings. In this context, it is considered that the scale of the proposed building is acceptable. Furthermore, if the significant increase in employment floorspace identified by the latest employment study is to be delivered, taller and higher density buildings will need to be delivered in the town's main employment areas.

6.8 The proposal includes an extension to the car park which would result in the replacement of part of the landscaped embankment to the front of the building with hard surfacing. The extension to the car park was previously granted planning permission in 2015 (ref: 15/01062/FUL), however it has not been implemented to date. The soft landscaped areas around parts of the business park help contribute positively to the character and appearance of the area. The proposal would involve the levelling of the embankment, a reduction to the size of the landscaped area in front of the building and the loss of a number of trees, some of which are quite substantial. However, it is felt that the visual amenity of the area would not be significantly harmed by the works. The few trees that are to be retained, together with the proposed replacement hedging, would ensure that a suitable appearance is maintained in this part of the business park. Soft landscaped areas would be retained around the new parking area and on the opposite side of the junction with The Boulevard and this would help maintain the character of the area. Further details of proposed planting and the retention of existing trees could be secured by condition.

6.9 (c) Access, parking and traffic generation

i) *Access*

The submitted plans show that the existing access arrangement would not be altered. There would be sufficient manoeuvring space within the site for lorries and

cars to turn safely.

6.10 ii) *Parking*

The application proposes to increase the on-site parking provision from 83 spaces to 91 spaces. The site is located within Zone 4 of the Car and Cycle Parking Zone Map included within the Watford District Plan 2000. Appendix 2 sets out the council's current adopted maximum parking standards. It states that within Zone 4, there is a maximum parking provision of 1 space per 30sqm gross floor area (gfa) for B1(a) office use and a maximum provision of 1 space per 75sqm for B8 use.

6.11 Emerging Policy T6 (Car Parking Provision) of the Watford Local Plan Part 2 sets out different parking standards to those contained within the WDP2000. Appendix G of the LP2 states that 1 space per 50sqm should be provided for B1(a) use and 1 space per 75sqm should be provided for B8 use. The council's current parking standards within the WDP2000 are based on maximums. Although the guidelines within the emerging LP2 are not expressed as maximums, the policy approach is to encourage reduced parking provision for new developments, especially for sites with good access to passenger transport. There are nearby bus stops that provide access to a frequent bus service which provides a link between the business park, the town centre and Watford Junction. On this basis, it is apparent that the site has good access to passenger transport.

6.12 The total gross internal area of the proposed building is 4787sqm. It is considered appropriate to apply the B8 use parking standard apportioned to the warehouse floorspace (1220sqm) and the B1(a) use standard apportioned to the office floorspace (3508sqm). The parking provision based on the WDP2000 and LP2 standards are shown in the table below:

	Watford District Plan 2000 (maximum standard)	Watford Local Plan Part 2 (guidance parking provision)
Parking spaces for warehouse floorspace	16	16
Parking spaces for office floorspace	116	70
Total number of parking spaces	132	86

6.13 It is considered that the level of on-site parking provision is acceptable because it would not exceed the maximum parking standards in saved Policy T22 of the WDP2000 and would be in accordance with the emerging standards in Policy T6 of the LP2.

6.14 A Car Park Management Plan (CPMP) and Travel Plan has been submitted with the planning application. Due to the reduced proportion of staff that can be allocated a parking space, there will need to be a greater proportion of trips by means other than as a car driver, including travelling as a car passenger, walking, cycling or public transport. Parking spaces are currently allocated based on the length of service rather than need, which means that some individuals who have no choice but to travel by car have no allocated spaces whereas others who could use non-car modes are allocated parking spaces. The CPMP seeks to promote sustainable transport by allocating parking spaces based on need rather than length of service, which help increase the proportion of non-car journeys. The implementation of the CPMP and Travel Plan can be secured by a s.106 agreement, as could a monitoring fee of £6,000 to cover the costs of the Highway Authority in the long term monitoring and review of the CPMP and Travel Plan.

6.15 *iii) traffic generation*

The submitted Transport Assessment shows that the increase in parking would generate an increase in two-way vehicle flows of 4 vehicles per hour and 3 vehicles per hour in the morning and evening peak hours respectively. Over the 12 hour day, there would be an increase of 24 vehicle movements. The level of increased traffic generation is very small and would not have a significant impact on the operation of the local highway network. Furthermore, the Transport Assessment has considered the impact of committed and potential developments on the local highway network, including 5 roundabout junctions. The modelling shows that the proposed development would have a negligible impact on delays and queuing. The CPMP and Travel Plan includes measures to minimise the impact on on-street parking, which would be monitored by the Highway Authority.

6.16 (d) impact on neighbouring properties

There are no residential properties close to the application site. The proposed development would not cause a significant loss of light or outlook to the neighbouring office buildings at 1 & 3 The Boulevard and The Pavillion.

6.17 (f) Environmental matters

*i) Land contamination*

The Environment Agency has identified that there is a risk of contamination that could be mobilised during construction to pollute controlled waters, which is due to the former use of the site as a printing ink works and the presence of a significant thickness of made ground. Controlled waters are sensitive at the site because it is located in Source Protection Zone 1 and is located upon a principal aquifer. The Environment Agency has stated that the submitted Desk Study and Ground Investigation Report shows that it will be possible to suitably manage the risk posed

to controlled waters by the development and have requested a number of conditions relating to the submission of a remediation strategy and monitoring.

6.18 *ii) Archaeology*

An Archaeological Desk-Based Assessment has been submitted with the application. This has identified a high potential for remains from the 20<sup>th</sup> century to survive, a medium potential for prehistoric remains or artefacts to be present and low potential for remains from the Roman and medieval periods. As such, H.C.C. Archaeology recommends an archaeological investigation, which can be secured by condition.

6.19 *iii) Ecology*

A Preliminary Ecological Appraisal has been submitted with the application, which provides an assessment of the site's ecological value and the impact of the proposal. The habitats were considered to be of limited ecological value and the site was not considered suitable to support protected species, apart from the potential for nesting birds in trees and shrubs. An invasive plant species (Cotoneaster) was recorded on site and H.C.C. Ecology recommend a condition to require the submission of precautionary control measures prior to site clearance to prevent further spread. An informative is recommended to avoid removal or severe pruning of trees during the bird breeding season (March to August).

6.20 H.C.C. Ecology provided further comments on 29<sup>th</sup> November 2017 that off-site compensation should be provided for the loss of the trees to the front of the building. However, there is an extant planning permission (reference: 15/01062/FUL) for the replacement of trees with an additional car parking area (of a similar size to the current application), which does not require the provision of off-site compensation. Given the fallback position, it is not considered that a request for off-site compensation could be justified. Furthermore, paragraph 118 of the NPPF states "*When determining planning applications...if significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused*". In this case, the proposal affects a relatively small copse of trees which would be mitigated to some extent by new native planting of trees and hedgerows. Furthermore, the Preliminary Ecological Appraisal demonstrates that the site has limited ecological value and is not suitable to support protected species, apart from the potential for nesting birds in trees and shrubs. Taking the above into account, it is not considered that the proposal would have a significant impact on biodiversity, therefore a s106 obligation to require off-site compensation does not meet the 'necessary' test in the NPPF and CIL Regulations.

6.21 *iv) Surface water drainage strategy*

The surface water drainage strategy for the site includes a green roof and permeable surfacing in the new car park with a sub-surface attenuation tank. The permeable car park will have a lined sub-base and will be connected to the existing sewers at a reduced flow rate. Basins and ponds were considered, however, they were discounted because of spatial restrictions. Furthermore, infiltration devices were not considered to be feasible due to ground conditions.

## **7.0 Community Infrastructure Levy and Planning Obligations**

### **7.1 Community Infrastructure Levy (CIL)**

The council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

The CIL charge for offices/warehouses is £0. Accordingly, no liability to CIL arises in the case of the development proposed in this application.

### **7.2 S.106 planning obligation**

The council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. In this case, the implementation of the proposed Travel Plan, submission and implementation of a Car Parking Management Plan and a financial contribution towards the long term monitoring of the Plans is sought.

7.2.1 Under Regulation 122 of the Community Infrastructure Levy Regulations 2010, where a decision is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for that development if the obligation is:

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

7.2.2 The contributions sought by the council are directly related to the proposed development as they mitigate impacts that will arise directly from it? and are fairly and reasonably related in scale and kind to the development. They are also

necessary to make the development acceptable in accordance with the council's planning policies. Accordingly, the contributions sought by council meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the planning obligation can be taken into account as a material planning consideration in the determination of the application. The council's approach to seeking a financial contribution by means of a planning obligation is also fully in accordance with the advice set out in paragraphs 203 to 205 of the National Planning Policy Framework.

## **8.0 Conclusion**

- 8.1 The proposed development will increase the amount of employment floorspace on the site from the existing 1943sqm to 4787sqm. It will provide 3508sqm of new high quality Class B1(a) office floorspace which will make a contribution to the predicted shortfall in office floorspace. The proposal would make more efficient use of employment land and would support the growth of the existing business which would increase the provision of local jobs. As such, the proposal accords with the key objectives and employment policies of the Core Strategy.
- 8.2 The scale and contemporary design of the proposed building is considered to be acceptable. A detailed transport assessment has been carried out which shows that the proposal would have negligible impact on the local highway network. A Car Park Management Plan (CPMP) and Travel Plan has been submitted with the planning application which include measures to increase the proportion of trips by means other than as a car driver, including travelling as a car passenger, walking, cycling or public transport. There are considered to be no adverse effects that outweigh the benefits of the proposal, therefore it is recommended that the application should be approved subject to conditions.

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## **9.0 Human Rights implications**

- 9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

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## **10.0 Recommendation**

That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, conditional planning permission be granted subject to the conditions listed below:

#### Section 106 Heads of Terms

- i) To require the implementation of the submitted Travel Plan.
- ii) To require the submission and implementation of a Car Parking Management Plan.
- iii) To secure a financial payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan and Car Parking Management Plan for the site.

#### Conditions

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any subsequent legislation that amends or supersedes this Order, the floorspace hereby approved shall only be used as an office and warehouse within Classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) as shown on the approved plans.

Reason: To accord with the employment designation of the land and the details of the submitted application.

3. All the external surfaces of the development shall be finished in the materials shown on the approved plans. Details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

**Reason:** In the interests of the visual appearance of the site, pursuant to Policy UD1 of the Watford Local Plan: Core Strategy 2006 - 31.

4. The approved landscaping scheme shown in document references PJC-0692-002 Rev B; PJC-0692-004 Rev A; PJC-0692-005 Rev A; PJC-0692-006; and PJC-0692-007 Rev A (or any alternative documents and plans submitted to and approved in writing by the Local Planning Authority) shall be carried out not later than the first available planting and seeding season after completion of the 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 site biodiversity, in accordance with Policies UD1 and GI3 of the Watford Local Plan Core Strategy 2006-31.

5. The approved tree protection measures shown in the Arboricultural Method Statement dated 11<sup>th</sup> October 2017 carried out by PJC Consultancy shall be implemented for the duration of the construction work, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees, in the interests of the visual amenity of the area.

6. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Drainage Strategy and SuDS Statement prepared by Elliott Wood Partnership Ltd, job number 2170244, revision P2, dated October 2017 and the approved drainage layout, drawing reference 2170244-EW-00-L00-DR-C-1000, revision P2, dated 7th February 2018 and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events to 22.8 l/s for the 1 in 1 year event, 57.5 l/s for the 1 in 30 year event and 96.0 l/s for the 1 in 100 year event including 20% for climate change allowance, so that it will not exceed the surface water run-off during the 1 in 100 year event plus 20% of climate change event.

2. 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 130 m<sup>3</sup> (or such storage volume agreed with the LLFA) of storage volume in underground attenuation tank and additional



storage provided in lined permeable paving.

3. Discharge of surface water from the private network into the Ordinary Watercourse crossing the site.

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.

7. No development 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 drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed assessment of the Ordinary Watercourse crossing the site including CCTV survey to justify any additional maintenance and repair works needed prior implementation of the approved drainage scheme. If discharge to the Ordinary Watercourse of the surface water run-off generated from the site will not be feasible then an alternative discharge technique to a local surface water sewer should be implemented and confirmation from the relevant water company should be provided.

2. An updated drainage layout with identified informal flooding areas within the development site, showing the extent and depth of the flooding and under what rainfall event the flooding will occur.

3. 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.

4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout

its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

8. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall only be carried out in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

Reason: This is a pre-commencement condition to ensure that any archaeological remains are properly recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31. This needs to take place before development commences in order to ensure any remains present are not damaged or destroyed before they are recorded.

9. The building shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under Condition 7 and the provision made for analysis and publication where appropriate.

Reason: To ensure that any archaeological remains are properly recorded, in accordance with Policy UD2 of the Watford Local Plan Core Strategy 2006-31.

10. The building shall not be occupied until a Servicing and Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

Reason: In the interests of maintaining highway efficiency and safety.

11. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - o all previous uses;
  - o potential contaminants associated with those uses;
  - o a conceptual model of the site indicating sources, pathways and receptors;
  - o and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The submitted Desk Study and Ground Investigation Report- Storm

Technologies, The Boulevard, Croxley Business Park, Watford, Hertfordshire (GEA, Issue 2, project ref J17203, dated 27th October 2017) is not considered sufficient to address any part of this condition as there are numerous issues with the various aspects of the conceptual site model (CSM).

12. The building hereby approved shall not be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that contamination at the site has been satisfactorily remediated.

13. No development shall commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals.

15. No infiltration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment, including groundwater, in accordance with saved Policy SE24 of the Watford District Plan 2000.

16. No piling or any other foundation designs using penetrative methods shall be carried out until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. The piling method statement must also demonstrate that there will be no resultant unacceptable risk to groundwater. Any piling must be undertaken in accordance with the approved piling method statement.

Reason: To protect the water environment, including groundwater, and any underground sewerage infrastructure, in accordance with saved Policy SE24 of the Watford District Plan 2000.

17. The building hereby approved shall not be occupied until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the building.

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

18. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved: PP-012; PP-100; PP-110; PP-120; PP-130; PP-210; PP-212; PP-220; PP-221; PP-230; PP-235; PP-240; PP-241; PP-300; PP-350; PJC-0692-002 Rev B; PJC-0692-004 Rev A; and

Reason: For the avoidance of doubt as to what has been permitted and in the interests of proper planning.

### Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & 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](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise).

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
3. It is an offence to take or disturb the breeding or resting location of protected species, and precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained

from: Natural England: 0300 060 3900; the UK Bat Helpline: 0845 1300228 or Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk) ; Herts & Middlesex Badger Group; Hertfordshire Amphibian and Reptile Group, or a suitably qualified ecological consultant.

Badgers are protected under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992, which makes it an offence to:

- Wilfully kill, injure or take a badger, or to attempt to do so;
- Cruelly ill-treat a badger; or
- Intentionally or recklessly interfere with a badger sett.

For birds, the removal of trees & shrubs should be avoided during the breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.

For reptiles and amphibians, stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of animals using the piles for shelter. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on.

Trenches should have escape ramps to provide an escape opportunity for any animals that may have become trapped.

4. 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.

#### Drawing numbers

PP-012

PP-100

PP-110

PP-120

PP-130  
PP-210  
PP-212  
PP-220  
PP-221  
PP-230  
PP-235  
PP-240  
PP-241  
PP-300  
PP-350  
PJC-0692-002 Rev B  
PJC-0692-004 Rev A  
PJC-0692-007 Rev A

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