

PART A	
Report of: Development Management Section Head	
Date of Committee:	14th May 2015
Site address:	Caxton Court, Caxton Way
Reference Number :	15/00259/FULM
Description of Development:	The erection of a two storey building to provide 4 business units (Use Classes B1(c), B2 and/or B8) with associated first floor office space, including car parking and access arrangements.
Applicant:	Northumberland Estates Limited
Date Received:	19th February 2015
13 week date (major):	21st May 2015
Ward:	Holywell

SUMMARY

The application is for the erection of 4 new business units within the existing Caxton Court site. The units will be contained in a single, two storey building sited along the southern boundary of the site, on part of the existing car park and an area of open grass. Caxton Court is an established commercial site within the Watford Business Park and is within a designated employment area. The principle of new employment development is therefore acceptable and welcomed. However, this part of the site is something of an anomaly as it is also within the designated Metropolitan Green Belt, the boundary of which cuts through the site. The part of the site within the Green Belt plays no part in achieving the objectives of including land within the Green Belt and this piece of land is also identified for removal from the Green Belt in the Council's emerging Local Plan Part 2, recognising that it serves no purpose as Green Belt land. Moreover, as the site has been used for car parking as part of the active

commercial use of the whole site for over 30 years, it represents 'previously developed land'. In accordance with paragraph 89 of the National Planning Policy Framework, development of previously developed land is not considered to be inappropriate development in the Green Belt.

The scale and design of the proposed building will be very similar to that of the existing units within Caxton Court, and is acceptable. The car parking provision will be retained at 160 spaces for the whole development, albeit with a significant reorganisation of the distribution and location of spaces. Based upon car parking surveys and the Council's car parking standards, this level of provision for both the existing and proposed units is considered appropriate and sufficient to meet anticipated demand.

The Development Management Section Head therefore recommends that planning permission be granted, subject to appropriate conditions, as set out in the report.

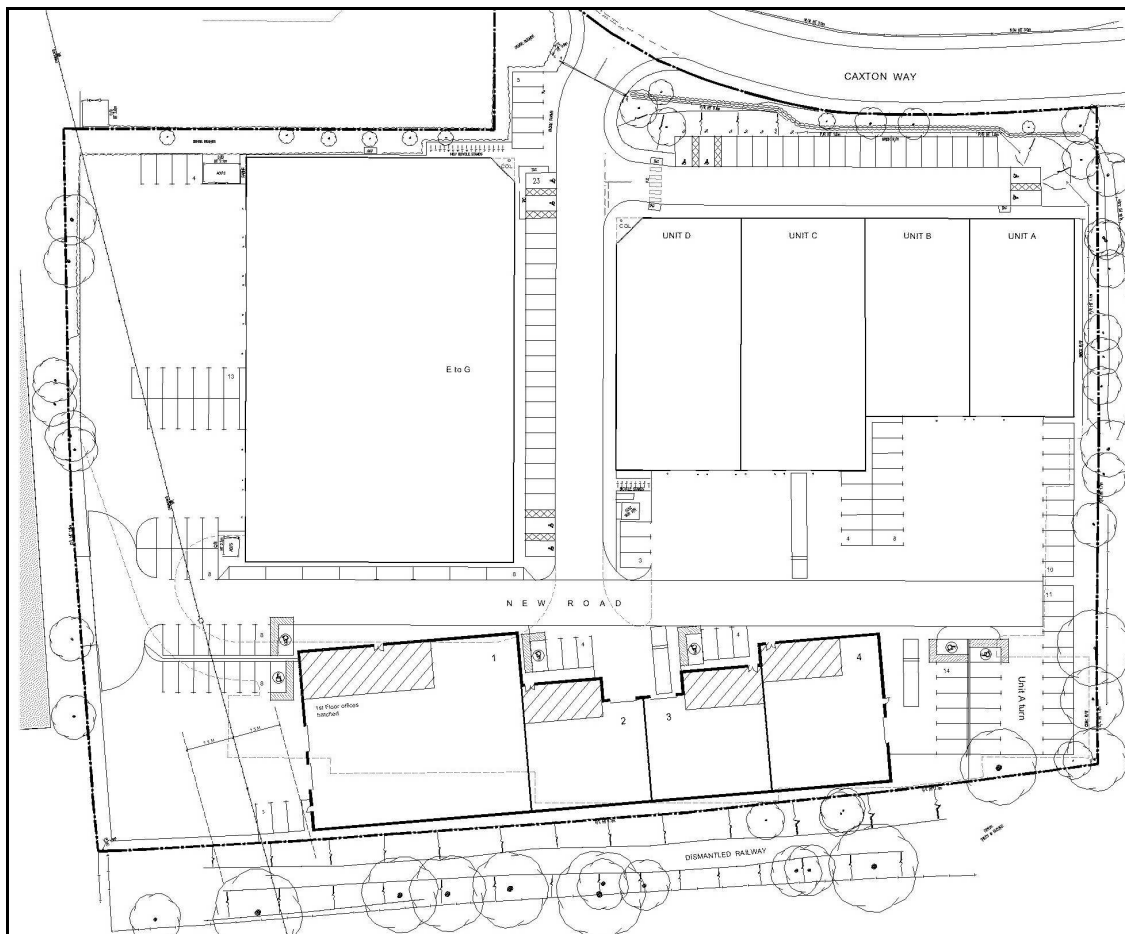
BACKGROUND

Site and surroundings

The site is located on the southern side of Caxton Way at the south-western corner of the Watford Business Park. Caxton Court is an existing commercial site comprising two detached buildings, subdivided into 7 units, for use within Use Classes B1(c), B2 and B8. The buildings are relatively modern utilising coloured, profiled, metal cladding and buff brickwork, and incorporating shallow pitched roofs. All of the units have extensive loading aprons to the rear and the site contains 160 parking spaces within communal parking areas, the majority of which are located along the southern boundary of the site.

To the north and east, Caxton Court is adjoined by other commercial units within Watford Business Park. To the west, the site adjoins the Croxley Business Park comprising 2 and 3 storey offices within a landscaped setting. The south-western

boundary of the site is marked by a disused railway line on a raised embankment and beyond this to the west is Croxley Common Moor, a Site of Special Scientific Interest (SSSI) located within the Metropolitan Green Belt and Three Rivers District Council. The eastern corner of Croxley Common Moor forms a triangle between the disused railway line and the Tolpits Lane industrial area to the south. The borough boundary follows the line of the former railway.



Proposed site layout plan

Proposed development

The application is for full planning permission for the erection of a detached, two storey building comprising 4 new commercial units, for use within Use Classes B1(c) (light industry), B2 (general industrial) and B8 (storage and distribution). The proposed units will have the following internal floor areas:

	Unit 1	Unit 2	Unit 3	Unit 4
Floorarea	1,105m ²	427m ²	427m ²	500m ²

The existing access and parking arrangements will be modified to ensure a total of 160 car parking spaces are retained on the site for the existing and proposed units. The design of the proposed building will be very similar to that of the existing buildings, incorporating coloured, profiled, metal cladding and shallow pitched roofs.

Relevant planning history

9/187/81 – Planning permission granted in July 1981 for the erection of light industrial premises with ancillary offices and car parking.

99/00626/FUL – Planning permission granted in April 2000 for the demolition of existing 2 storey building, retention and alteration to the existing 3 storey office building, erection of B1(c), B2 and B8 use buildings (8,393m) and 240 car parking spaces.

00/00197/FUL – Planning permission granted in September 2000 for the demolition of the existing building, erection of two storey business unit for B1c, B2 or B8 uses on ground floor and B1(a) uses on the first floor.

Relevant policies

National Planning Policy Framework

- 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

Hertfordshire Waste Core Strategy and Development Management Policies

Document 2011-2026

- 1 Strategy for the Provision for Waste Management Facilities
- 1a Presumption in Favour of Sustainable Development
- 2 Waste Prevention and Reduction
- 12 Sustainable Design, Construction and Demolition

Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

Watford Local Plan Core Strategy 2006 - 31

- WBC1 Presumption in favour of sustainable development
- SS1 Spatial Strategy
- SD1 Sustainable Design
- SD2 Water and Wastewater
- SD3 Climate Change
- SD4 Waste
- EMP1 Economic Development
- EMP2 Employment Land
- T2 Location of New Development
- T3 Improving Accessibility
- T4 Transport Assessments
- T5 Providing New Infrastructure
- INF1 Infrastructure Delivery and Planning Obligations
- UD1 Delivering High Quality Design

Watford District Plan 2000

- SE7 Waste, Storage, Recovery and Recycling in new Development
- SE24 Unstable and Contaminated Land
- T10 Cycle Parking Standards
- T21 Access and Servicing

CONSULTATIONS

Neighbour notifications

Letters were sent to 20 surrounding commercial properties. Three letters have been received from occupiers of Caxton Court, raising the following objections:

- Development is too big for the site constraints.
- Same number of parking spaces despite dramatic increase in site occupation.
- Parking on the wider business park is already a problem. Overspill parking from the site will exacerbate existing issues.
- Insufficient parking for existing or proposed parking requirements.
- Existing tenants will have reduced allocation of parking.
- Operations of existing tenants will be adversely affected by construction works.

Advertisement in local paper/site notices

A public notice was published in the Watford Observer on 6th March 2015. One site notice was also posted outside the site on 3rd March 2015.

Consultations

Environment Agency

The total site area for this application is less than one hectare, so we have not provided detailed comments on the surface water drainage proposals for the application. However, this is a major application, so from April 2015, Hertfordshire County Council in their role as the Lead Local Flood Authority (LLFA) will provide comments on applications like this. We note that the surface water drainage proposal involves the use of underground tanks discharging to a surface water sewer. This is not a sustainable solution and the applicant has missed an opportunity to provide 'green' drainage solutions, such as green roofs, swales

and detention basins. Green roofs would be particularly beneficial given the proximity of the site to the Croxley Common Moor Site of Special Scientific Interest (SSSI).

Condition 1:

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the submitted Preliminary Risk Assessment (prepared by: Jomas; dated: January 2015; reference: P8927J557) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The results of the site investigation and detailed risk assessment referred to in (1) 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.
 - 3) 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 (2) 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.

Condition 2:

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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3:

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.

Condition 4:

No infiltration of surface water drainage into the ground at this site is permitted 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 approval details.

Condition 5:

Piling or any other foundation designs using penetrative methods shall not be permitted 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 groundwater. The development shall be carried out in accordance with the approved details.

Reasons:

To protect the water environment, including groundwater. The desk study indicates the potential presence of contamination from the previous uses. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 for public water supply, indicating that groundwater beneath the site will reach the public drinking water supply within 50 days. The Principal Aquifer is a designated groundwater body under the Water Framework Directive – Mid-Chilterns Chalk that is currently at 'poor' status. The groundwater in this waterbody needs to be protected from further contamination, particularly those contaminants already identified in the River Basin Management Plan, so that the water quality does not deteriorate. This condition is in line with your saved District Plan 2000 policy SE24 – Unstable and Contaminated Land.

Natural England

No objection – no conditions requested.

This application is in close proximity to Croxley Common Moor Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into

the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Hertfordshire County Council (Highway Authority)

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Prior to commencement of the development the applicant shall submit a construction management plan to the planning/highway authorities for their approval in writing. The construction management plan shall contain the programme of works on site, phasing of the development, area for construction vehicle parking and storage and delivery of materials within the development site and details of construction vehicle routing to and from the site.

Reason: To minimise impact of construction process on the highway network and in the interest of amenity.

Comments:

The site currently consists of 5,973sqm gross internal area (GIA) of B1c/B2/B8 floorspace within 5 separate units. It is proposed to provide an additional 2,294sqm GIA of B1c, B2 and /or B8 within 4 new units to the rear of the site.

Access:

The proposed site is located on Caxton Way, which is an unclassified local road with a speed limit of 30mph. The applicant states that there is no new vehicle access.

Parking:

The applicant states that the proposed works would result in no parking spaces being lost in association with the development. However, the increase in operational floor area and reduction in parking on the site could put additional pressure on the existing parking. The parking and access arrangements as shown on the submitted drawing are acceptable. There is sufficient turning space and vehicles will be able to enter and leave the site in a forward gear. The LPA as parking authority will determine the appropriate level of parking for this proposal; however, the consultants acting on behalf of the applicant have conducted traffic surveys on the existing car park to establish the morning parking accumulation study on a weekday. Taking into consideration that the traffic flows are fundamental to the assessment of the traffic impact, HCC are satisfied that the data produced provides an overall representation of the existing traffic movements into and out of the development site. The highway authority considers that the proposed level of parking should prevent any overspill onto the existing on street parking.

Visibility:

Vehicle to vehicle inter-visibility and pedestrian visibility are adequate from the existing access.

Traffic Generation:

In terms of the traffic impact that the development has on the local highway network the trip rates used within the Transport Statement to consider the new traffic generation would not have increased significantly consequently the original trip rates are considered acceptable.

Conclusion:

The proposals are not considered to significantly impact upon the highway safety or capacity. It is considered acceptable to the Highway Authority.

Environmental Health

Extraction Units:

The applicant has not shown any details of mechanical extraction units or air conditioning units, if these are to be included the applicant must submit full details of the ventilation system and up to date plans for approval by the Environmental Health department prior to installation.

Details of the siting of any extraction units, generators and other mechanical equipment likely to give rise to noise, should be submitted to the Head of Environment, Health & Licensing. Information should also be provided to identify noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance.

Extraction units should also be fitted with suitable filters, and/or other suitable means taken, so as to prevent offensive emissions being discharged into the atmosphere. Any such filters etc. are to be maintained in accordance with the manufacturer's instructions.

Land Contamination Survey:

No works shall commence on site until a detailed survey of the application site has been undertaken to assess the existing ground conditions and the extent of any land contamination and if necessary appropriate measures shall be incorporated into the development to ensure adequate protection for future occupants of the development and occupiers of existing adjoining premises from contamination. Such measures shall be agreed in writing with the Local Planning Authority prior to any works commencing on the site and incorporated into the development before any of the approved development is occupied.

Waste:

No provision for storage of waste has been detailed for each of the proposed units. Each of the units will require suitable provision for both storage of waste and safe collection of waste.

Noise on Construction Sites – COPA:

The developer must carry out all construction work audible at the site boundary only between the following hours:-

Monday – Friday 8.00 to 18.00

Saturday 8.00 to 13.00

and at no time on Sundays and Bank Holidays.

Arboricultural Officer

I noted from my site inspection that all the trees within the footprint of the new units have already been removed with only the stumps remaining. However those trees remaining on site and those on the adjacent sites should not be significantly affected providing the measures set out in the Arboricultural Impact Assessment are undertaken: these should be made a condition of any consent granted.

APPRAISAL

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

- (a) the *Watford Local Plan Part 1 - 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*.

Land allocation

On the Proposals Map of the Watford District Plan 2000, the site is located partially within Employment Area E1 and partially within the Metropolitan Green Belt. The boundary of the Green Belt passes through the site approximately in a south-east/north-west direction with the south-western part of the site falling within the Green Belt. In the Core Strategy, the north-eastern part of the site falls within Special Policy Area 6: Western Gateway, with the south-western part falling within the Green Belt. In terms of site layout, the existing buildings on the site are located within the employment area with the existing car parking area located within the Green Belt. It is within this latter area, within the Green Belt, that the proposed new buildings are to be located.

Green Belt

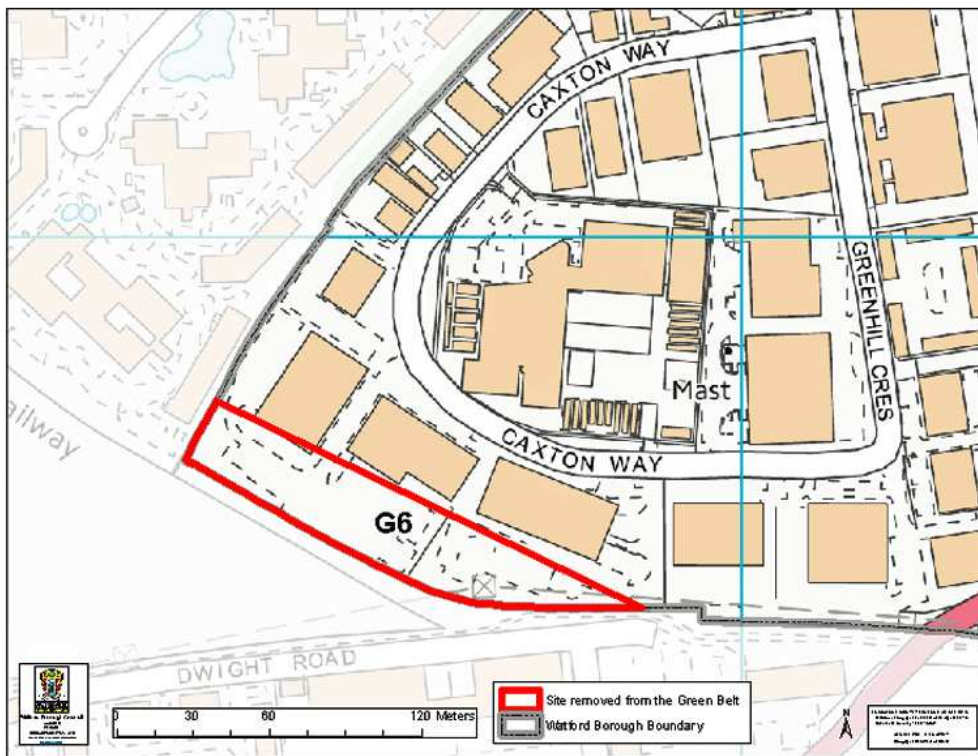
Policy on development within the Green Belt is contained in the National Planning Policy Framework (NPPF). There is a general presumption against inappropriate development within the Green Belt which is considered, by definition, to be harmful to the Green Belt. Paragraph 89 of the NPPF states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”. However, the paragraph then provides a list of six categories of development which

are to be regarded as an exception to this definition of 'inappropriate development'. The last of these categories is the *"limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*.

Policy GI2 of the Core Strategy states that the Council will, inter alia, make minor revisions to the Green Belt boundary to correct existing anomalies and create defensible Green Belt boundaries.

The existing Green Belt designation certainly appears as an anomaly. It forms part of a small area of land, including land to the east also in use as a car park, isolated from the Green Belt generally by the disused railway line. Historically, this area of land was occupied by small, isolated woodland prior to 1981 and the development of the site. Ironically, it was only as part of the Council's Draft Proposals Map 1979 and Written Statement 1981 that the land was included within the Green Belt. Shortly afterwards, planning permission ref. 9/187/81 was granted and included this land for use as a car park. The land has subsequently been in use for car parking in association with industrial and commercial uses on the site since this time. It would appear that the only influence of the Green Belt boundary was to ensure the buildings themselves were not located within the Green Belt. However, to all intents and purposes, the land lost any function as part of the Green Belt at this time and can reasonably be considered as brownfield land, having been in commercial use for over 30 years.

This anomaly has been recognised in the Local Plan Part 2 with this area of land proposed to be removed from the Green Belt – Policy GI9, Site Allocation G6. Special Policy Area 6 is also proposed to be extended to incorporate this land. No objections have been received against this land being removed from the Green Belt.



Site Allocation G6 – land to be removed from the Green Belt

As this land has been used for car parking as part of the active commercial use of the whole site for over 30 years, it is not unreasonable to conclude that the land could be viewed as 'previously developed land' and that the proposal represents partial redevelopment of that previously developed land. Moreover, as the land is physically and visually associated with the commercial use of the site and the wider employment area and because it is isolated from the Green Belt to the west, it could also be argued that the proposed development would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Viewed in this way, the proposed development would come within the last of the exceptions listed in paragraph 89 of the NPPF, such that it would not be considered to be inappropriate development.

As the proposals are not inappropriate development, the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 are not engaged, and,

consequently, there is no requirement to consult the Secretary of State.

Employment policies

The whole of the Watford Business Park is designated as employment land (E1), with the exception of the strip of land within the Green Belt (Site Allocation G6 above).

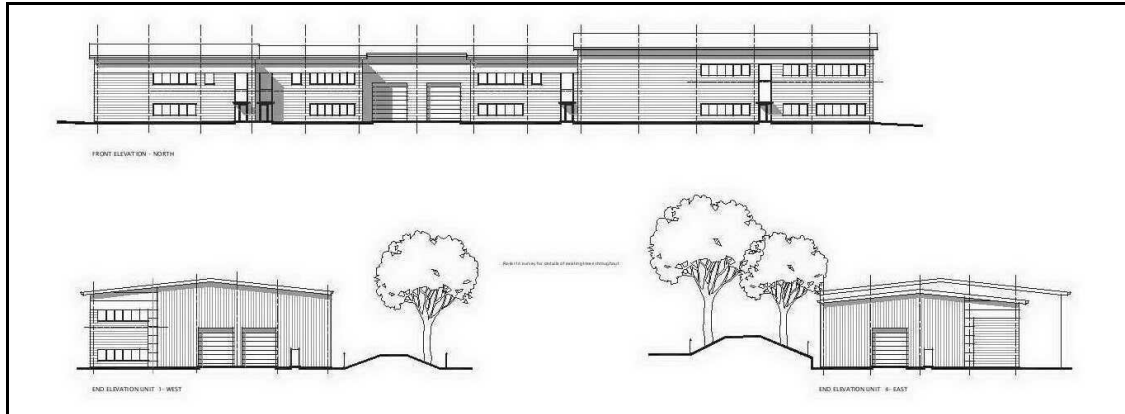
Policy E1 of the Watford District Plan 2000 seeks to protect this employment land with uses within Use Classes B1(b), B1(c), B2 and B8 being supported in principle. In the Core Strategy, the employment area is identified as Special Policy Area 6:

Western Gateway. Policies EMP1 and SPA6 identify the Western Gateway as one of the main areas where a significant proportion of the identified employment growth will take place, through major regeneration, physical and transport improvements and the redevelopment of key sites. In the emerging Local Plan Part 2, the land identified to be removed from the Green Belt (Site Allocation G6) is included within SPA6.

The proposed development of new commercial floorspace on the application site fully accords with the employment objectives and policies of the Watford District Plan, the Core Strategy and the emerging Local Plan Part 2. It will provide 4 flexible units suitable for local, small and medium sized companies and a range of commercial uses. It will add modern floorspace to the employment stock and generate new job growth. As such, the application can be fully supported.

Layout and design

The layout of the proposal utilises land to the south of the existing buildings, currently occupied by car parking and open grass. In many respects the existing site layout is inefficient with unused grassed areas and extensive concrete servicing aprons to the rear of each of the units. The proposal is to rationalise the existing car parking by providing much of the parking for the existing units within the servicing aprons to the rear of the units. This can be done whilst still allowing adequate manoeuvring space for HGVs to access the loading bays. The areas of grass are also to be utilised to provide new car parking, both for the proposed units and the existing units.



Proposed front and side elevations

The proposed building has been designed to reflect closely the design, scale and appearance of the existing buildings with shallow, pitched roofs and profiled metal cladding to the elevations. This is an acceptable approach.

Transport, servicing and parking

A transport assessment has been submitted with the application. This assesses the likely increase in traffic movements as a result of the proposed additional commercial floorspace (2,294m²). Access to the site will remain as existing, via a simple priority junction on Caxton Way. The forecast increase in traffic movements during the morning and evening peak periods are predicted to be 31 trips and 26 trips respectively. This equates to one additional vehicle trip approximately every 2 minutes. This level of additional trip generation is not considered significant in the context of the wider highway network and the total number of trips. The Highway Authority has raised no objections to the proposal.

The site is not particularly well served by sustainable modes of transport. The W30 bus service does serve Caxton Way every 15 minutes between 07:18am – 09:33am and 16:30pm – 18:45pm, Monday to Friday, covering the main arrival and departure periods for employees in the Watford Business Park. Another bus route nearby is the 10 service, which runs every 10 minutes and serves the Croxley View estate to the east, with pedestrian links to the business park. The Ebury Way cycle route also runs

to the south of Caxton Way. In the future, the business park will be served by the new Metropolitan Line station at Ascot Road, forming part of the Croxley Rail Link.

In this context, travel by private car is likely to be relatively high with some employees also needing to travel regularly to and from the site during the day. Car parking provision for both the existing and proposed units will therefore need careful consideration. Car parking has also formed the main issue of objection for several of the existing occupiers on the site.

The Council's maximum car parking standard for mixed-commercial uses within Class B is 1 parking space per 40m². The site lies within Car and Cycle Parking Zone 4, where parking provision should be 75-100% of the maximum. Based upon the total proposed floorspace of 8,267m² (5,973m² existing and 2,294m² proposed), the parking provision should be within the range of 155-206 spaces. The proposed provision of 160 spaces is within this range and is therefore acceptable in principle, unless site conditions indicate otherwise. A site visit carried out on 20th November 2014 at 11am by the applicant's transport consultant recorded 78 cars parked at the site (a ratio of 1 space per 77m²). A site visit by the planning case officer on 18th March 2015 at 2.30pm recorded 102 cars parked at the site (a ratio of 1 space per 58m²). Based on this higher ratio, the number of spaces required for the new proposed floorspace (2,294m²) would be 40 spaces, giving an overall total requirement of 142 spaces. The proposed 160 spaces would therefore be sufficient to meet this demand.

In the event that the parking on the site was at capacity at any time, there is also the facility for overspill parking to take place on Caxton Way itself. The County Council has recently introduced marked parking bays on the northern side of Caxton Way with single yellow lines on the southern side. At the time of the case officer site visit, there were 27 spaces available within the parking bays on Caxton Way. This would suggest adequate on-street parking availability exists to accommodate any overspill parking, should parking demand on the site reach capacity. Overall, the proposed

parking provision of 160 spaces is considered adequate and acceptable for the existing and proposed floorspace.

The transport assessment includes a swept path analysis for each existing and proposed unit for a HGV of 16.5m length. In each case, a HGV can manoeuvre into and out of the loading bays of the units safely.

In terms of cycle storage, 25 cycle hoops are proposed externally within the development, sufficient for 50 cycles. The proposed new units will also have facilities for the storage of 21 cycles internally, giving a total provision of 71 cycles. This level of provision is considered acceptable.

No external refuse storage provision has been provided within the proposal. The applicants have stated that each unit will have private refuse collection arrangements and that waste will be stored internally within the units. They have also stated that this will be included within the leases of the units and that they are willing to accept a condition to prevent the outside storage of waste and recycling materials.

Flood risk and surface water drainage

The site is located within Flood Zone 1 where there is a low risk of fluvial flooding. It is also located above a Principal Aquifer and within a Source Protection Zone 1 for public water supply. Due to the low risk of flooding and the small site area of less than one hectare, no site specific flood risk assessment is required in this case.

With regard to surface water drainage, the majority of the existing site surface water discharges unrestricted into a surface water public sewer. The estimated discharge rate from the existing development is 135 litres/second. The only area of the site that does not drain to the sewer is the area of open grass adjoining the existing car park. The proposal will involve the development of the existing hard surfaced car park and the area of open grass. This will increase the impermeable area of the site by 2,000m². Additional surface water run-off from this increased impermeable area will

need to be suitably mitigated using sustainable drainage techniques where possible.

Due to the conditions of the site, limited sustainable drainage options exist. The site is not large enough to accommodate surface drainage features such as swales and ponds. Opportunities for other infiltration techniques, such as infiltration trenches, are also considered to be limited as the immediate underlying strata of clay and stones has low permeability which could lead to surface water flooding. The Environment Agency has also requested a condition be imposed that no infiltration should take place to protect groundwater in the Principal Aquifer. The only realistic option is to incorporate green roofs into the development which would reduce the rate of water run-off from the roof areas. For commercial buildings of this nature, this would be a significant additional cost as the design of the buildings incorporates lightweight, shallow pitch roofs. To incorporate a green roof, with the additional weight of the roof itself and that of retained water/snow within the roof, would add significant cost to the foundations and steel structure. This would impact on the viability of providing this type of commercial unit whilst having only a limited impact in reducing the overall surface water run-off from the roofs. The applicant has therefore proposed an alternative drainage strategy to achieve reduced surface water flows.

For Units 2-4, sited over the existing impermeable car park, there will be no increase in surface water run-off, and it is therefore proposed that surface water from these units will drain directly into the existing surface water sewer as existing. For Unit 1, sited over the open grass area, it is proposed to restrict the discharge to the greenfield rate of 5 litres/second. This is to be achieved by incorporating an attenuation tank underneath the service yard of Unit 1 that will hold surface water and release it into the public sewer at the rate of 5 litres/second. This will increase the overall surface water flows from the site from 135 litres/second to 140 litres/second, an increase of 3.7%. As this is no greater than the greenfield run-off rate, this is considered acceptable.

Land contamination

A preliminary risk assessment has been undertaken for the site. This has identified the previous industrial use of the site, the industrial use of surrounding land, including an asbestos works, the presence of the adjoining railway and an area of landfill nearby. As such, the assessment has concluded that the site has a moderate risk of contamination and that an intrusive investigation is undertaken with soil gas monitoring and soil and water chemical testing for a suite of potential contaminants. The Environment Agency has agreed this approach and requested conditions to secure further investigation.

Energy Strategy

An energy strategy has been submitted with the application. This demonstrates how the proposed units will achieve a BREEAM rating of Very Good for energy use, an enhanced reduction of energy demand, and will exceed compliance with the latest Building Regulations. This has been achieved through a range of measures including passive energy reductions (enhanced thermal insulation, optimized air tightness) and efficient energy delivery (high efficiency boilers and fans, heat recovery systems, intelligent thermal controls).

Trees and landscaping

The area of grassed open space within the site contained a number of trees that have recently been removed. These trees were not protected in any way and there is, therefore, no objection in principle to their removal. A number of other trees exist around the boundaries of the site and on the adjoining railway embankment. These can be retained satisfactorily subject to appropriate tree protection measures during construction works.

Consideration of objections received

Objections	Officer's response
Development is too big for the site constraints.	There is no objection to the level of additional floorspace proposed subject to

	adequate car parking and servicing arrangements.
Car parking issues.	These are discussed in detail within the report.
Operations of existing tenants will be adversely affected by construction works.	This is a matter for the applicant to ensure the business and operations of existing tenants are not adversely affected.

Conclusion

Caxton Court is an established commercial site within the Watford Business Park and is within a designated employment area. The principle of new employment development is therefore acceptable and welcomed. However, this part of the site is something of an anomaly as it is also within the designated Metropolitan Green Belt, the boundary of which cuts through the site. In this case, the part of the site within the Green Belt plays no part in achieving the objectives of including land within the Green Belt and this piece of land is also identified for removal from the Green Belt in the Council's emerging Local Plan Part 2, recognising that it serves no purpose as Green Belt land.

Moreover, as the site has been used for car parking as part of the active commercial use of the whole site for over 30 years, it represents 'previously developed land'. In accordance with paragraph 89 of the NPPF, development of previously developed land is not considered to be inappropriate development in the Green Belt.

The scale and design of the proposed building will be very similar to that of the existing units within Caxton Court, and is acceptable. The car parking provision will be retained at 160 spaces for the whole development, albeit with a significant reorganisation of the distribution and location of spaces. Based upon car parking surveys and the Council's car parking standards, this level of provision for both the

existing and proposed units is considered appropriate and sufficient to meet anticipated demand.

HUMAN RIGHTS IMPLICATIONS

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.

RECOMMENDATION

That planning permission be granted subject to the conditions listed below:

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

126.13.01B, 05B, 06, 07, 08, 09, 10, 11, 12, 50

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

3. No development shall take place until a scheme that includes the following

components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

(1) A site investigation scheme, based on the submitted Preliminary Risk Assessment (prepared by Jomas dated January 2015; reference P8927J557) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(2) The results of the site investigation and detailed risk assessment referred to in (1) 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.

(3) 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 (2) 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 protect the water environment, including groundwater, in accordance with saved Policy SE24 of the Watford District Plan 2000. The desk study indicates the potential presence of contamination from the previous uses. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 for public water supply, indicating that groundwater beneath the site will reach the public drinking water supply within 50 days. The Principal Aquifer is a designated groundwater body

under the Water Framework Directive – Mid-Chilterns Chalk that is currently at ‘poor’ status. The groundwater in this waterbody needs to be protected from further contamination, particularly those contaminants already identified in the River Basin Management Plan, so that the water quality does not deteriorate. This is a pre-commencement condition as any contamination within the site needs to be identified and an appropriate remediation scheme agreed as these works will need to be undertaken before construction works commence.

4. No occupation of any part of the 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 has been 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the water environment, including groundwater, in accordance with saved Policy SE24 of the Watford District Plan 2000. The desk study indicates the potential presence of contamination from the previous uses. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 for public water supply, indicating that groundwater beneath the site will reach the public drinking water supply within 50 days. The Principal Aquifer is a designated groundwater body under the Water Framework Directive – Mid-Chilterns Chalk that is currently at ‘poor’ status. The groundwater in this waterbody needs to be protected from further contamination, particularly those contaminants already

identified in the River Basin Management Plan, so that the water quality does not deteriorate.

5. 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: To protect the water environment, including groundwater, in accordance with saved Policy SE24 of the Watford District Plan 2000. The desk study indicates the potential presence of contamination from the previous uses. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 for public water supply, indicating that groundwater beneath the site will reach the public drinking water supply within 50 days. The Principal Aquifer is a designated groundwater body under the Water Framework Directive – Mid-Chilterns Chalk that is currently at 'poor' status. The groundwater in this waterbody needs to be protected from further contamination, particularly those contaminants already identified in the River Basin Management Plan, so that the water quality does not deteriorate. No site investigation can fully characterise a site, so this condition is required to ensure any previously unidentified contamination is appropriately managed.

6. No infiltration of surface water drainage into the ground at this site is permitted 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 approval details.

Reason: To protect the water environment, including groundwater, in accordance with saved Policy SE24 of the Watford District Plan 2000. The desk study indicates the potential presence of contamination from the previous uses. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 for public water supply, indicating that groundwater beneath the site will reach the public drinking water supply within 50 days. The Principal Aquifer is a designated groundwater body under the Water Framework Directive – Mid-Chilterns Chalk that is currently at ‘poor’ status. The groundwater in this waterbody needs to be protected from further contamination, particularly those contaminants already identified in the River Basin Management Plan, so that the water quality does not deteriorate.

7. Piling or any other foundation designs using penetrative methods shall not be undertaken 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 groundwater. 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. The desk study indicates the potential presence of contamination from the previous uses. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 for public water supply, indicating that groundwater beneath the site will reach the public drinking water supply within 50 days. The Principal Aquifer is a designated groundwater body under the Water Framework Directive – Mid-Chilterns Chalk that is currently

at 'poor' status. The groundwater in this waterbody needs to be protected from further contamination, particularly those contaminants already identified in the River Basin Management Plan, so that the water quality does not deteriorate.

8. No construction works on the new building shall commence until details of all the proposed external materials for the building have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31. This is a pre-commencement condition as the materials need to be agreed with the Local Planning Authority before the building is constructed.

9. No construction works on the new building shall commence until a car parking plan, showing a minimum of 108 spaces for the use of the existing units on the site during construction works, has been submitted to and approved in writing by the Local Planning Authority, and these spaces have been provided in full. These spaces shall be retained at all times during construction works.

Reason: To ensure adequate parking facilities are provided on the site for existing occupiers of the site during construction works and to minimise any additional on-street car parking, in accordance with saved Policies T22 and T24 of the Watford District Plan 2000. This is a pre-commencement condition as adequate car parking provision, whether temporary or permanent, needs to be made for the existing commercial units on the site before the new building is constructed as the proposal will result in the loss of existing parking spaces.

10. No development shall commence until details of the siting and type of tree protection fencing to be installed, to protect the root zones and canopies of trees to be retained on the boundaries of the site and immediately adjoining the site, have been submitted to and approved in writing by the Local Planning Authority, and these measures have been installed in full. The approved fencing shall be retained at all times during development works.

Reason: To ensure the trees to be retained do not suffer damage during construction works, in accordance with saved Policy SE37 of the Watford District Plan 2000. This is a pre-commencement condition as the tree protection measures need to be in place before construction commences to ensure the retained trees are not damaged.

11. No development shall take place within the approved tree protection fencing unless details of the works and the construction methods to be used have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the trees to be retained do not suffer damage during construction works, in accordance with saved Policy SE37 of the Watford District Plan 2000.

12. The surface water drainage scheme shall be carried out in accordance with the details shown on drawing no.14-064/300 P1 (Bradbrook Consulting), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect groundwater and minimise surface water run-off and non-fluvial flooding, in accordance with Policy SD2 of the Watford Local Plan Core Strategy 2006-31.

13. The development shall be constructed in accordance with the submitted Energy Strategy by Desco (Design and Consultancy) Limited (ref.1296-50-RPT-01;

Issue No.2; dated 3rd February 2015), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the energy use and carbon emissions of the development, in accordance with Policies SD1 and SD3 of the Watford Local Plan Core Strategy 2006-31.

14. No part of the new building shall be occupied until 160 car parking spaces, as shown on approved drawing no.126.13.05B, have been laid out and constructed in full, unless otherwise approved in writing by the Local Planning Authority. These spaces shall be retained at all times for the parking of cars.

Reason: To ensure adequate parking facilities are provided on the site and to minimise any additional on-street car parking, in accordance with saved Policy T22 of the Watford District Plan 2000.

15. No part of the development shall be occupied until the cycle parking facilities, as shown on approved drawing no.126.13.05B, have been provided in full. These shall be retained for the parking of cycles at all times.

Reason: To ensure adequate cycle parking facilities are provided for the occupiers of the site, in accordance with saved Policy T10 of the Watford District Plan 2000.

16. No plant or equipment (including flues, extraction units and air conditioning units) shall be installed externally on any part of the development unless details have been submitted to and approved in writing by the Local Planning Authority. Any plant or equipment shall be installed as approved.

Reason: In the interests of the visual appearance of the development and the wider locality, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

17. There shall be no outside storage of goods, materials, waste or recycling within the servicing and car parking areas of any unit.

Reason: To ensure adequate servicing and parking facilities are retained for each unit at all times, in accordance with saved Policies T21 and T22 of the Watford District Plan 2000.

Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

Drawing numbers

126.13.01B, 05B, 06, 07, 08, 09, 10, 11, 12, 50

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