

DEVELOPMENT MANAGEMENT COMMITTEE

19 NOVEMBER 2015

Present: Councillor R Martins (Chair)
Councillor G Derbyshire (Vice-Chair)
Councillors S Bashir, N Bell, S Johnson, A Joynes, I Sharpe,
M Whitman and T Williams

Also present: Councillor Shirena Counter

Officers: Interim Development Management Section Head
Major Cases and Enforcement Manager
Senior Planning Officer
Committee and Scrutiny Support Officer (IM)

38 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was one change of membership for this meeting: Councillor Joynes replaced Councillor Turmaine.

39 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Sharpe advised the Committee that whilst there had been much focus within his ward regarding agenda item 4, he had been careful not to become involved in any detailed discussions on this issue.

40 MINUTES

The minutes of the meeting held on 29 October 2015 were submitted and signed.

41 HERTSMERE BOROUGH COUNCIL REF.15/1895/FUL 37, BUCKS AVENUE, WATFORD

The Committee received the report of the Major Cases and Enforcement Manager, including the relevant planning history of the site.

The Major Cases and Enforcement Manager introduced the item, explaining that it related to a consultation received from Hertsmere Borough Council on a planning application for the redevelopment of the Bucks Meadow Riding School at 37, Bucks Avenue. The proposal involved the demolition of all existing buildings on the site and the erection of 34 dwellings. All of the proposed dwellings and associated development (roads, car parking, footpaths,

environmental improvements, etc.) were located within Hertsmere Borough. The consultation from Hertsmere sought the Council's views on this, and the main issues of relevance for the Committee were set out in paragraph 7.1 of the officer's report. It was not the remit of the Committee to determine the application itself.

A separate planning application submitted to Watford, relating to the proposed access arrangements and associated traffic impacts, would be determined at a future committee meeting.

The Chair invited Kim Baxter from the Oxhey Village Environment Group to speak to the Committee in objection to the proposed development.

Ms Baxter commented that residents had been unhappy about the outcome of local consultations on the proposed development. They had taken advice from a planning lawyer and a traffic consultant.

Residents were not opposed to development on the former riding school site, however objected to the current proposal on the grounds that it was contrary to the policies contained in the National Planning Policy Framework and the Watford Local Plan.

In particular, residents considered that the proposed development was too cramped, that the design was incongruous and would have a detrimental impact on the Green Belt and on the amenity of neighbouring residents. The development represented a significant increase in building volume and was disproportionate in scale, mass and height. The open aspect currently enjoyed by residents would be lost.

There were also issues about parking provision and vehicular access to the site.

The Chair then invited Iain Taylor of Fusion Residential, the agent for the development, to speak to the Committee in support of the application.

Mr Taylor drew the Committee's attention to the eight principle considerations highlighted in the officer's report. Each had been addressed fully.

He argued that the proposed development would be on developed land (conforming with policy HS1 concerning windfall housing sites) and represented the same volume and footprint as the existing buildings. The closure of the riding facility had been accepted by Sport England in its assessment.

The design and layout would not impact on the character of the area and included provision for affordable housing, which was needed locally.

Local residents would benefit from the opening up of 11 hectares of land, including a village green with pond, as well as a recreation area and orchard.

The proposed parking provision exceeded requirements.

Thanking both speakers for their contributions, the Chair then invited Councillor Counter, Oxhey Ward Councillor, to speak to the Committee.

Councillor Counter reiterated the concerns raised by residents concerning the proposed development, specifically the “carbuncle” design, scale, height and bulk as well as the detrimental impact on the Green Belt and on surrounding properties. She urged the Committee to object to the planning application on these grounds.

The Chair opened the debate to Committee members.

Councillor Sharpe considered the guidance in the National Planning Policy Framework which sought to limit infilling and to restrict the impact on the openness of Green Belt land. He argued that the proposed development did not comply with these objectives and would lead to the urbanisation of this rural site.

He continued that the Committee should object to the planning application on the grounds that the proposed buildings extended beyond the footprint of the existing buildings, that the volume of space in the new development, its layout, scale, height and bulk compromised the openness of the Green Belt and that the terraced effect of many of the buildings was out of character with the adjacent residential streets.

In response to a query from the Chair, the Interim Development Management Section Head confirmed that Councillor Sharpe’s comments were legitimate planning considerations.

Councillor Derbyshire drew the Committee’s attention to the fact that residents had stated that they were not against development of the land *per se*, but that the current proposal was inappropriate. He was supportive of Councillor Sharpe’s proposal.

Councillor Bell concurred with the previous comments, adding that it was important for planning officers to write to Hertsmere Borough Council fully stating their reasons, particularly in regard to the impact on the Green Belt.

Taking up this point, Councillor Williams suggested that planning officers should pass on the comments they had received from residents to Hertsmere Borough Council.

Drawing discussions to a close, the Chair proposed that the Committee should object to the planning application before Hertsmere Borough Council on the grounds suggested by Councillor Sharpe.

The Chair also proposed that, if planning permission were approved by Hertsmere Borough Council, an additional condition should be requested to the effect that the remaining Green Belt land within the application site should be secured for public access in perpetuity.

RESOLVED –

that the Committee object to the application on the grounds that:

1. Across the site, the buildings extend beyond the footprint of the existing buildings, particularly so for Plots 23-26 and 27-30. There is also a narrowing of the gaps between buildings, especially in the aforementioned plots and Plots 15-22 where the development is closest to the open area of the Green Belt. As such, the proposal compromises the openness of the Green Belt, contrary to the provisions of Section 9, paragraph 89 of the National Planning Policy Framework and Policy GI2 of the Watford Local Plan Core Strategy 2006-31.
2. Notwithstanding the similarity in volume of space in the new development compared to existing buildings, the layout, scale, height and bulk of the buildings compromises the openness of the Green Belt, contrary to the provisions of Section 9, paragraph 89 of the National Planning Policy Framework and Policy GI2 of the Watford Local Plan Core Strategy 2006-31.
3. The terraced effect of many of the buildings means that they are of a size and scale that conflicts with the character of the adjacent residential streets, consisting as it does of mainly detached and semi-detached houses. As such, the proposal is contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31 and the Watford Character of Area Study 2011.

In the event that Hertsmere Borough Council are minded to grant planning permission for the application, Watford Borough Council would request that the following conditions are imposed:

1. That no part of the development shall be occupied until the existing access to Bucks Avenue has been modified and constructed in full, as shown in principle on drawing no. 150318-2D.
2. That the trees along the south-western boundary and along the north-western boundary are retained and measures installed to protect the trees during demolition and construction works.
3. That the first floor window in the south elevation of Unit 15 shall be obscure glazed and non-opening.
4. The development shall provide at least 67 car parking spaces.

Watford Borough Council would also request that the remaining Green Belt land within the application site is secured for public access in perpetuity and that the restoration and enhancement of the land is undertaken before commencement of any development, by means of an appropriate condition or s.106 planning obligation.

15/01246/FULM WIGGENHALL ROAD GOODS YARD, WIGGENHALL ROAD

The Committee received the report of the Senior Planning Officer, including the relevant planning history of the site and details of responses to the application.

The Senior Planning Officer introduced the report. He explained that full planning permission was sought for the construction of four buildings containing twelve industrial units and associated parking and landscaping. The application also included the formation of a new vehicular access linked to the road serving the Health Campus, which was currently under construction. The scheme sought to create a wildlife area to be located in the area adjacent to the River Colne

The Chair opened the debate to Committee members.

Councillor Bell questioned the flood risk to the proposed industrial area, which had been the subject of comments in the officer's report.

The Senior Planning Officer explained that Hertfordshire County Council, as the Lead Local Flood Authority, had initially raised concerns about surface water drainage. These concerns had since been alleviated in the light of further information and a condition on surface water drainage had been added to the report.

The Chair then moved the officer recommendation.

RESOLVED –

that planning permission be granted, subject to the completion of a deed of variation to the planning obligation completed under application 14/00511/OUTM under section 106 of the Town and Country Planning Act 1990 (as amended) to ensure that the provisions of this agreement apply equally to the current planning application and subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 1567-TP3-LP-01; 1567-TP3-01 Rev F – amended plan received 26.10.15; 1567-TP3-02 Rev C; 1567-TP3-03 Rev D – amended plan received 06.10.15; 1567-TP3-04 Rev E – amended plan received 16.10.15; 1567-TP3-05 Rev B; 1567-TP3-06 Rev A – amended plan received 13.10.15; 1567-TP3-07 Rev A – amended plan received 10.11.15; 1567-TP3-08; 1567-TP3-09; 351-PA-03 C – amended plan received 10.11.15; 351-PA-05 F – amended plan received 10.11.15; 351-PA-08 B – amended plan received 10.11.15; 351-PA-060 C – amended plan received 10.11.15; 351-PA-061 E – amended plan received 10.11.15; 351-PA-062 E – amended plan received 10.11.15; 351-PA-070 C – amended plan received 10.11.15; 351-PA-071 E – amended plan received 10.11.15; 351-PA-101 F – amended plan

received 10.11.15; 351-PA-102 F – amended plan received 10.11.15; 351-PA-DW01(1) B; 351-PA-DW01(2) B; 351-PA-DW01(3) B; 351-PA-DW02 B; 351-PA-DTP01(1) C – amended plan received 10.11.15; 351-PA-DTP01(2) A.

3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.
4. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include (but not exclusively) details of the operation of the Considerate Contractors Scheme; a contact procedure for complaints; the routing of construction vehicles; details of parking and storage and delivery of materials associated with the construction of this development; the management of deliveries to avoid peak times; the management of contractors parking; hours of noisy operation; hours for deliveries; air, noise and dust monitoring around the boundaries of site; the siting and demarcation of compounds within the site; safe access to site offices; and wheel washing facilities at all exits from the site. The Plan as approved shall be implemented throughout the period of works unless otherwise agreed in writing by the Local Planning Authority.
5. All remediation or protection measures identified in the Remedial Strategy (Second Planning Stage – Building Development) – prepared by AECOM (dated August 2015) shall be fully implemented and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
7. The development shall be carried out in accordance with the programme of archaeological works set out in the Archaeological Written Scheme of Investigation, prepared by AECOM, dated 27/05/15 (Ref. 60288684). The site investigation and post investigation assessment must be completed in

accordance with the programme set out in the Written Scheme of Investigation dated 27/05/15 and the provision made for analysis and publication where appropriate.

8. No development shall commence until a Site Waste Management Plan for all aspects of waste management during site preparation and construction has been submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority.
9. No impact piling or any other works involving the creation of foundations using penetrative methods shall take place until a method statement (detailing the depth and type of piling/foundations to be undertaken and the methodology by which such piling/foundations will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling/foundation works must be undertaken in accordance with the terms of the approved method statement.
10. No trees, scrub or hedges on the site shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal will not harm nesting birds or any protected species.
11. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until the tree protection fencing detailed within the Arboricultural Method Statement, prepared by AECOM (dated 20th August 2015), has been erected on the site. No works shall take place within the protected areas until a method statement detailing the works to be undertaken and the methods to be used have been submitted to and approved in writing by the Local Planning Authority. Works within the protected areas shall only be undertaken in accordance with the approved method statement.
12. The buildings shall be externally finished with the materials specified on the approved drawings and as detailed within the document entitled 'Supporting Information detailing External Building Materials to minimize the need for further pre-commencement condition', prepared by Ian C King Associates Architects (dated 24th August 2015) unless otherwise agreed in writing by the Local Planning Authority.
13. The hard surfacing shall be carried out only in accordance with the details shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority. No part of the development shall be occupied until the approved hard surfacing has been carried out.

14. No part of the development shall be occupied until the fencing and other means of enclosure, as detailed on the drawings hereby approved, have been installed. The approved fencing and other means of enclosure shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
15. The soft landscaping shall be carried out only in accordance with the details shown on the drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development or in accordance with an approved scheme of phasing. Any proposed planting shall be completed not later than the first available planting and seeding season after first occupation of any part of the development. For the purposes of this condition a planting season is the period from 1 October in any one year to 31 March in the next following year. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.
16. Notwithstanding the information already submitted, none of the units shall be occupied until full details of the siting, height, design and type of all external lighting and details of ground lux levels have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise any light spillage towards the River Colne and wildlife area and to minimise any adverse impacts on wildlife. The external lighting shall be installed only in accordance with the approved details prior to the occupation of any of the units.
17. No part of the development shall be occupied until the new access junction with the Access Road, as shown in principle on the approved drawings, has been completed in full.
18. No part of the development shall be occupied until the car parking spaces, service yards and manoeuvring areas shown on the approved drawings have been laid out and constructed in full, unless otherwise approved in writing by the Local Planning Authority. The car parking spaces, service yards and manoeuvring areas shall be retained at all times and solely for these purposes.
19. Notwithstanding the information already submitted, none of the buildings shall be occupied until details of the siting, size, type and finish of the cycle storage has been submitted to and approved in writing by the Local Planning Authority. The cycle storage approved under this condition shall be installed and made available for use prior to the occupation of any of the buildings and shall be maintained as such thereafter.

20. Notwithstanding the information already submitted, none of the buildings shall be occupied until details of the siting, size, type and finish of the refuse and recycling storage has been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage approved under this condition shall be installed and made available for use prior to the occupation of any of the buildings and shall be maintained as such thereafter.
21. No plant or equipment shall be installed externally on any building or within the site until full details have been submitted to and approved in writing by the Local Planning Authority. These details shall include the type, size and design of the plant/equipment; its siting and height above ground level; measures to mitigate its visual impact; details of any noise or odours emitted by the plant/equipment; and measures to mitigate any impacts arising from noise or odours. The plant/equipment shall only be installed in accordance with the approved details and shall be retained as such at all times.
22. The units hereby permitted shall only be used for purposes within Classes B1(b), B1(c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use, unless otherwise approved in writing by the Local Planning Authority.
23. In respect of any unit used for purposes within Class B8, no trade counter provided within that unit shall exceed 10% of the gross internal ground floor area of the unit and shall not exceed 40m² in any event.
24. The floorspace provided within the buildings shall not be enlarged without the prior written permission of the Local Planning Authority.
25. No unit shall be occupied until a detailed Travel Plan based upon the Framework Travel Plan (dated March 2014 – submitted under application 14/00511/OUTM) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be operated as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.
26. Notwithstanding the information already submitted, none of the units hereby approved shall be occupied until a detailed scheme showing the provision of fire hydrants serving the development (as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus) has been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant provision shall be installed and made available for use prior to occupation of any building forming part of the development and shall be maintained as such thereafter.

27. The measures set out in the Landscape and Ecology Management Plan (dated August 2015) shall be implemented unless otherwise agreed in writing by the Local Planning Authority.
28. None of the units hereby approved shall be occupied until a Secured by Design Developers Award certificate to certify that the development has been constructed to Secured by Design guidelines has been submitted to and approved in writing by the Local Planning Authority.
29. The development shall be carried out only in accordance with the approved Flood Risk Assessment and Drainage Strategy Rev 1, prepared by AECOM (Ref. 60288684 dated 28th October 2015) and its Drainage Layout Plan (Drawing No. 60288684-INF-SK169) and also only in accordance with the following mitigation measures:
 - Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - Restricting the overall discharge to the pre-development run-off rate of 5l/s.
 - Implementing a regional attenuation/ flood storage pond to attenuate the additional surface water volume generated by the development site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

30. The development shall be constructed to BREEAM Very Good in accordance with the pre-assessment document submitted with the application (prepared by AECOM and dated 28th August 2015). No part of the development 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.

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.
2. Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in,

under, over or within eight metres of the top of the bank of the River Colne, designated a 'main river'. This consent is separate to and in addition to any planning permission granted. Please note it can take up to 2 months to grant consent from an application being received. Application forms and guidance are available on the GOV.UK website: <https://www.gov.uk/government/publications/flood-defence-consent-england-and-wales>. The Environment Agency can also be contacted by telephone on 01707 632390 or by email at sphatfield@environment-agency.gov.uk.

3. The applicant/developer must contact the Network Rail Asset Protection Team (email: AssetProtectionLNWSouth@networkrail.co.uk, telephone: 0121 345 3867) to discuss the proposal and present a method statement and risk assessment of works, which must be reviewed and approved by the Network Rail Asset Protection Team prior to the commencement of any works on site. The Network Rail Asset Protection Team will need to review all excavation, demolition and drainage works.
4. The applicant is advised that the storage of materials associated with the construction of this development should be provided on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available from the Highway Authority via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available from the Highway Authority via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the new roads; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.
7. Works to be undertaken on the adjoining Highway will require an agreement with the highway authority. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements.

This is to ensure that any works undertaken in the highway are constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

8. Roads to remain private: The applicant is advised that all new internal roads and car parking areas associated with this development will remain unadopted and the developer should put in place a permanent arrangement for their long term maintenance. At the entrance to these private areas all road name plates should indicate their private status to inform users of their status and purchasers of their future maintenance liabilities. Further information is available via the web page <http://www.hertsdirect.org/services/transtreets/highways/info/roadadopting/> or by telephoning 0300 1234047.
9. 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. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
10. There are public sewers crossing or close to your 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. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
11. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

12. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Chair

The Meeting started at 7.30 pm
and finished at 8.20 pm