

Committee date	Tuesday, 5 December 2023
Application reference Site address	23/00907/VAR - The Orient Centre, Greycaine Road
Proposal	Variation of Condition 2 (approved drawings), Condition 8 (BREEAM assessment) and Condition 9 (acoustic assessment) of planning permission 22/00215/FULM for the demolition of existing office building and construction of replacement light industrial units to include uses B2 General industrial, E(g)ii Research and development, E(g)iii Industrial Processes, B8 Storage and distribution (including trade counter)
Applicant	Mrs Gerogina Sharpe, Azurie Blue Limited
Agent	Dwell Architects Limited
Type of Application	s.73 Minor Material Amendment
Reason for committee Item	Major application
Target decision date	04 January 2024
Statutory publicity	Neighbour letters
Case officer	Paul Baxter, paul.baxter@watford.gov.uk
Ward	Tudor

1. Recommendation

That planning permission be granted subject to conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The subject site comprises two separate plots of land which are to the north end of Greycaine Road. Plot 1, the Orient Centre, comprises 3 units with car parking to the front and is 4938sqm in area. Plot 2 provides car parking space and is 1289sqm in area. The existing two storey building consists of three office units providing a total Gross Internal Area of 3231sqm. The two plots comprise 80 car parking spaces.
- 2.2 The surroundings are comprised predominantly of commercial/industrial uses, though the eastern boundary of the car park site does adjoin the residential rear gardens on numbers 83 to 79 (odds) Tudor Walk.
- 2.3 The site is within a Designated Industrial Area. The industrial area is subject to an Article 4 direction which removes permitted development rights for conversion to residential use. The site is not located in a designated

conservation area or other Article 2(3) land and is not a listed building.

3. Summary of the proposal

3.1 Proposal

A Section 73 application (minor material amendment) to vary Conditions 2, 8 and 9 of planning permission 22/00215/FULM for the demolition of existing office building and construction of replacement light industrial units to include uses B2 General industrial, E(g)ii Research and development, E(g)iii Industrial Processes, B8 Storage and distribution (including trade counter).

3.2 Condition 2 lists the approved drawings. The proposed amendments include a small increase to the internal mezzanine office areas and minor changes to the external fenestration.

3.3 Condition 8 requires the development to be constructed to BREEAM Excellent standard. Following a BREEAM pre-assessment, the proposed amendment is to change this requirement to Very Good standard.

3.4 Condition 9 states that no plant or equipment that generates sound shall be installed to the development until full details and specification of the equipment have been submitted and approved. The proposed amendment is that this condition be amended to refer to Unit 4 only which is the only unit that adjoins residential properties.

3.5 Conclusion

The proposed amendments are considered acceptable. With regard to Condition 2, the internal and external amendments to the units will not materially affect the appearance of the approved units. With regard to Condition 8, the BREEAM pre-assessment has demonstrated that Excellent standard cannot be achieved in this case. With regard to Condition 9, only Unit 4 adjoins residential properties to the east and therefore it is reasonable that this condition should apply only to this unit. The application is therefore recommended for approval subject to the original conditions and the amendments to Conditions 2, 8 and 9.

4. Relevant policies

4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is

determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

- 5.1 Built in 1989, various planning applications exist for minor developments which relate to the industrial use of the site.
- 5.2 22/00215/FULM - Demolition of existing office building and construction of replacement light industrial units to include uses B2 General industrial, E(g)(ii) Research and development, E(g)(iii) Industrial processes, B8 Storage and distribution (including trade counter). Planning permission granted 07 December 2022.

6. Main considerations

- 6.1 As this is a Section 73 application for minor material amendments to Conditions 2, 8 and 9 of the extant planning permission, only material considerations relating to these conditions can be considered.
- 6.2 (a) Condition 2 (approved drawings)
The internal mezzanine areas have been extended to a complete structural bay of the building (Units 1-3 only). This will result in an increase in floorarea of 103sqm, increasing the total floorspace of the development from 2260sqm to 2363sqm. Given the industrial location of the site, there is no objection to an increase in floorspace. Additional windows have been added to the mezzanine areas to provide improved daylight and natural ventilation. Additional rooflights have also been added to improve natural daylight. Ground floor fire doors have been added to comply with Building Regulations. The car parking spaces have also been rearranged slightly within the forecourt areas and the bin and cycle stores relocated.
- 6.3 None of these amendments will have any significant material change to the character and appearance of the approved building.
- 6.4 (b) Condition 8 (BREEAM assessment)
A BREEAM pre-assessment was not submitted with the original application as this was not a requirement at the time (February 2022). By the time the application was determined by committee in December 2022, the new Local Plan had been adopted. As such, Condition 8 was imposed requiring BREEAM Excellent in accordance with adopted Policy CC8.2. A BREEAM pre-assessment has now been carried out by an accredited BREEAM assessor. As no pre-assessment had been carried out before the application was submitted, a

series of 'early engagement' credits cannot now be awarded. The Assessor has stated...*"It is important to note that within certain categories, BREEAM stipulates the RIBA stage by which criteria should be addressed. This needs to be reflected in the evidence."* *"Furthermore, given that BREEAM has only come to light following the granting of planning permission, the early RIBA stage credits have been missed and cannot be retrospectively targeted and evidenced. Therefore, a large number of credits cannot be awarded."* As such, the assessor has confirmed the approved scheme is only able to achieve a Very Good standard.

- 6.5 The supporting text to Policy CC8.2 states that 'major non-residential developments should aim to meet the BREEAM Excellent standard'. It is acknowledged that for smaller schemes with more limited opportunities, Very Good standard is encouraged. Whilst the approved scheme is a major development, the application was submitted at a time when there was no policy requirement meet BREEAM standards and whilst determined after the adoption of the Local Plan, the policy text states only that major developments should 'aim to meet' Excellent standard. This acknowledges that this may not be possible in all cases. In the circumstances, it is considered that Very Good standard is significant and acceptable and that Condition 8 can be varied accordingly.
- 6.6 (c) Condition 9 (acoustic assessment)
The applicant has stated that they no longer intend to construct Unit 4, which occupies the eastern plot of land used for car parking. Only Unit 4 adjoins residential properties to the east in Tudor Walk (sited 5.5m from the rear garden boundaries). The main building comprising Units 1-3 is sited on the western side of Greycaine Road (on the site of the existing office building) and is sited 100m from the nearest garden boundary and 155m from the nearest residential property.
- 6.7 Condition 9 was imposed due to the possibility of plant or equipment being located on the rear elevation of Unit 4 directly adjoining the residential gardens. Notwithstanding the statement by the applicant that Unit 4 is no longer to be constructed, it is reasonable that this condition should only apply to Unit 4. As the extant planning permission permits the construction of Unit 4, it is appropriate that Condition 9 should be amended to refer only to Unit 4 rather than be deleted. It is considered that due to the distance between Units 1-3 and the residential properties in Tudor Walk, this condition is not necessary or justifiable in respect of these units.

7. Consultation responses received

7.1 Statutory consultees and other organisations

None required.

7.2 Internal Consultees

None required.

7.3 Interested parties

Letters were sent to properties in the surrounding area. No responses have been received.

8. Recommendation

That planning permission be granted subject to the following conditions:

Conditions

1. Time limit

The development to which this permission relates shall be begun before 7th December 2025.

Reason: To comply with the time period for the commencement of planning permission 22/00215/FULM.

2. Approved drawings and documents

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

- 0395-A100 SITE PLANS
- 0395-A101 EXTG PLANS
- 0395 A107
- F22002_02 REV A
- F22002_03 REV A
- F22002_04 REV A
- F22002_05 REV A
- 0395-A140/B PROPOSED GA FLOORPLANS (UNITS 1-3)
- 0395-A300 EXTG N&S ELEVATIONS
- 0395-A301 EXTG E&W ELEVATIONS
- 0395-A301/B PROPOSED ELEVATIONS (UNITS 1-3)
- 0395-A130/A PROPOSED COORDINATED SITE PLAN (UNITS 1-3)
- 0395 CAR PARK SITE

- 0395-A200 SECT 1 & 2 (REV A).
- 0395-A102 PROPOSED SITE PLANS (REV A).
- 0395-A105 PROPOSED PLANS (UNIT 4)(REV A

- DESIGN AND ACCESS STATEMENT 1
- DESIGN AND ACCESS STATEMENT 2
- MPL TREE CONSULTANCY LTD ARBORICULTURAL IMPACT ASSESSMENT. REF. PD002248A. DATED JUNE 2022
- F22002 GREYCAINE ROAD WATFORD – TRANSPORT STATEMENT. REF. BANCROFT CONSULTING. DATED JANUARY 2022.

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

3. **Surface Water Drainage**
No construction works shall commence until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include surface water storage/attenuation for the 1 in 100 year storm event with a 40% allowance for climate change and greenfield run-off rates.

Reason: To reduce the risk of flooding by ensuring the satisfactory disposal and storage of surface water from the site.

4. **Materials**
No development shall commence until details and samples of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the development applies high quality materials that respond to the buildings context and makes a positive contribution to the character and appearance of the area, pursuant to Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

5. **Highway Works**
No unit shall be occupied until the modified access and egress arrangements for that unit, as shown in principle on the revised approved drawings F22002/02, 03, 04, 05, has been completed in full.

Reason: In the interests of the safe operation of the site and the surrounding highway, in accordance with Policies ST11.4 and ST11.5 of the Watford Local Plan 2021-2038.

6. Car Parking

The development hereby approved shall not be occupied until the new on-site car parking spaces and manoeuvring areas have been constructed and laid out in accordance with the approved drawings. The vehicular access and onsite car parking spaces and manoeuvring areas shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate parking and manoeuvring space is provided for the future occupiers, in accordance with Policy ST11.5 of the Watford Local Plan 2021-2038.

7. EV charging points

The development hereby approved shall not be occupied until 20% active electric vehicle charging points and 80% passive vehicle charging points have been provided in accordance with the approved drawings. The electric charging infrastructure shall be retained at all times thereafter.

Reason: To ensure that the proposed development achieves high levels of sustainability in accordance with Policy ST11.5 of the Watford Local Plan 2021-2038.

8. BREEAM Certificate

The development shall be constructed to the BREEAM Very Good standard. No part of the development hereby approved shall be occupied until a post-completion certificate to certify that the BREEAM Very Good standard has been achieved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure high quality and sustainable construction methods, in accordance with Policy CC8.2 of the Watford Local Plan 2021-2038.

9. Plant and equipment

No plant or equipment that generates sound shall be installed to Unit 4 of the development until full details and specification of the equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of the

plant/equipment carried out by a suitably qualified and competent acoustic consultant to consider the potential impact on existing and future residents adjacent to the site. The details shall also include a specification of what design criteria needs to be included to the specification of the plant and its mounting on the buildings, to minimise any potential disturbance. The assessment shall include any other appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until any approved mitigation measures have been installed.

Reason: To ensure the operation of plant and equipment does not give rise to noise disturbance or nuisance to existing and future residential occupiers.

10. Soft and hard landscaping

No part of the development shall be occupied until full details of both hard and soft landscaping works, including details of all existing trees to be retained, trees and soft landscaping to be planted, any other arboricultural works to be carried out, details of any changes to ground levels around the building, all pathways, all hard surfacing, amenity areas/paving and boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include native planting and set out biodiversity enhancements. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. Any proposed planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants 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, to safeguard trees, to ensure the provision of suitable car parking, to ensure suitable amenity for future occupiers, to ensure suitable screening is maintained or provided between the site and neighbouring occupiers and to ensure that enhancements to biodiversity are provided in accordance with paragraphs 8c), 174d) and 180d) of the Framework and Policy NE9.1 of the Watford Local Plan 2021-2038.

11. Refuse, recycling and cycle stores

The refuse, recycling and cycle storage shall be constructed and installed in accordance with the approved drawings and made available for use prior to the occupation of any part of the development. The storage shall be secure, covered and well-lit and retained as approved at all times thereafter.

Reason: In the interests of the visual appearance of the site and to ensure that adequate facilities for the proposed development are provided. The cycle storage facilities are necessary to promote the use of sustainable modes of transport, in accordance with Policy ST11.4 of the Watford Local Plan 2021-2038

12. Travel Plan

At least 3 months prior to the first occupation of the approved development a Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Surface water run off

Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Use classes B2, B8 or E(g) only

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 for purposes within

Use Classes B2, B8 or E(g)(ii) and (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended), unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability
7. IN915 – Highway Works – HCC agreement required