

Committee date	7 December 2021
Application reference	21/00971/FULM - Land To South Of Colonial Way
Site address	Either Side Clive Way, Watford, WD24 4FL
Proposal	Demolition of existing industrial buildings and construction of three buildings to provide industrial units (flexible uses Class E(g), B2 and/or B8) with ancillary offices, new accesses, associated yard, parking area and sprinkler tank/infrastructure, and landscaping.
Applicant	Coal Pension Properties Limited
Agent	Rapleys LLP
Type of Application	Full Planning Permission
Reason for committee Item	Major Application
Target decision date	8 December 2021
Statutory publicity	Watford Observer, Neighbour letters and Site Notice
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Tudor

1. Recommendation

- 1.1 That planning permission be granted subject to a Deed of Variation, executed under s106 of the Town and Country Planning Act 1990 (as amended), and conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The application site comprises two separate plots of land which are to the south side of Colonial Way, either side of Clive Way. The western site is approximately 0.84 hectares in area and the eastern site is 0.78 hectares in area. Together the sites are 1.62 hectares in total. The surroundings are comprised predominantly of Use Class B commercial uses, though the eastern site does adjoin the residential rear gardens of numbers 45 to 63 (odds) Norbury Avenue to the east.
- 2.2 The site is within Employment Area E3 (Imperial Way / Colonial Way) in the Watford District Plan and Special Policy Area SPA2 (Watford Junction) in the Watford Local Plan Core Strategy. The employment area is subject to an Article 4 direction which removes permitted development rights for conversion to residential use.

3. Summary of the proposal

3.1 Proposal

The key elements of this pre application proposal can be summarised as:

- Demolition of all the existing buildings on site, gross internal floorarea of 7,297m²;
- Construction of three new industrial units, gross internal floorarea of 7,781m²;
- Provision of new parking (109 spaces) and access, and;
- Landscaping and hardstanding works.

3.2 Conclusion

The proposed commercial buildings will provide modern employment floorspace within this existing employment area. Furthermore, the scale and design of the proposed buildings are considered to be acceptable. The amenity of residential dwellings on Norbury Avenue would not be harmed. 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.

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 Various planning applications exist for minor developments which relate to the industrial use of the site.
- 5.2 The applicant submitted a pre-application enquiry on 17th February 2021. A virtual meeting was held on 23rd March 2021 and a written response was issued on 29th March 2021. This application was submitted on 28th June 2021. Amendments have been made to the proposal in line with the pre-application response.

6. Main considerations

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

- (a) Principle of development
- (b) Design and layout
- (c) Access, parking and traffic generation
- (d) Impact upon neighbouring properties
- (e) Environmental considerations

6.2 (a) Principle of the development

The application sites are located in the Imperial Way / Colonial Way Employment Area – indicated as Employment Area E3 on the Proposals Map of the Watford District Plan 2000. “Saved” Policy E1 of the District Plan states that proposals for light industry (Use Class B1(c)), general industry (Use Class B2) and storage and distribution (Use Class B8) would be acceptable in principle in the Employment Area. Prior to the adoption of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 use class E(g)(iii) would have been part of the now revoked B1(c) use class. The proposed uses would therefore be supported, in principle, in accordance with policy designations.

6.3 Policy SS1 of the Watford Local Plan Core Strategy 2006-31 states that an increase of at least 7,000 jobs is planned in the borough. Employment opportunities will be focused on locations including allocated employment areas and improvements to allocated employment areas will be encouraged to meet modern business needs. The proposed units will provide an uplift of around 9% in the overall gross internal employment floorspace in new, modern buildings in accordance with these policies. The proposal is therefore acceptable in principle.

6.4 The sites are within the Watford Gateway Strategic Development Area. This proposal would not compromise the potential for any future connections from Colonial Way / Clive Way through to the east side of Watford Junction Railway Station. It is noted that the land surrounding the site would need opening up to facilitate this connection and only when such a connection is secured can the possibilities of optimising the development potential of sites to the east of Watford Junction Railway Station be realised.

6.5 The sites are designated as employment allocation EM05 in the Final Draft Local Plan, where employment uses are acceptable in principle. The western site is adjacent to mixed use allocation MU07 which is considered suitable for mixed-use development, including residential uses. The proposed redevelopment is not considered to prejudice the future mixed-use development of this adjoining site, particularly for residential use.

6.6 (b) Design and layout

The proposed layout of the two sites is comprised of three separate industrial units with the largest unit on the western site (Unit 1), with two smaller units (Units 2 and 3) on the eastern site. Employment space would be primarily at ground floor level. Ancillary office accommodation would be at first floor level within the units.

- Unit 1 would have a gross internal area of 4,290 square metres within a building which is 15.4 metres high to the ridge line.
- Unit 2 would have a gross internal area of 2,653 square metres within a building which is 12.7 metres high to the ridge line.
- Unit 3 would have a gross internal area of 838 square metres within a building which is 10.9 metres high to the ridge line.

6.7 In terms of materials and finishes, the buildings would be finished in profiled metal wall cladding in tones of grey with glazing around the entrances and at two levels facing the public realm. The service yards would be enclosed by 2.4 metre high wire mesh fencing. The proposed layout does rationalise the existing awkward layout of the sites, and the external appearance of the units is considered to be acceptable in the context of the site's industrial setting.

6.8 (c) Access, parking and traffic generation.

The vehicle access points and crossovers to the sites would be repositioned. Hertfordshire County Council as the Highway Authority is satisfied with these works.

6.9 The development would provide 109 car parking spaces, which equates to 1 space per 74.1m² gross internal area of employment space. Appendix 2 of the District Plan states that the maximum parking standard for a Class B1(c) use is 1 space per 35m², for Class B2 use is 1 space per 50m² and for Class B8 use is 1 space per 75m². For mixed B Class uses where the individual uses are not known, a blended standard of 1 space per 40m² is given. Note that former Class B1(c) is now within new use Class E. Based upon the proposed floorspace of 7,781m² and the location of the site within parking zone 4, the maximum number of spaces based upon a mixed B Class use would be between 146 and 194 spaces. The parking provision of 109 spaces would therefore accord with current adopted policy.

6.10 Active Electric Vehicle charging points will be provided at the outset covering 10% of the total on-site parking spaces. Passive provision in the form of appropriate ducting will be provided for 50% of the total on-site parking spaces.

- 6.11 Cycle parking is provided in accordance with the District Plan. Safe and secure facilities for 18 cycles on Unit 1, 10 cycles on Unit 2 and 10 cycles on Unit 3 are shown on the plans. These would accommodate both long and short stay functions.
- 6.12 The application is supported by a Transport Statement which analyses the proposed parking provision and anticipates the parking demand likely to be generated by the proposed development. This anticipates that the proposals could generate between 29 and 78 two-way vehicle movements in the AM peak hour and between 20 and 66 two-way vehicle movements in the PM peak hour. Of these approximately 5 of the movements will be made by heavy goods vehicles.
- 6.13 The Highway Authority raises no objections to the proposal. It is, therefore, considered that the proposed access arrangements, parking provision and traffic generation resulting from this redevelopment are acceptable.
- 6.14 (d) Impact on neighbouring properties
The rear gardens of numbers 45 to 63 (odds) Norbury Avenue, a terrace of two bedroom dwellinghouses which date from the 1990's, adjoin the eastern boundary of the eastern site. Proposed Unit 2 on the eastern site would have a height of 7.8 metres and would be set 5 metres into the site at the closet point, which is the same height and set in as the existing warehouse buildings. Photographs within the applicant's submission show the ground level of these adjoining gardens to be higher than the subject site. The applicant has undertaken a daylight / sunlight assessment which concludes that the proposed development sufficiently safeguards the daylight and sunlight amenity of these neighbouring properties. In addition new tree planting along this boundary would further soften the outlook. No other residential uses adjoin the site.
- 6.15 (e) Environmental considerations
(i) The most significant trees are those close to the highway around the eastern site, of which a line of 5 lime trees adjacent to Colonial Way are of moderate quality. The other trees throughout the site are of low quality and significance, many of which are compromised by buildings in close proximity and vehicles parking underneath. The redevelopment of the site would result in the loss of several trees, including 2 of the aforementioned lime trees. The applicant has included a soft landscaping plan with a management and implementation plan which shows significant uplift in biodiversity at the site with new trees, shrubs, hedges and grassed areas around the sites.
- 6.16 (ii) Land contamination

There is a high risk of contamination at the site due to previous land uses. 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 reports submitted show 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. A lot of these proposed conditions are pre-commencement conditions.

6.17 iii) Surface water drainage strategy

The applicant has provided sufficient detail to demonstrate that an acceptable surface water drainage scheme can be provided to mitigate any potential surface water flood risk. The proposed scheme is based upon attenuation and restricted discharge of 2.5 l/s for each of the sites which represents a substantial reduction on the existing situation. The County Council as the Lead Local Flood Authority sought confirmation of discharge rates from Thames Water and further re-consultation. Thames Water were satisfied with the proposed discharge rates and the Local Lead Flood Authority did not respond to the re-consultation.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment	Response
Environment Agency	No objection subject to conditions.	Conditions proposed.
HCC Local Lead Flood Authority	Sought confirmation on discharge rates and confirmation from Thames Water.	Re-consulted. No response received. Conditions proposed.
Thames Water	No objection	Noted
Affinity Water	Agreed with Environment Agency's response and conditions.	Conditions proposed.
HCC Highway Authority	No objection, subject to s106 and conditions.	S106 included.
Hertfordshire County Council Minerals and Waste	General comments made. No objection.	Noted

--	--	--

7.2 Internal Consultees

Name of Internal Consultee	Comment	Response
WBC Environmental Health	No objections subject to conditions	Conditions proposed
WBC Waste and Recycling	No objection	Noted
WBC Arboricultural Officer	No objection	Noted

7.3 Interested parties

Letters were sent to 19 properties in the surrounding area. One response was received from 59 Norbury Avenue. The main comments are summarised below, the full letter is available to view online:

Comments	Officer response
Loss of light to residential dwellings	See paragraph 6.14 of this report.
Traffic Generation	See paragraphs 6.12 to 6.13 of this report.
Disruption from construction	The Environmental Protection Act, the Control of Pollution Act and the Highways Act control the matters of disruption raised.

8. Recommendation

- 8.1 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, planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure a financial payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan for the site.

Conditions

1. Time limit

The development to which this permission relates shall be begun within a period of 3 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. Approved drawings and documents

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

- Drawing Number: 36698_T. Rev: 0
- Drawing Number: 36698_01_E. Rev: 0
- Drawing Number: 36698_02_E. Rev: 0
- Drawing Number: 36698_03_E. Rev: 0
- Drawing Number: 36698_04_E. Rev: 0
- Drawing Number: 36698_05_E. Rev: 0
- Drawing Number: 2009 DLA L 01. Rev: P03
- Drawing Number: 2009 DLA L 04. Rev: P05
- Drawing Number: 2009 DLA L 05. Rev: P02
- Drawing Number: 2009 DLA L 06. Rev: P01
- Drawing Number: 2009 DLA L 07. Rev: P01
- Drawing Number: 20008- TP-001. Rev: -
- Drawing Number: 20008- TP-002. Rev: -
- Drawing Number: 20008- TP-003. Rev: B
- Drawing Number: 20008- TP-004. Rev: -
- Drawing Number: 20008- TP-005. Rev: -
- Drawing Number: 20008- TP-006. Rev: -
- Drawing Number: 20008- TP-007. Rev: -
- Drawing Number: 20008- TP-008. Rev: -
- Drawing Number: 20008- TP-009. Rev: -
- Drawing Number: 20008- TP-010. Rev: -
- Drawing Number: 20008- TP-011. Rev: -
- Drawing Number: 20008- TP-013. Rev: -
- Drawing Number: 20008- TP-014. Rev: -
- Drawing Number: 20008- TP-015. Rev: -
- Drawing Number: 20008- TP-016. Rev: -
- Drawing Number: 20008- TP-017. Rev: -
- Drawing Number: 20008- TP-018. Rev: -
- Drawing Number: 20008- TP-019. Rev: A

- Drawing Number: 20008- TP-020. Rev: -
- Drawing Number: 20008- TP-021. Rev: A
- Drawing Number: 20008- TP-022. Rev: -
- Drawing Number: 20008- TP-023. Rev: -
- Drawing Number: 20008- TP-024. Rev: -

- Transport Statement. Drafted by: David Tucker Associates. Ref: SKP/RT 22331. Dated: 18th June 2021
- Response to HCC Consultation – Trip Generation. Drafted By David Tucker Associates Ref: SKP/22331-04. Dated 29 July 2021
- Framework Travel Plan. Drafted by: David Tucker Associates. Ref: SKP/22331-04. Dated: 18th June 2021
- Preliminary Investigation Report. Drafted by: Ian Farmer Associates. Dated: September 2020
- Remediation & Verification Strategy. Drafted by: Gyoury Self Partnership. Dated: 21 June 2021
- Geo-Environmental Assessment. Drafted by: Delta Simons. Dated: April 2021
- Ground Gas Monitoring Assessment. Drafted by: Delta Simons. Dated: August 2021.
- Energy Efficiency and Sustainable Development Report. Drafted by: Synergy Building Services. Dated: 18th June 2021
- Flood Risk Assessment. Drafted by: BWB. Ref: CWW-BWB-ZZ-XX-RP-YE-0001_FRA
- Sustainable Drainage Assessment. Drafted by: BWB. Ref: CWW-BWB-ZZ-XX-RP-CD-0001_SDS
- Landscape Management and Implementation Plan. Drafted by: Davies Landscape Architects. Ref: DLA-2009-LMP-01-RevP02. Dated: May 2021
- Tree Survey and Constraints Plan. Drafted by: Davies Landscape Architects. Ref: DLA-2009-ARB-RPT-01-RevP02. Dated: May 2021
- Assessment of Noise Impact. Drafted by: Sharps Acoustics. Dated: 18th June 2021
- Additional Noise Data. Drafted by: Sharps Acoustics. Dated: 3rd September 2021
- Daylight and Sunlight Report. Drafted by: Right of Light Consulting. Dated: 18th June 2021

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

3. Land affected by contamination

Following demolition and necessary site clearance and prior to commencement of development approved by this planning permission a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

4. Verification Report

No occupation of any part of the permitted development shall take place until a verification report demonstrating 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 the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

5. Long Term Monitoring and Maintenance Plan for Groundwater

No development shall take place, with the exception of demolition works and necessary site clearance, until a long-term 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. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved 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 the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework.

6. Unidentified Contamination

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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected

contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: No investigation can completely characterise a site. This condition ensures that the development does not contribute to, 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. This is in line with paragraph 174 of the National Planning Policy Framework.

7. Borehole Management

No development shall take place, with the exception of demolition works and necessary site clearance 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 any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and Position Statement N Groundwater resources of 'The Environment Agency's approach to groundwater protection'.

8. Piling

No piling, deep foundations and other intrusive groundworks using penetrative measures shall be carried out unless a detailed method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling, deep foundations and other intrusive groundworks do not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement N. Groundwater Resources of the 'The Environment Agency's approach to groundwater protection'.

9. Infiltration of Surface Water onto the Ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

10. Reinstatement of Footway

Prior to the first occupation of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the accesses shown on approved drawing number: 20008- TP-003. Rev: B only. All other accesses or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity.

11. 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 approved drawing number: 20008- TP-003. Rev: B (or any subsequent drawing submitted to and approved in writing by the Local Planning Authority). 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: In the interests of highway safety and to ensure that sufficient on-site parking spaces are provided.

12. Refuse and Cycle Stores

The development hereby approved shall not be occupied until refuse, recycling and cycle storage has been provided in accordance with

approved drawing numbers: 20008- TP-020. Rev: - and 20008- TP-021.
Rev: A. The storage facilities shall be retained at all times thereafter.

Reason: In the interests of the visual appearance of the site and to ensure satisfactory provision for on-site cycle storage facilities.

13. 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 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