

## **DEVELOPMENT CONTROL COMMITTEE**

**24 APRIL 2014**

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)

### **87 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**

There were no apologies; all Members were present.

### **88 DISCLOSURE OF INTERESTS (IF ANY)**

There were no disclosures of interest.

### **89 MINUTES**

The minutes of the meeting held on 3 April 2014 were submitted and signed.

### **90 OUTSTANDING PLANNING APPLICATIONS**

RESOLVED –

that the report be noted.

### **91 10 GREYCAINE ROAD**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site. No objections to the application had been received.

The Applications Casework Manager introduced the item and drew attention to the Update Sheet which advised that Condition 6 had been amended and that two extra conditions had been attached.

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. 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. Notwithstanding the information already submitted, no development shall commence until details of the materials to be used for all the external finishes of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.
4. The parking and manoeuvring area shall be laid out in accordance with the drawings hereby approved and shall be made available for use prior to the occupation of the building. The parking spaces and manoeuvring area shall be maintained as such at all times and shall not be used for any other purpose.
5. No development shall commence until details of the disposal of surface water from the parking and manoeuvring area have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the details approved under this condition.
6. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification/validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c). The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term

monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report. The long-term monitoring and maintenance plan shall be implemented as approved.

7. Notwithstanding the information already submitted, no development shall commence until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the access has been laid out and constructed in accordance with the approved details.

8. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

### 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. During the application process, amendments were requested to secure an acceptable scheme.

2. All materials and equipment to be used during the construction of the development shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority (Hertfordshire County Council Highways) prior to commencement of the development.

3. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

4. 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 0845 850 2777.

5. 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 - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

6. Advice for applicant: Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Further information can be obtained using the following website: <https://www.gov.uk/government/organisations/environment-agency>.

#### Drawing Numbers

Site Location Plan (unnumbered)

Existing Floor Plan (unnumbered) – plan received 11.02.14

Existing Front Elevation (unnumbered) – plan received 11.02.14

Layout Plan (unnumbered) – amended plan received 17.02.14

GJC/384/PE – amended plan received 11.02.14

**GARAGE COMPOUND, TOLPITS LANE**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site. No objections to the application had been received.

The Major Cases Manager drew the meeting's attention to the Update Sheet and advised that drawings 003 and 004 had been amended.

The Major Cases then noted that Recommendation B on the Additional Update Sheet was a requirement currently being addressed by the Council's legal department.

Councillor Bell said that he welcomed this development in the heart of Holywell ward and expressed his approval of the intention that all 10 flats would be for affordable rent. He advised that the garages currently on the site had fallen into disrepair, were generally under-used and had been vandalised.

Councillor Bell noted that the access road would be widened. He advised that shoppers used the space behind the shops for parking and said that he hoped this fact had been taken into consideration. He stated his concern, however, that the development seemed very high.

Councillor Brandon also expressed his overall approval for the design and the provision of additional homes in Watford. He noted, however, that he had concerns regarding Environmental Health's comments regarding the existing flue at the commercial kitchen which would be within 12 metres of the proposed building. He asked whether any provision could be made to mitigate smells from this kitchen.

The Chair advised that he had similar concerns and noted Environmental Health's comments with regard to possible complaints from future residents. He asked whether mitigation measures could be put in place such as instigating a review within six months of completion to determine whether residents had been affected.

The Major Cases Manager replied that two conditions were proposed which addressed these concerns (Conditions 11 and 12). He explained that the bedroom window on the third floor at the front of the building would be sealed and non-opening; the second bedroom had been moved to the other side of the building.

The Major Cases Manager further explained details concerning the windows of the third floor flat. He noted that the bedrooms of this flat would be at the same level as the flues and that a mechanical ventilation system, as required by condition 12, would be installed. He advised that the two conditions had been sufficient to satisfy Environmental Health's concerns but that it was still possible for the Applicant to provide another design.

Following further concerns expressed by Members, the Major Cases Manager advised that, whilst a sealed window for a bedroom was not ideal, the alternative of roof lights was not totally acceptable either. He noted that, although with this option daylight and ventilation would be available, there would be no outlook from the bedroom. He added that, within the third floor flat, the main living area would have opening windows; it would be only the main bedroom window which would be sealed.

Replying to a query from Councillor Johnson, the Major Cases Manager said that both escape from the flat in the event of an emergency and ventilation measures would have to be fully compliant with Building Regulations.

Councillor Sharpe agreed with other Members that he would prefer fully opening windows for all flats with the option for residents to keep them closed if they so wished.

The Chair noted that there appeared to be a lowering of standards in this development which was not acceptable for proposed social housing.

Councillor Derbyshire said that whilst sealed windows and mechanical ventilation were legally acceptable these solutions were not desirable. He stated that he would be reluctant to approve an application knowing that Environmental Health had expressed concerns.

The Chair suggested that the item be deferred pending further discussion with both Environmental Health and the Applicant.

Councillor Watkin said that he would not wish to defer the application. He stated that, although sealed windows were unusual for domestic properties in Watford, this option was not uncommon elsewhere and that mechanical systems of ventilation were very effective.

The Chair MOVED that the application be DEFERRED.

On being put to the Committee, the Motion was CARRIED.

RESOLVED –

That the application be deferred pending further discussion with Environmental Health and the Applicant regarding mitigation measures in connection with the extract flue on the neighbouring premises.

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## **J SAINSBURY PLC, NORTH WESTERN AVENUE**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site. No objections to the application had been received.

The Applications Casework Manager advised that the planning obligation as noted in the report had been signed and completed.

The Chair invited Mr Dave Lazenby to address the meeting.

Mr Lazenby advised that he worked for Sainsbury's plc and that the company wished to invest in the supermarket at the Dome Roundabout with all works to be completed by Christmas 2014. He added that this development would represent a much needed improvement to the store which had opened in 1995 and been further developed in 2002.

Mr Lazenby explained that the building would be increased in size to the front and could then accommodate the sale of additional foods and non-foods and also items of clothing. Mr Lazenby added that concessionary space would be available for 'Timpsons' and 'Explore Learning'.

Addressing the layout of the development, Mr Lazenby affirmed that the design would be the best solution for the site as regards parking and access requirements and would also respect the area's residential aspect.

Mr Lazenby advised that there had been wide consultation on the application with a 100% positive response. He said that the design embraced both sustainability and energy efficiency and would provide for 60 new jobs in store and additional positions in the concessionary outlets. He concluded by stating that the proposal represented excellent investment in Watford.

Councillor Johnson referred to the report and noted that Hertfordshire County Council (as Highway Authority) had projected an increase of 22 vehicles on a Saturday which would equate to one additional car per hour. He asked for clarification on the modelling.

The Applications Casework Manager explained that the store was currently 'overtrading'. This meant that the sales area and the quantity and range of goods were insufficient for existing customers. In consequence, restocking of shelves was on-going throughout opening times; additional space would improve conditions for customers on the sales floor. The Officer stressed that the store did not seek to attract additional customers.

Councillor Brandon said that he had concerns regarding loss of trees on site and hoped that the sum of £38,000 as noted in Planning Obligation (iii) would be sufficient to improve the public realm within the vicinity of the Dome Roundabout.

The Applications Casework Manager said that Sainsbury's would be contributing a generous sum which would serve to improve the railway underpass to the north of the site, would partly fund a study to improve the pedestrian network and would provide additional wild flower and other planting in the vicinity. He added that trees would be preserved thus providing a degree of concealment for the development.



## RESOLVED –

That, in consequence of a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 (as amended) having been entered into to secure the contributions and other provisions set out below, planning permission be granted subject to the following conditions:

### Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
  - a) £38,000 (index linked) towards the design and the cost of improvements to the public realm within vicinity of the site including the Dome Roundabout in accordance with Policy SPA5 of the Watford Local Plan Core Strategy 2006 31;
  - b) £1750 in respect of the Council's administrative and monitoring charge.
- ii) To secure financial payments to the County Council of:
  - a) £75,000 (index linked) towards upgrading of the railway underpass to the north east of the store;
  - b) £7,500 (index linked) towards a pedestrian network study in the area around the store and the Dome Roundabout.

### 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. The building as enlarged, excluding for the area shown as Explore Learn unit and the concession units hereby approved shall not be further subdivided into smaller units or independent separate units of accommodation.
4. 'The total area of retail sales floorspace (in accordance with the Competition Commission definition) within the extended foodstore shall not exceed 4,413.6sqm (47,508sqft) without the prior written permission of the LPA.'
5. Prior to commencement of the development, a permanent stopping up order under the Town & Country Planning Act shall be secured for the two areas of public highway which are made redundant by this development.
6. Construction of the development hereby permitted shall not be commenced until detailed plans and internal layout and car parking layout are submitted to and approved by the Highway Authority.

7 On site parking shall be provided for the use of all contractors, sub contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the Highway Authority, before the commencement of on site works.

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

10123 01 AP 0100 001 Site Location Plan; 10123 01 AP 0100 002 Existing Site Plan; 10123 01 AP 0110 001 Existing Store Plan; 10123 01 AP 0110 002 Existing Roof Plan; 10123 01 AP 0120 001 Existing Elevations; 10123 01 AP 0000 001 Proposed Site Plan; 10123 01 AP 0010 001 Proposed Store Plan; 10123 01 AP 0010 002 Proposed Roof Plan; 10123 01 AP 0020 001 Proposed Elevations.

### 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 the pedestrian and local environment.

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.

3. 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 development; 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.

### Drawing Numbers

10123 01 AP 0100 001 Site Location Plan; 10123 01 AP 0100 002 Existing Site Plan; 10123 01 AP 0110 001 Existing Store Plan; 10123 01 AP 0110 002 Existing Roof Plan; 10123 01 AP 0120 001 Existing Elevations; 10123 01 AP 0000 001 Proposed Site Plan; 10123 01 AP 0010 001 Proposed Store Plan; 10123 01 AP 0010 002 Proposed Roof Plan; 10123 01 AP 0020 001 Proposed Elevations

### Documents

Design and Access Statement;

Planning and Retail Statement;  
Transport Statement;  
Flood Risk and Drainage Assessment;  
Arboricultural Impact Assessment and tree survey  
Renewable Energy and Energy Efficiency Statement  
Air Quality Assessment Report  
Noise Assessment  
Statement of Community Involvement and Public Consultation.

Chair

The Meeting started at 7.30 pm  
and finished at 8.10 pm