

DEVELOPMENT CONTROL COMMITTEE

21 NOVEMBER 2013

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

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

44 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

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

45 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Sharpe advised that he had received correspondence relating to the application at minute number 48. He explained that residents' concerns had centred on issues under the remit of the Parks section rather than planning issues. He confirmed that he had expressed no view on the matter.

46 MINUTES

The minutes of the meeting held on 31 October 2013 were submitted and signed.

47 OUTSTANDING PLANNING APPLICATIONS

The Committee received a report advising that as at 13 November 2013 there had been no applications over eight weeks yet to be determined.

RESOLVED –

that the report be noted.

48 RIVERSIDE RECREATION GROUND

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

Councillor Sharpe advised that funding had been provided for play facilities on the further side of the park. He noted, however, that this area was somewhat hidden from sight and consequently provided opportunity for anti-social behaviour. He considered, therefore, that to establish facilities on the application site would be a sensible decision. He further noted that there had been no objections from residents but advised that further discussions would take place between local residents and the Parks section in the implementation of the proposals.

Councillor Sharpe concluded that he felt that approval would be the right decision and hoped that the proposed facilities would lead to a safer play area for users.

Councillor Bell added that he also supported this proposal as another MUGA was needed within the Borough. He asked whether lighting would be provided for use during the hours of darkness.

The Applications Casework Manager said that this was a somewhat contentious issue. He noted that it was necessary to consider the wildlife currently onsite and advised that the degree of weight to be given to the varying needs of users, wildlife and local residents had not so far been determined. He advised that a condition was proposed requiring a lighting scheme to be submitted for approval about which there would be future discussions between the Police Authority and the Wildlife Trust.

Councillor Sharpe noted that lighting the area after dark could impact on local residents. He agreed that discussions between representatives of the Council, the Police Authority and Wildlife organisations as well as local residents would be advisable.

The Chair concluded the discussion by noting that the MUGA in Central ward was well used and had reduced anti-social behaviour. He reminded Members that there had been concerns from residents prior to the establishment of this facility but that these fears had been unfounded.

RESOLVED –

That 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. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved in writing by the Local Planning Authority:

(a) a preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site;

(b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) the results of the site investigation and detailed risk assessment referred to in (b) 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.

(d) 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 (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the express written consent of the Local Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details.

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 (i) submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and (ii) obtained written approval of that strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.
4. There shall be no infiltration of surface water drainage into the ground except with the express written permission of the Local Planning Authority, which will not be given unless it has been demonstrated that there would be no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with any such permission and any details approved as part of such permission.
5. No trees, shrubs or hedges shall be felled, uprooted or grubbed out between 1 March and 31 August inclusive in any year unless (a) it has been established that no nesting birds or protected species are present and (b) the Local Planning Authority has been provided with evidence that this is the case.
6. No external lighting shall be installed within the site or on any building except in accordance with a detailed scheme which shall have been

previously submitted to and approved in writing by the Local planning Authority.

7. No excavation or scraping of soil shall take place on any part of the site which lies to the north west of the former railway line from Watford to Rickmansworth (now the line of the Ebury Way) unless it is supervised by an ecologist to ensure that no slow worms or any other wildlife is likely to be harmed or affected by such operations. In particular, these operations shall not be carried out at any time when such creatures are hibernating or dormant. In addition, in respect of any part of the site, no spoil shall be deposited within the root protection area of any tree (as determined in accordance with the guidance in B.S. 5837 Trees in Relation to design, demolition and construction – Recommendations).
8. No development shall commence on any part of the site which lies to the north west of the former railway line from Watford to Rickmansworth (now the line of the Ebury Way), and no work shall be carried out to any trees within this area, until a wildlife survey has been carried out. If the survey shows that there are any protected species in this area, no further works shall be carried out until a scheme of mitigation measures (i.e. a Method Statement as required for a European Protected Species licence) has been submitted to and approved in writing by the Local Planning Authority. In addition, no development shall commence on that part of the site to which this condition applies until a landscape and biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas and natural habitat, has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented as approved or in accordance with any subsequent variations which shall have been agreed in writing by the Local Planning Authority.

The management plan shall include the following elements:

- a management regime for the site;
 - details of treatment of site boundaries and/or buffers around water bodies;
 - detail extent and type of new planting;
 - details of maintenance regimes;
 - details of any new habitat created on site.
9. Within two months of the date of this permission, a habitat management plan for the site shall be drawn up and submitted for the approval in writing of the Local Planning Authority. The habitat management plan shall be implemented as approved in accordance with the timescales provided for within the plan.

Informatives

1. Under the terms of the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Colne which is a designated a 'main river'.
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.

Drawing numbers

2608-01 rev A Clearance – sheet 1 of 3; 2608-02 rev A Clearance – sheet 2 of 3; 2608-03 rev A Clearance – sheet 3 of 3; 2608-04 rev A New works – sheet 1 of 3; 2608-05 rev A New works – sheet 2 of 3; 2608-06 rev B New works – sheet 3 of 3; 2608-07 Flood Risk Assessment; 2608-08 Site Location Plan; 2608-10 MUGA details; RETH130022-02 rev A Indicative reed bed plan and sections; RETH130022-01 rev A Habitat creation & improvements

49

31 GLEN WAY

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

Councillor Derbyshire advised that he understood that residents could have reservations regarding the application. He noted that the characteristic for Glen Way was individually designed detached homes; the proposal, however, was for a 'handed' pair which did not totally comply with the character of the area.

Councillor Derbyshire said that the plot could easily accommodate the proposed development and that each house would be sited in substantially sized gardens. He reminded the meeting that it was current Government policy to approve applications for the building of new houses. He concluded that it was unlikely that a refusal for this application on the grounds of two similarly designed houses would be sustained at appeal.

Councillor Sharpe expressed his agreement with Councillor Derbyshire and noted that the 'test' for a refusal would centre on 'harm'. He noted that whilst two homes of different design would have been a better solution, the application did not warrant a refusal on those grounds.

The Chair noted that the room sizes were large and considered that the application would provide a good development in this area.

RESOLVED –

that 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 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.
- 3 No development shall commence on site, and no trees or hedges shall be removed or partially removed, until full details of all hard and soft landscaping works (including details of any changes to ground levels around the building), any fencing or other boundary treatments and any external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall commence on site until full details and physical samples of the bricks and the roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 The proposed bathroom and toilet windows in both the flank elevations and the proposed side roof light bedroom windows of both houses shall be fitted with obscured glass at all times, and no part of those windows shall be capable of being opened other than parts that are at least 1.7m above the floor of the room in which the window is installed. This condition

also applies to the side roof light window of the playroom at Plot 1 (but not at Plot 2).

- 6 Neither of the houses shall be occupied until the solar panels and the rainwater harvesting systems that are shown on the drawings hereby approved have been installed, and those systems shall be retained thereafter, as shown on those drawings, unless otherwise approved in writing by the Local Planning Authority.
- 7 No windows, doors or openings of any kind, other than those shown on the plans hereby approved, shall be inserted in the walls or roofs of this development, unless otherwise approved in writing by the Local Planning Authority.
- 8 The hard standings at the front of both houses shall be constructed in such a way that any rain water falling on those surfaces shall either soak away into the soil within the site or else drain into a rainwater harvesting tank for reuse by the occupiers of the dwellings. The rainwater shall not run off onto land outside the site, nor enter public drains or sewers.
- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E or F of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.
- 10 No development shall commence on 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. No materials or equipment shall be stored outside the curtilage of the site unless otherwise agreed in writing by the Local Planning Authority (in consultation with the Highway Authority).
- 11 No development shall commence on site until dimensioned drawings have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the parking spaces will be adequately sized to accommodate vehicles and that they will be positioned in such a way as to allow easy parking and manoeuvring. Those drawings shall include details of measures to be taken to prevent vehicles from driving over the public footpath.

Informatives

- 1 This planning permission is accompanied by a planning obligation in the form of a unilateral undertaking, which is binding upon the owners and

their successors in title. It obliges the owners to make certain contributions to local services and infrastructure when work commences on implementing this permission. It includes an obligation to inform the Local Planning Authority when work commences by contacting the Section 106 Officer in the Planning department.

- 2 The planning officer's full report gives more detail than is to be found in the Decision Notice. The full report can be obtained from the Council's website www.watford.gov.uk/planning where it is to be found as an appendix to the agenda of the Development Control Committee of 21 November 2013, or on request from the Regeneration and Development Department.
- 3 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.
- 4 The development will involve the creation of addresses for new properties. The applicant must apply to the Council to allocate a street number or name. This is a requirement of the Public Health Act 1925. Applications for this purpose should be made to the Local Land and Property Gazetteer Officer at Watford Borough Council, Town Hall, Watford, WD17 3EX.

Drawing Numbers

Site location plan

Drawing number 13/111/1

Drawing number 13/111/2 revision A

Drawing number 13/111/3

Drawing number 13/111/4

Drawing number 13/111/5

Drawing number 13/111/6 revision A

Drawing number 13/111/7

Drawing number 13/111/8

Design and Access Statement

50

CHARTER PLACE

The Committee received a report of the Development Management Section Head including the relevant planning history of the site and details of four replies received in respect of the application.

The Chair drew the meeting's attention to the Update Sheet which recorded the Applicant's request for a deferral. He noted that the Applicant had also agreed

to extend the time period for the determination of the application for a further two months.

The Development Management Section Head explained that the time for determination of the application would have expired on 12 December 2013. He advised that whilst a Development Control Committee meeting had been scheduled for this date, it would not be possible to issue any decision before the expiry of the statutory period. He referred to the Applicant's agreement to extend the period for determination by two months and said that this meant that a decision made on the application after 12 December but within the extra two months would not be regarded as having been made out of time.

The Chair MOVED that:

The decision on this application be deferred in order that the planning application and the application for listed building consent can be considered at the same time.

On being put to the Committee the Motion was AGREED.

RESOLVED:

that the application be deferred in order that the planning application and the application for listed building consent can be considered at the same time.

Chair

The Meeting started at 7.30 pm
and finished at 7.55 pm