

DEVELOPMENT CONTROL COMMITTEE

8 JANUARY 2015

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

Officers: Development Management Section Head
Major Cases Manager
Applications Casework Manager
Democratic Services Manager

57 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

Apologies were received from Councillor Mark Watkin.

58 DISCLOSURE OF INTERESTS

Councillor Bell stated that he had been contacted by the applicant for the item at Minute Number 60 but had not made any comments. The Chair confirmed that other Councillors had also been contacted by the applicant but had also not made any comments.

59 MINUTES

The minutes of the meeting held on 16 December 2014 were submitted and signed.

60 APPLICATION FOR THE ERECTION OF A MIXED USE, TWO STOREY COMMUNITY CENTRE – LAND ADJACENT TO WIGHT HOUSE, TOLPITS LANE – MR IMRAN KHAN (Ref: 14/01475/FULM)

The Committee received a report of the Development Management Section Head including the relevant planning history of the site and details of four representations citing objections.

The Chair invited Mr Peter Hopkins to speak in favour of the application. Mr Hopkins stated that he was a Chartered Architect and that he was speaking on behalf of the Watford Muslim Youth Centre Trust. He commented that the design was in line with national and local policies and that it would be a community centre for local residents and the community. He had worked to

reduce the scale and impact of the project and created architecture to enhance the area.

Mr Hopkins outlined to the Committee that the ground floor of the Community Centre would have a public bookshop and cafeteria and a multi function hall. The first floor would have a youth centre and crèche. The applicant had commissioned their own traffic report which concluded that the development would not have an unacceptable impact. During large events the parking would be managed by the Trust. It was proposed to direct drivers to larger car parks locally and provide a shuttle bus.

Mr Hopkins continued that the Trust were happy to comply with conditions in the report and would continue to work with Watford Borough Council. Mr Hopkins felt that the proposal offered a unique building in design and an attractive modern facility.

Councillor Bashir supported the application and commented that the land had been vacant but earmarked for 20 years. There was desperate need for this type of project proposed – dynamic, visionary and forward thinking – with a particular impact on the youth. He accepted the design fully and said that it fitted in well in the locality without significant disturbance. Councillor Bashir commented that the concerns of the Environment Agency and Hertfordshire Constabulary were addressed by the conditions in the report.

Councillor Sharpe stated that the application was to be welcomed. The site did have a long history with aspiration for a facility of this kind. He hoped that this development would come to fruition and bring the land back into use. Councillor Sharpe commented that there was a covenant on the land that it was not to be used primarily as a place of worship. He suggested that this should also be included as one of the conditions to complement the covenant. Councillor Sharpe continued that although community centres are rarely attractive buildings to be proud of, this development was not just functional but would also enhance the streetscape of West Watford.

The Chair asked the officers whether a condition could be applied alongside the covenant. The Applications Casework Manager responded that it would be possible.

Councillor Bell stated that an additional condition concerning use would make the position regarding the covenant clear and dispel any local rumours. He liked the modern plans and welcomed a facility which would be available to all members of the community. Councillor Bell expressed concern regarding the highways aspect of the application as Tolpits Lane was a very busy and congested road. Further developments in the area such as the Croxley Rail Link and Health Campus could increase traffic.

Councillor Bell continued by commenting on the parking. He stated he was aware of the agreement with Westfield Academy regarding parking. However, in reality people would possibly not park at Watford Boys Grammar School and

King George V playing fields and walk back. The traffic plan would need to be monitored.

Councillor Bell asked whether, if anything regarding pollution was found, due to the previous use of the site, the Council would have to be informed. The Applications Casework Manager confirmed that this would be the case, although the existence of any site pollution would not be known until building commenced.

Councillor Tim Williams welcomed the aims and objectives of the Community Centre. He expressed concerns over car parking and referenced page 38 of the report regarding a maximum parking number of 138. At a busy event many people would be attracted to the area looking for a space to park. Councillor Williams commented that he understood measures were in place; however, people were likely to drive to the venue and look for spaces in local roads.

The Applications Casework Manager commented that the figure quoted by Councillor Williams was a maximum figure. If the centre was classed as a community centre then it would have to provide 1 parking space per 9m², if it was classed as a cultural centre then the car parking would have to provide 1 parking space per 30m². Therefore, if this development was classed as a cultural centre then it would be providing just over the amount of parking required with 45 spaces. The Highway Authority was satisfied that the number of spaces was acceptable due to the multiple functions of the building.

The Applications Casework Manager commented that other potential uses for the land, for example a school, would have created more traffic particularly with the other schools in the area. It could not be said that there would be no parking problems; however, other developments would also cause similar issues. The amount of traffic which the development may generate could be tolerated. In order to refuse the application the Committee would have to be satisfied that there were likely to be either significant safety issues or significant congestion problems if the development were to take place.

Councillor Derbyshire stated that he thought there were two considerations: the architectural merit and the question of usage. With regards to architectural merit, Councillor Derbyshire, stated that essentially the development was a rectangular box but the design had some merit with the added interest of the open canopy at the front of the building and featured elevations. In the context of Tolpits Lane there were other rectangular buildings, for example Holy Rood Community Centre and Turpin Court; therefore, the proposed development would not be out of keeping with the area's characteristics.

Secondly, Councillor Derbyshire addressed the issue of usage. He was concerned that the purpose would be maintained in its primary use as a facility for young people. There needed to be something in the wording of the planning permission to ensure it remained a facility for young people in the area and did not become a building used primarily for religious purposes.

The Chair commented that the primary function of the building was for the youth with a secondary purpose of major events. He asked whether in the travel plan it would be possible to give regard to special events in particular.

The Applications Casework Manager responded that it would be possible to deal with matters such as a shuttle bus service and alternative parking provision in the travel plan required by condition 22.

The Chair MOVED that an additional condition be included:

25. Notwithstanding the provisions of s.55(2)(f) of the Town and Country Planning Act 1990 and Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, the premises shall not be used primarily for, or in connection with, public worship or religious instruction.

Reason: to ensure that the development does not have a harmful effect on the residential amenity of the area or on the living conditions of neighbours, in accordance with Policy H15 of the Watford District Plan 2000, and to ensure that the primary use of the premises is a mixed use community centre.

The additional condition was APPROVED.

In response to a question from the Chair, the Development Management Section Head stated that there is a time limit to the period within which a development can be commenced. The standard period of time was three years.

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. Notwithstanding the information already submitted, no development shall commence until details of the materials to be used for all the external finishes of the community centre 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. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of construction vehicle numbers, routing of construction traffic, contractors' parking, the

delivery and storage of materials, wheel washing facilities, measures to mitigate noise and dust and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.

5. Notwithstanding the information already submitted, no works of construction shall commence until full details of both hard and soft landscaping works, including details of any new planting, any changes to ground levels, all pathways, all hard surfacing, amenity areas/paving, lighting and, where required, a phasing programme have been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme, with the exception of the planting, shall be completed before any part of the development is brought into use or in accordance with an approved scheme of phasing. Any proposed planting shall be completed not later than the first available planting and seeding season after first occupation of any part of the development. For the purposes of this condition a planting season is the period from 1 October in any one year to 31 March in the next following year. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved in writing by the Local Planning Authority.

6. The external staircase hereby approved shall not be used for any purposes other than as a means of escape in an emergency or for the maintenance of the building.
7. No part of the development hereby approved shall be brought into use until the refuse and recycling stores have been provided in accordance with the details shown on the approved plans. The stores provided shall be retained at all times for refuse/recycling only and shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.
8. Notwithstanding the information already submitted, details of the size, type, siting and finish of cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to any part of the development hereby approved being brought into use. The stores approved under this condition shall be installed and made available for use prior to the first occupation of any part of the development and shall be retained at all times for cycle storage only and shall not be used for any other purposes.
9. Notwithstanding the submitted details no development shall commence until details of the layout and construction of the new access to Tolpits Lane have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access has been laid out and constructed in accordance with the approved details.

10. No part of the development shall be brought into use until the scheme for parking and manoeuvring shown on the approved drawing numbered 101 (or any subsequent amendment agreed in writing by the Local Planning Authority) has been laid out and made available for use and that area shall not thereafter be used for any other purpose.
11. Notwithstanding the information already submitted, no development shall commence until details of the size, siting, external materials and finish of the boiler and biomass building have been submitted to and approved in writing by the Local Planning Authority. The boiler and biomass building shall be constructed only in accordance with the details approved under this condition.
12. No work shall commence until details of the siting, height and type of fencing, gates or other 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. The fencing, gates or other means of enclosure shall be provided as approved prior to any part of the development being brought into use and shall be maintained as such at all times thereafter.
13. All first floor windows on the southwest-facing elevation of the building shall be fitted with obscured glass.
14. No window on the southwest-facing and southeast-facing elevations of the building shall be capable of being opened.
15. Unless otherwise agreed in writing by the Local Planning Authority, no activity shall take place within either the building hereby permitted or any part of its curtilage:
 - (a) before 8am or after 9pm Monday to Friday;
 - (b) before 8am or after 11pm on Saturdays;
 - (c) before 11 am or after 4 pm on Sundays and bank holidays.
16. Deliveries and collections shall not take place before 7am or after 9pm Mondays to Fridays, before 8am or after 1pm on Saturdays or at any time on Sundays and Public Holidays.
17. No part of the community centre building shall be brought into use until details of sound insulation measures to the building to protect the neighbours from noise emanating from the premises have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be completed before any part of the building is brought into use and shall be retained at all times.
18. No development shall commence until details of all plant and equipment to be installed as part of the development, together with appropriate noise mitigation measures, have been submitted to and approved in writing by

the Local Planning Authority. Details of the specification of the plant and equipment to be installed, an assessment of the noise to be generated by the proposed plant and the impact it will have on nearby noise sensitive receptors and the proposed mitigation measures shall be provided. The equipment shall not be installed otherwise than in accordance with the approved details.

19. 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 shall not commence until the requirements of paragraphs (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 paragraph (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, shall 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 scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall 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,
 - ground waters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This exercise shall 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 shall be prepared and submitted for the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken,

proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that, after remediation, 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.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 shall be given not less than 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 shall be produced, and submitted for 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of paragraph (a) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of paragraph (b) above, which shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification/validation report shall be prepared, which shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph (c) above.

20. No infiltration of surface water drainage into the ground at this site 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 only in accordance with the approval details.
21. The development hereby permitted shall be carried out in accordance with the following approved drawings:

150; 001; 002; 003; 100; 101; 102 Rev A; 103 Rev A; 104; 105 Rev A; 106; 107.
22. No part of the community centre building shall be brought into use until a detailed Travel Plan based on the travel plan submitted with the application has been submitted to and approved in writing by the Local

Planning Authority. The Travel Plan shall be operated as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.

23. No development shall commence until an Interim (Design Stage) Certificate issued by or on behalf of the British Research Establishment has been submitted to the Local Planning Authority to demonstrate that the design of the community centre building will achieve a minimum BREEAM rating of 'Good'. No part of the building shall be brought into use until a Post-Completion Final Certificate to certify that the rating of 'Good' has been achieved has been submitted to and approved in writing by the Local Planning Authority.
24. No part of the community centre building shall be brought into use until a Secured by Design Developers Award certificate to certify that the building has been constructed to Secured by Design guidelines has been submitted to and approved in writing by the Local Planning Authority.
25. Notwithstanding the provisions of s.55(2)(f) of the Town and Country Planning Act 1990 and Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, the premises shall not be used primarily for, or in connection with, public worship or religious instruction.

INFORMATIVES:

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.
2. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the Hertfordshire County Council website at <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
3. Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

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

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APPLICATION FOR THE INSTALLATION OF 21m HIGH LATTICE TELECOMMUNICATIONS TOWER SUPPORTING SIX NO. ANTENNAS AND THREE NO. DISHES – BUSHEY STATION, PINNER ROAD – TELEFONICA UK LIMITED AND VODAFONE LIMITED AND CTIL (Ref: 14/01689/FUL)

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

Councillor Johnson commented on the lack of bulk of the structure and questioned whether in the future there would be bulky additions.

The Major Cases Manager responded that once mast structures were built they could be added to, although this would only happen when services improved, such as the provision of 4G services. Operators could use permitted development rights to add antennae and dishes and were increasingly sharing networks. There were two operators proposed on the current mast but he could not rule out the possibility of there being additional antennae in the future.

Councillor Sharpe stated that it was a very tall mast; however, although not a thing of great beauty, such structures were now commonplace and it would not be out of place in the suggested location.

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. The development hereby permitted shall be carried out in accordance with the following approved drawings: 101B, 200B, 300B

Chair

The Meeting started at 7.30pm
and finished at 8.10pm