

DEVELOPMENT CONTROL COMMITTEE

29 AUGUST 2013

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

Officers: Development Management Section Head
Major Cases Manager
Committee and Scrutiny Support Officer (RW)

19 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

No apologies for absence had been received: all Committee Members were present.

20 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Watkin advised that in his role as a County Councillor he was the opposition spokesman on Education. He confirmed that he had made no statement regarding the application at minute number 23.

21 MINUTES

The minutes of the meeting held on 8 August 2013 were submitted and signed.

22 OUTSTANDING PLANNING APPLICATION

The Committee received a report setting out the outstanding planning applications as at 20 August 2013.

The Development Management Section Head explained that the Section 106 agreement for the Colne Valley Retail Park application had been signed and Planning Permission had been granted on 22 August 2013. This application was consequently no longer on the Outstanding List.

RESOLVED –

that the report be noted.

23 GARSTON MANOR SCHOOL

The Committee received a report of the Development Management Section Head including the relevant planning history of the site.

The Senior Planning Officer advised that the officers' recommendation was for a grant of Planning Permission; if the Committee were minded to grant planning permission, the application would need to be referred to the Secretary of State (as a major development in the Green Belt) who would then decide whether the power to determine the application should remain with the Council or to call-in the application for his own determination.

The Chair invited Mr Gunn-Jones to address the Committee.

Mr Gunn-Jones said that Garston Manor School was part of the Government's priority schools' building programme to replace poor quality accommodation. He noted that the current buildings were of inadequate size for the required use but that the proposed layout would meet specific requirements for pupils with Special Educational Needs.

Mr Gunn-Jones explained that the exterior arrangements would meet the needs of both pupils and staff in addition to those who regularly visited the school in a professional capacity. There would be adequate parking and 'drop-off' areas and space for the mini-buses which transported many of the pupils to the school.

Mr Gunn-Jones addressed environmental issues. He stated that the new buildings would be constructed on the existing playing fields; this would allow the school to function during building works. He noted that whilst the school would be built on Green Belt land, a single storey structure would be maintained which would provide the least impact on the environment. He added that the school would gain a Multi Use Games Area (MUGA).

Mr Gunn-Jones concluded by assuring the meeting that consideration had been given to the biodiversity of the site and commended the proposal to build on land close to the original building in order that the school could continue to function during construction.

The Committee then discussed the Application.

Councillor Bell expressed his support for the application adding that Garston Manor School was one of only seven in the county which had been included in the Priority Schools Programme. He agreed that owing to the school's current condition, it was important to rebuild. He noted that specification for the MUGA was of a good standard and that concern for the environment had been considered throughout the planning process. Councillor Bell further noted the provision of the five mini-bus spaces stating that this would relieve congestion in the area.

Councillor Sharpe agreed that the development would replace the current school's building with more suitable provision for its pupils. He noted that the proposal was sensitive to the Green Belt and asked how judgement was reached

with regard to the very special circumstances which would enable the proposed development to be permitted in the Green Belt.

The Senior Planning Officer explained that discussions had been held with Three Rivers District Council who shared the site. It was notable that this part of the Green Belt accommodated several schools and in consequence it could be concluded that part of the area's character was one of educational establishments.

The Senior Planning Officer advised on the views from the public realm stating that the main sightings across the Green Belt from the A405 road were of schools. He said that Garston Manor's buildings would be in the far corner of the site and the views had been taken into account when assessing the application. He added that the school's provision had been identified as 'poor' and as such could be included in the Government's High Priority list. Thus, the need for the development could be considered to outweigh any harm that might be caused to the openness of the Green Belt.

The Development Management Section Head emphasised the importance of ensuring that the issue of the very special circumstances associated with the development was properly addressed.

Councillor Williams noted that the Highway Authority had raised no objections but that he had serious concerns regarding the entrance to the school. He advised that this entrance was notorious for the number of accidents which had occurred there. He urged that were further applications to be made for sites in this area due consideration be given to highways issues.

Councillor Watkin considered that the very special circumstances of this proposal had been properly taken into account and Councillor Brandon said that he was satisfied that the proposal was the best way of minimising the impact on the Green Belt.

The Chair drew attention to the cycle store and the Police/Crime Prevention Officer's remarks as noted on page 14 of the agenda. He expressed concern that the cycle storage was not sufficiently secure.

The Senior Planning Officer advised that Garston Manor's pupils did not cycle to school by themselves and that the cycle provision was for staff and visitors. He said that the cycle store was outside the main reception area which was always fully staffed and which overlooked the store. It had been felt that there was sufficient security for the cycles; there had been no specific request for increased security.

RESOLVED –

(A) That the Secretary of State for Communities and Local Government be consulted on the application in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.

(B) That, provided the Secretary of State does not call in the application for

his own determination, planning permission be granted 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:-

PSBPE-GM-PL-L-000 P00, 001 P00, 002 P00, 004 P00, 005 P00, 006 P00

A-7426-20-001-5, 24-001-2, 20-020-3, Z4000-001-P1
LNS2079 HD 500 P2, 501 P2

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 within the site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of the routing of and access for construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.
5. The development shall only be carried out in accordance with the Site Specific Method Statement Arboricultural Report (ref. PP-02708437 dated 24th June 2013 by Marishal Thompson Group) unless otherwise agreed in writing by the Local Planning Authority.
6. 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 are unlikely to harm any protected species.
7. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be undertaken in accordance with the approved piling method statement.
8. No development shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on the criteria

identified in Section 3 of the approved Flood Risk and Drainage Document prepared by Mott MacDonald dated January 2013. The building shall not be occupied until the drainage scheme has been constructed in accordance with the approved details.

9. No development shall commence until details of the materials to be used for all the external finishes of the building, including all external walls, doors and windows, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.
10. No development shall commence until full details of a soft landscaping scheme, as shown in principle on drawing no. PSBPE-GM-PL-L-004 P00, has been submitted to and approved in writing by the Local Planning Authority. This shall include measures to enhance the biodiversity value of the site, as set out in paragraph 8.3 of the Extended Phase 1 Habitat Survey by Marishal Thompson Group (dated 21st June 2013). The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of the development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.
11. No development shall commence until details of an external lighting scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved before the first occupation of any part of the development.
12. No development shall commence within the site until details of all means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until all related means of enclosure have been provided as approved. Once provided, all means of enclosure shall be retained at all times thereafter, unless otherwise approved in writing by the Local Planning Authority.
13. The new school building shall not be occupied until the new multi-use games area (MUGA) shown on the approved drawings has been constructed to Sport England standards, unless otherwise agreed 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. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.

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73 - 75 GAMMONS LANE

The Committee received a report of the Development Management Section Head including the relevant planning history of the site and details of eight letters objecting to the application.

The Committee agreed that Mrs Hogan could address the meeting.

Mrs Hogan informed the Committee that she lived close to the application site and that whilst she had no objections to the proposal in its entirety she had serious concerns over two specific issues: privacy and safety for her own family and for her neighbours.

Mrs Hogan advised that their gardens would be overlooked and asked whether obscured glass could be added in the side windows as a condition of development. She noted that the balconies would have opaque glass at the sides but not at the fronts which would consequently give rise to overlooking of the neighbouring gardens. She added that there would be only a few metres space between the balcony and the gardens.

With regard to safety and security, Mrs Hogan advised that metal shutters had been installed on the access to the rear car park three years previously. She felt that this had reduced the number of burglaries in the locality as well as the incidence of young people gathering in the area. The new development, however, did not provide for the access to be fenced off as access would be needed for the car park at the rear of the flats. Mrs Hogan asked that the side passage to the rear gardens which bordered the rear of the site should be totally fenced in order to limit access and provide security for neighbouring families.

The Chair invited Mr Bond to speak to the meeting.

Mr Bond advised that there had been several pre-application meetings with planning officers and that the Applicant had been sensitive to comments received from residents. He had already noted the concerns that had been expressed with regard to privacy in neighbouring gardens and, as a consequence, it was proposed that obscure glass would be fitted to the kitchen window facing the gardens; this could also be required by condition. He added that the new development would feature fewer windows than the current elevations.

Mr Bond explained that the alterations would reduce the depth of the building which would impact positively on neighbouring gardens. He added that the appearance of the building would be improved which would be beneficial to the area. Addressing concerns regarding the side passage, Mr Bond advised that no access to the flats from this passage was proposed. Moreover,

improvements could be made which would enhance neighbours' privacy and safety.

Mr Bond said that benefits would ensue from the building being brought back into use. The elevation facing Gammons Lane would be improved and this would benefit neighbouring properties. Traffic levels would be reduced with no loss of retail use. Mr Bond concluded by advising that the Applicant was committed to improving the property and had signed the Section 106 agreement.

Regarding the issues of the gated rear access and the security of the side passage, the Chair queried whether Condition 12 regarding access to the rear parking area was sufficient to deal with these matters.

The Senior Planning Officer advised that the shutter on the archway to the rear was not shown on the plans and that planning officers had not insisted on gates within the archway. He drew attention to Condition 6 and stated that hard landscaping could be construed to include fencing or, alternatively, a separate condition could be added.

The Development Management Section Head suggested that the words 'including boundary treatment' could be added to Condition 6.

The Committee then discussed the Application.

Councillor Joynes said that she had concerns regarding parking issues noting that seven parking spaces were proposed for nine flats. She asked how a possible Controlled Parking Zone (CPZ) would affect residents in the new development.

Councillor Derbyshire referred to neighbouring residents' concerns regarding overlooking from balconies at the rear of the development. He noted that Condition 9 did not specify the height of the obscure glazed privacy screens and that those installed might not be such as were approved by the local planning authority.

The Senior Planning officer said that the screens were shown on the drawings and the height could be added to the condition.

Councillor Brandon considered that a development of houses would have been a better addition to the area. He also had concerns regarding the height of the proposed flats as the plans were not in keeping with the area and overlooked neighbours' properties.

Councillor Brandon pointed out that the archway was currently rarely used but that the new car park would in much greater use. He also noted that traffic flow would increase and would give rise to potential traffic-related problems.

Councillor Johnson expressed similar concerns regarding traffic problems and questioned whether there was a need for balconies at these flats.

Replying to Councillor Brandon, the Senior Planning Officer explained that the proposed development and the existing building were the same height. He added that the height of the rear element would be increased by 0.8m but it would still be no higher than the ridgeline of the front roof.

With regard to the balconies, the Senior Planning Officer said that it would be possible to vary Condition 9 so as to provide for the details to be submitted to and approved by the Council. The screens would reach to full height i.e. from the floor to the top of the doors. He added that samples of the obscure glass could be requested.

Councillor Sharpe advised that there were inadequate reasons to refuse this application. He asked whether the development could be excluded from a future CPZ.

The Senior Planning Officer advised that it was not possible to exclude the proposed development from a CPZ which did not currently exist. He explained that the only method of ensuring that future occupiers of the flats would not be entitled to parking permits would be to ensure that the flats were outside the boundary of the proposed CPZ.

Councillor Joynes stated that neighbouring roads had been included in the CPZ consultation.

The Senior Planning Officer advised that the consultation area might not be the eventual area of the CPZ. Properties could be excluded by drawing the boundary around the site as this would identify specific streets.

The Chair agreed with Councillor Sharpe that there were no sound planning reasons to refuse this application and that the Committee should consider the possibility of an appeal by the Applicant.

RESOLVED –

- (A)** That planning permission be granted subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
 - a) £11,124 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
- ii) To secure financial payments to the County Council of:

- a) £5,875 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3 and T5 of the Watford Local Plan Core Strategy 2006-31;
 - b) £1,217 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
 - c) £2,283 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
 - d) £614 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
 - e) £170 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - f) £47 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
 - g) £797 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- iii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.

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:

9335/PL/001, 002A, 003A, 004, 005, 006, 007, 008A, 009, 010, 011, 012A.
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 within the site until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of temporary access for construction vehicles, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints.

The Plan as approved shall be implemented throughout the construction period.

5. No development shall commence until details of the materials to be used for all the external finishes of the building, including all external walls, roofs, doors, windows, fascias, and balconies have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.
6. No development shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of fencing and other treatments to the boundaries of the site. No part of the development shall be occupied until the approved hard landscaping works have been carried out. The approved soft landscaping works shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.
7. No development shall commence until details of a sustainable surface water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.
8. The north facing first floor kitchen window to Flat 6 shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.
9. The first and second floor balconies to Flats 5, 6, 8 and 9 shall be fitted with obscure glazed privacy screens on their northern side, in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, before the first occupation of any of these flats and these privacy screens shall be retained as approved at all times thereafter.
10. No part of the development shall be occupied until the 7 car parking spaces shown on drawing no. 9335/PL/002 have been laid out and constructed in full. These spaces shall be retained thereafter at all times for the parking of cars.
11. No part of the development shall be occupied until the bin/cycle store has been provided in accordance with approved drawing nos. 9335/PL/002 and 012 (unless otherwise approved in writing by the Local Planning Authority). The store shall be retained thereafter at all times for refuse/recycling and cycle storage only and shall not be used for any other purpose.

12. No gate shall be installed to the access to the rear parking area unless details shall previously have been submitted to and approved in writing by the Local Planning Authority. The gate shall only be installed in accordance with the approved details.

Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the Borough of Watford. The agreement also requires the provision of necessary fire hydrants to serve the development.
2. 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. The Council also gave pre-application advice on the proposal prior to the submission of the application and undertook discussions with the applicant's agent during the application process.

(B) In the event that an acceptable planning obligation under Section 106 of the Town and Country Planning Act 1990 has not been completed by 2nd September 2013 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:

1. The proposed development fails to make provision for public open space, either in the form of on-site works or commuted payments, and as such is contrary to saved Policy L8 of the Watford District Plan 2000.
2. The proposed development fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
3. The proposed development fails to contribute to the provision or improvement of education and community facilities (youth facilities, childcare and libraries) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

4. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

Drawing numbers

9335/PL/001, 002A, 003A, 004, 005, 006, 007, 008A, 009, 010, 011, 012A

Chair

The Meeting started at 7.30 pm
and finished at 8.20 pm