

DEVELOPMENT CONTROL COMMITTEE

30 JANUARY 2014

Present: Councillor R Martins (Chair)
Councillors I Brandon, S Johnson, A Joynes, I Sharpe,
T Williams, J Aron, K Crout and J Dhindsa

Also present: Councillor Peter Jeffree and Councillor Malcolm Meerabux

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

66 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of membership for this meeting:

Councillor Aron replaced Councillor Watkin, Councillor Crout replaced Councillor Derbyshire and Councillor Dhindsa replaced Councillor Bell.

67 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Sharpe explained that he had supported the aim of supplying more schools in the area. He added that whilst he had spoken to both sides in the debate on the application at minute number 70, he had not expressed his own views.

Councillor Aron said that she had expressed her support for a school in the Lanchester Building but had made no decision on the matter; she advised that she had come to the meeting with an open mind.

Councillor Joynes advised that she supported the provision of additional schools in the area but had expressed no opinion on the application at minute number 70.

Councillor Johnson informed the meeting that he had received several e-mails regarding the same application but had also not stated any opinion on the matter.

Councillor Crout had similarly received e-mails from the Cassiobury Residents Association but had had no discussions on the issue.

Councillor Dhindsa said that he had commented on the shortage of schools but had expressed no opinion on the application involving the Lanchester Building.

Councillors Brandon and Williams echoed other Members' disclosures saying that they had both received e-mails on this subject but had given no opinion on the matter.

The Chair agreed that it was important to be clear on the above comments from the members of the committee.

68 **MINUTES**

The minutes of the meeting held on 9 January 2014 were submitted and signed.

69 **OUTSTANDING PLANNING APPLICATIONS**

RESOLVED –

that the report be noted.

70 **LANCHESTER BUILDING, WATFORD CAMPUS, HEMPSTEAD ROAD**

The Chair explained that two speakers had registered to address the Committee regarding this application. He advised that, in a change from usual procedure, after each speaker had concluded there would be a period of 10 minutes when Committee members would have the opportunity to question the speaker in order to clarify any points on which they wished additional explanation.

The Committee had received a report of the Head of Regeneration and Development including the relevant planning history of the site and details of ninety-nine responses to letters sent with regard to the application. Two respondents supported the application; the other senders had detailed their objections to the proposals.

The Major Cases Manager drew attention to the Update sheet which advised that, since publication of the report, 35 letters had been received from local residents objecting to the application for the same reasons as those detailed on pages six and seven of the agenda. The Update sheet also advised of 33 letters received in support of the application. The Major Cases Manager noted, however, that none of these letters contained full addresses. It had proved possible to identify from whence some had come and the breakdown was included in the Update sheet.

The Major Cases Manager also drew attention to the response from the Cassiobury Residents' Association following their meeting on the previous evening; this was also included in full on the Update sheet. This response raised the same points as those already included in the report.

In conclusion the Major Cases Manager noted the amended drawings on display in the Council Chamber and the amendments, as detailed in the Update sheet, to Recommendations 2, 9, 10, 11 and 14

The Chair invited Mr Tim Hollingsworth to speak to the Committee.

Mr Hollingsworth explained that he lived on the Cassiobury estate and that whilst he had no objections to the conversion of the Lanchester Building for use as a primary school, he had grave concerns regarding highway issues.

Mr Hollingsworth noted that entrance to the estate was via only two roads; these roads were already used to capacity and were exacerbated at peak times due to the recent expansion of the Cassiobury Primary Schools. He believed that the traffic consultation had not taken these additional number of pupils into account and that the proposal would increase the pre-existing congestion.

Mr Hollingsworth considered that it would be unwise to allow access to the school by reopening the footpath between Cassiobury Drive and the Lanchester Building, advising that a better option would be to create access from Hempstead Road. He re-iterated his belief that the traffic consultation had not taken all issues into consideration including the function and operation of the two sets of traffic lights on Hempstead Road.

Mr Hollingsworth then addressed issues of parking and stated that nine parking spaces would be insufficient for the 45 staff intended for the school. He noted that there was ongoing negotiation for spaces in the Avenue car park but that he considered calculations were being made on flawed data.

Mr Hollingsworth concluded by stating that the problems of traffic and parking would impact on all those in the immediate vicinity of the proposed school and that he felt a better solution to traffic and parking problems should be found before approval was granted.

The Chair advised that the reopening of the footpath was not a planning matter and then invited members of the committee to ask questions of Mr Hollingsworth.

Councillor Sharpe asked whether the concerns regarding the footpath centred mainly on its use as a 'drop-off' or pick-up point for children at the beginning and end of the school day.

The committee agreed that Mr Paul Embleton, Chair of the Cassiobury Residents' Association, could answer this question.

Mr Embleton said that crime prevention was also an issue for residents. He informed the meeting that the Hertfordshire Police Authority had advised that the open footpath had lead to criminal behaviour in the past. Since the closing of this alleyway crime had diminished in this location.

In reply to a question from the Chair, Mr Hollingsworth said that were the footpath to be reopened the main problem of the volume of traffic on the estate would increase since more children would be arriving and leaving by car. He noted that Cassiobury Schools had increased pupil number and that yet more cars on the estate would result in mayhem and chaos.

Councillor Crout suggested that were the alleyway to remain closed at peak times, parents would drive onto the estate, park in areas not in the Controlled Parking Zone (CPZ) and then walk their children the longer route along Hempstead Road.

Mr Hollingsworth replied that residents would then seek increased restrictions in the CPZ.

The Chair invited Mr John Harris to address the Committee.

Mr Harris advised that he was the Chair of the West Herts Free School Trust and had until recently been Director of Children's Services at Hertfordshire County Council. He explained that the Trust worked in partnership with several other agencies and had successfully opened a Free School in Hatfield in 2012. He affirmed that this school was now full and had a waiting list for entry.

Mr Harris then explained that the establishment of two new schools in Watford would help to meet demand in the borough. He noted that evidence indicated that there would be a shortfall of 210 primary school places by the academic year 2015/2016. Mr Harris advised that other schools in the vicinity were already fully occupied and that the Lanchester Building would be ideally placed to supply additional places. He further advised that since the building had been used for educational purposes, planning consent was not required.

Mr Harris then explained that plans to refurbish the building had been the subject of careful design with due consideration to heritage factors. He advised that the building had been out of use since 2009 and that the permission being sought was for external works involving use and access.

Mr Harris said that it was hoped to promote sustainable travel and a car-free school. Through consultation with parents, family travel plans would be devised and families would be encouraged to travel to and from the school by foot or cycle rather than by car. It was also hoped that the school would serve the local community as it was anticipated that pupils would come from within a 800 m area who could either walk or use local bus services.

With regard to the footpath, Mr Harris said that the proposal to reopen the footpath would allow children to gain access from the Cassiobury Drive side. The path would be gated and controlled and only open during times when the school was in use.

The Chair invited Members to ask questions of Mr Harris.

Councillor Brandon asked questions regarding traffic modelling and asked whether consideration had been given to the point at which schools in the area would be at full capacity. He also asked why the school would be two-form rather than one-form entry and noted that in September 2014 children from the Ascot Road school would also be attending since their school would not be ready for use until later.

Mr Harris replied that the traffic modelling had been carried out by the Trusts' highway consultants and that he was unable to answer this question.

With regard to one-form entry Mr Harris said that there was good evidence to support the view that two-form entry would be more sustainable; there was also an acute shortage of places for children in Watford.

Councillor Joynes noted that it was anticipated that children would attend who lived locally although there were already two primary schools in very close proximity to the site. She considered that the catchment area would in fact be larger and asked whether a school bus had been contemplated.

Mr Harris advised that there was a shortage of places in this locality despite the expansion of the two other schools. He affirmed that evidence suggested that the catchment area would be relatively small.

Councillor Dhindsa said that in fact Cassiobury School was not full to capacity and that children for the new school would come from a wider area than had been advocated.

Mr Harris reiterated that by 2015 there would be a need for an additional 210 places and that the two existing schools would be unable to cope with the scale of the increase.

Councillor Johnson referred to the Ascot Road school using the premises during the first year of opening but noted that there was no provision for coaches in the plans.

Mr Harris explained that proposals were for the longer term and that pupils from the Ascot Road school would be at the Lanchester Building for a limited time until they could occupy their completed school.

In response to a question from Councillor Crout, Mr Harris reiterated that the footpath would be open only during school times.

The Chair then invited Councillor Meerabux to address the Committee.

Councillor Meerabux said that he had concerns regarding the safety of young children and that he felt that safety issues had not been sufficiently explored; he considered that the relevant guidelines had not been satisfied. He advised that thoughtless parking had become a serious matter for concern at many schools.

Councillor Meerabux explained that the Hempstead Road traffic lights were controlled through reference to conditions on the M25 and that this impacted on traffic throughout the area. He felt that insufficient study had been undertaken on the impact of additional traffic in Langley Way and the surrounding roads. He also queried the statement that the school would be promoted as 'car free' whilst parking spaces both in the school grounds and in the Avenue car park had been

included in the application. He concluded by suggesting that alternative arrangements should be made to ensure the safety of both pupils and parents.

The Chair then invited Councillor Jeffree to speak to the Committee.

Councillor Jeffree agreed that there was a serious shortage of school places and said that he supported the aims of the Free School Trust. He felt, however, that the Lanchester Building was not best placed for such a school and drew attention to the limited space for car parking. He noted that the development would be within a conservation area and asked how this would impact on Little Cassiobury House.

Councillor Jeffree also considered that there were gaps within the details which needed to be addressed: information on fencing, for example, was unclear.

Councillor Jeffree then questioned the school's promotion as a car-free establishment and noted that 53 drivers would have access to parking (nine at the school and 44 in the Avenue car park). He said that many pupils at Cassiobury School arrived by car and the application had not recognised current lifestyle and drivers' behaviour.

Councillor Jeffree addressed the question of the catchment area and noted that in the first year of opening pupils would be arriving from the Ascot Road area of Watford. He said that if these pupils came by car then drivers would inevitably look for parking spaces nearby and that it would be wise to consider this prior to the school's opening.

Councillor Jeffree concluded by noting that the traffic modelling exercise had not recognised the restrictions of the CPZ and had, additionally, recommended parking at the Metropolitan line station which was due for closure within the following few years.

The Committee then discussed the application.

Councillor Sharpe said that he agreed with many points which Councillor Jeffree had made but noted that the application was essentially for fencing and play facilities. This application was not for planning permission for the school *per se* as this already existed as part of the original use as a college. He further advised that the footpath also did not need planning permission; access here was not a planning matter. The application could therefore not be turned down for any reasons associated with the alleyway.

Councillor Sharpe explained that because the application was for enabling works this development in itself would not lead to traffic problems. Consequently the committee would be unable to sustain a robust argument for refusal should this decision be the subject of an appeal. Similarly the Development Control Committee would be unable, from a planning point of view, to reject the application on the grounds of any covenant relating to the footpath. Refusal on issues of safety was also not within the jurisdiction of the Development Control Committee but was a matter for the Police Authority.

Councillor Sharpe further advised that had the school opted not to include the footpath within the application, the committee would have been unable to consider this aspect at all. Since the footpath had been included, this offered the committee control over times and use. Councillor Sharpe said that further restrictions could be added such as that the gates would be opened only for access by the children to Cassiobury Park and neither for access to or egress from the school at the beginning and end of the school day. It was not, however, possible for the Committee to refuse permission for this application on any substantive planning grounds.

In reply to a question from the Chair, the Major Cases Manager explained that the focus of the application was on external works and the open space within the curtilage of the school. With regard to safety, the Crime Prevention Officer of Hertfordshire had been consulted but neither the committee nor planning officers were bound by his advice. The Major Cases Manager stressed that the various documents that had been referred to amounted to a voluntary code aimed at reducing opportunities for crime; compliance was not obligatory as it only amounted to guidance and best practice. Following the guidance was not mandatory and it could not be enforced by the planning authority.

The Chair said that he considered that restrictions on footpath use could be instituted such that the footpath would not promote Cassiobury Drive as a drop off and pick up point.

Councillor Johnson suggested that were drop off not advocated at the Cassiobury Drive entrance to the footpath, this could be effected at the front of the site.

The Major Cases Manager advised that it would be unwise for vehicles to stop on the Hempstead Road to allow children to access the school by this entrance. He added that it would not be possible to create such an area within the site as this part of the grounds was needed for play space. In effect this move would encourage greater traffic problems as egress would not be controlled and would lead to additional queues on Hempstead Road as parents waited for cars to exit the site to allow for available space to park.

Councillor Crout said that were there to be no designated drop off point then children would be set down in areas which were unsafe. He noted that Watford was very congested and that a designated place near to the school should be identified; residents should be called upon to make sacrifices to ensure the safety of children.

Councillor Williams noted the difficulties regarding access through the footpath and suggested that were restrictions to be put in place this would alleviate the problems. He referred to the statements of Mr Harris that the school would be 'car free' and have pupils from a 800 m radius and stressed that the main issue concerned persuading children and parents to walk to school.

Councillor Brandon noted the two extensions on the plans and asked whether these had been required to ensure a two-form entry intake.

The Major Cases Manager explained that the extensions referred to were fire escapes and that they represented a very small addition to the building's footprint.

The Chair asked the Major Cases Manger to comment on the impact of the development on the conservation area.

The Major Cases Manager advised that the heritage assets in question were Little Cassiobury, the conservation area and the Lanchester Building itself and that some impact would be caused by the proposals. He said that at both the pre-application and the application stages the applicant had worked with planning officers to ensure minimum impact. To this end it was planned to install the minimum amount of fencing; the grass embankment would be retained and the play areas would be sited at a distance from the Hempstead Road. The Major Cases Manager agreed that the character of the space would be altered but said that negative impact would be outweighed by the benefit of a new primary school.

The Chair noted the comments which Councillor Sharpe had made and agreed that school places were needed in Watford. He said that it was the responsibility of the Development Control Committee to strike the correct balance for all those involved in the planning process. He added that the traffic dangers should be considered and suggested that it would be better were the end of the alleyway not to be referred to as a 'drop off' point.

Councillor Sharpe reiterated that the Lanchester Building already had planning permission for use as a school, having been in use as an educational establishment in the past. He recommended that condition 15 be amended to read

The footpath between the college car park and Cassiobury Drive shall only be open for use at times which previously have been agreed in writing by the Local Planning Authority and solely for the purpose of allowing access to Cassiobury Park during the school day. At all other times, the gates to the footpath shall be kept closed and locked.

Councillor Sharpe advised that, in effect, the footpath could be opened immediately. He considered, however, that restricting use of the alleyway as he was suggesting would defuse the parking problems; parents would continue to drive to school but would park elsewhere, thus potentially creating other 'hot spots' which might need to be addressed from a parking point of view. He cautioned that a further planning application could be submitted omitting the footpath altogether and that this would not then be any part of the considerations.

The Major Cases Manager advised that if the amendment to Condition 15 were to be included in the conditions the section 106 contribution would no longer be required and could be removed.

RESOLVED –

That planning permission be granted subject to the following conditions:

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:-

3008/100/01, 102/00, 110/01, 120/01, 140/01, 150/07, 151/01, 155/01, 156/01, 158/01, LD03 PL1, LD05 PL1, LD07, LD08 P1, 130995/E/2210 Rev.T1
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. No development shall commence until details of the siting, height and type of tree protection measures to protect the existing trees on site have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been installed. These measures shall be retained as approved throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.
6. All new facing brickwork and render shall match the colour and texture of the existing facing brickwork and render of the building, unless otherwise agreed in writing by the Local Planning Authority.
7. No external windows or doors shall be removed from the building and no new external windows or doors shall be formed in the

building elevations until details of the materials and design of all replacement and new windows and doors 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 and design.

8. No canopy shall be erected over the entrance to the nursery on the north-east elevation until details of the materials and design of the canopy 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 and design.
9. No part of the building shall be occupied until full details of a soft landscaping scheme, as shown in principle on drawing nos. 3088/140/01 and LD08 P1, have been submitted to and approved in writing by the Local Planning Authority. 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.
10. No part of the building shall be occupied until (a) full details of a hard landscaping scheme, including both hard surfaced play areas, as shown in principle on drawing no. 3088/140/01, have been submitted to and approved in writing by the Local Planning Authority, and (b) the works have been carried out in accordance with the approved details.
11. (i) No part of the building shall be occupied until (a) details (including materials, design, colour and height) of the following means of enclosure have been submitted to and approved in writing by the Local Planning Authority, and (b) all the means of enclosure have been installed in accordance with the approved details:-
 - The railings around the front, side and rear boundaries of the site.
 - The front entrance gate from Hempstead Road and the side and rear entrance gates to the open space.
 - The fencing of the footpath leading to Cassiobury Drive.
 - Gates at both ends of the footpath leading to Cassiobury Drive.
- (ii) No part of the building shall be occupied until the following means of enclosure have been installed in accordance with the approved details:-

- The pedestrian guard rails in the car park shall be as shown on drawing no. DG1112 and shall be coloured black.
 - The fencing around the nursery play area shall be in Jackson's Venetian timber slats with the posts set on the inside of the fencing and concealed from view.
 - The weldmesh fencing shall be as shown on drawing no. LD03 PL1 and LD05 PL1 and shall be coloured dark green (RAL 6005).
12. No construction shall commence on (i) the 6 car parking spaces and adjoining footpath sited adjacent to the north-western boundary of the site or (ii) the footpath labelled 'pedestrian route to school 2' until details of a 'no-dig' method of construction for these parking spaces and footpaths have been submitted to and approved in writing by the Local Planning Authority. The construction of these parking spaces and footpaths shall only be carried out in accordance with the approved details.
 13. No part of the building shall be occupied until a detailed Green Travel Plan for staff, pupils and visitors has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented at all times, unless otherwise agreed in writing by the Local Planning Authority.
 14. No part of the building shall be occupied until (a) details of a cycle shelter sufficient to accommodate 60 cycles, and the means of screening this shelter, as shown in principle on drawing no. 3088/140/01, have been submitted to and approved in writing by the Local Planning Authority and (b) the shelter has been constructed in accordance with the approved details.
 15. The footpath between the college car park and Cassiobury Drive shall only be open for use at times which previously have been agreed in writing by the Local Planning Authority and solely for the purpose of allowing access to Cassiobury Park during the school day. At all other times, the gates to the footpath shall be kept closed and locked.
 16. The external lighting scheme for the site shall be carried out in accordance with drawing no. 130995/E/2210 Rev.T1 (BSD Consulting Engineers) unless otherwise approved in writing by the Local Planning Authority.
 17. No lighting shall be installed on the footpath to Cassiobury Drive except in accordance with details which previously have been submitted to and approved in writing by the Local Planning Authority. The lighting shall only be switched on when the footpath is open for use.

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.

Drawings

3008/100/01, 102/00, 110/01, 120/01, 140/01, 150/07, 151/01, 155/01, 156/01, 158/01, LD03 PL1, LD05 PL1, LD07, LD08 P1, 130995/E/2210 Rev.T1

Chair

The Meeting started at 7.30 pm
and finished at 8.50 pm