

DEVELOPMENT MANAGEMENT COMMITTEE

6 AUGUST 2015

Present: Councillor R Martins (Chair)
Councillor G Derbyshire (Vice-Chair)
Councillors S Bashir, N Bell, S Johnson, I Sharpe, M Turmaine,
M Watkin and M Whitman

Officers: Fiona Dunning
Senior Planning Officer
Ellen Higginson
Committee and Scrutiny Support Officer

15 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of membership for this meeting: Councillor Watkin replaced Councillor T Williams.

16 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

17 MINUTES

The minutes of the meeting held on 16 July 2015 were submitted and signed.

18 15/00727/FULM - WIGGENHALL ROAD GOODS YARD

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

The Senior Planning Officer introduced the application, explaining to the Committee that the application was for earthworks to be carried out on a parcel of land which formed part of the wider Watford Health Campus site.

The Chairman opened the debate to the Committee Members.

Councillor Turmaine reminded Members of the bad flooding which had occurred one and a half years ago. He questioned what flooding provisions would be provided. The Senior Planning Officer noted there would be an attenuation pond and a new outlet going into the River Colne. The wider campus development would also incorporate additional flood prevention measures such as culverts. Flood prevention on Wiggenhall Road would be improved because of the scheme.

It was noted that condition 2 in the officer's recommendations ensured the development did not deviate from the approved drawings thereby securing the proposed flood prevention measures. Further measures such as the culverts were outside of the scope of the current application but would be secured by condition in a later application.

Councillor Bashir noted that the report covered all the concerns that had been raised and he felt assured that they had all been addressed. He was in favour of the application.

Councillor Bell questioned whether the Environment Agency had made any comments. The Senior Planning Officer confirmed that the Environment Agency had raised no objections.

Councillor Watkin welcomed the application and highlighted the fact materials already on site were being recycled which avoided disruption of moving them off the site.

RESOLVED:

that planning permission be granted subject to the conditions listed below:

Time Limit

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-
60288684-IZS-TR-RB-01
60288684-IZS-TR-EL-01
60288684-IZS-TR-GA-01 Rev A – amended plan received 29.06.15
60288684-IZS-TR-CS-01 Rev A – amended plan received 29.06.15
60288684-INF-SK149 Rev 2.0
60288684-INF-SK150 Rev 2.0

Hours of Construction

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.

Land Contamination

4. Ground remediation shall be carried out only in accordance with the measures set out within the Remedial Strategy, Watford Health Campus, Business Area South, written by Lucy Ford, AECOM Ltd, dated May 2015 ref: 60288684/BAS-RS/LF/IW_01. Within 3 months of completion of the

development, or otherwise agreed in writing, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved strategy to demonstrate that the site remediation criteria have been met.

5. 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Archaeological investigation

6. The development shall be carried out in accordance with the programme of archaeological works set out in the Archaeological Written Scheme of Investigation dated 27/05/15 ref. 60288684. The site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation dated 27/05/15 and the provision made for analysis and publication where appropriate.

Tree and shrub removal

7. No trees, scrub or hedges on the site shall be lopped, topped, felled, grubbed up or otherwise removed from the site between 1st March and 31st August in any year unless a suitably qualified ecologist has previously surveyed the trees, scrub or hedges and certified in writing to the Local Planning Authority that such works of removal will not harm nesting birds or any protected species.

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 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 culverted River Colne, designated a 'main river'. The Environment Agency can be contacted by telephone on 01707 632390 or by email at sphatfield@environment-agency.gov.uk .

3. The applicant/developer must contact the Network Rail Asset Protection Team (email: AssetProtectionLNWSouth@networkrail.co.uk, telephone: 0121 345 3867) to discuss the proposal and present a method statement and risk assessment of works, which must be reviewed and approved by the Network Rail Asset Protection Team prior to the commencement of any works on site. The Network Rail Asset Protection Team will need to review all excavation, demolition and drainage works.
4. The applicant is advised that the site may be located on former railway land which could be subject to a demarcation agreement. In such a case, approval for all works on site will be required from the Network Rail Operational Property Team in addition to any planning consent. Network Rail's Operation Property Team can be contacted by email at OperationalPropertyLNW@networkrail.co.uk.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided 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 from the Highway Authority via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available from the Highway Authority via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. 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 0800 009 3921.
8. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought

from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
10. 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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15/00767/FULH - 31 LEVERET CLOSE

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

The Planning Officer introduced the application, explaining to the Committee that the application was for a new 1.5m fence. She informed the committee that the existing fence, which was 1.8m high, did not have planning permission.

Since the agenda had been published further representations had been made by the Highways Authority who recommended refusal of the application as the distance of the visibility splay on the access road was insufficient. However the Planning Officer's recommendation to approve the application remained unchanged as visibility was already blocked and the application would cause no further impact.

The Chair invited Angela Fiskin to speak to the Committee in objection to the application.

Mrs Fiskin stated that local residents had safety concerns about the proposed fence. She explained to Members that the fence would exacerbate visibility problems together with the parking situation where cars were parked on the road which forced drivers to drive in the middle of the road. The issue was amplified by parents dropping off and collecting children from the nearby school. She also

noted that cars often parked on residents' gardens and turned around in residents' driveways which had led to damage of private property.

Mrs Fisker also cautioned that there was a hidden agenda and that approving the application would lead to a further application for a 3 bedroom house.

The Chairman noted that the Committee could only consider the application before them.

The Chairman opened the debate to the Committee Members.

Councillor Derbyshire understood that the application was for the new fence, not the existing one. He explained that he had visited the site and had experienced difficulty with manoeuvring his vehicle. He noted that a number of houses in the area had a similar fence. He could see why the applicant wanted the fence however the height of the fence affected visibility and although the proposed fence was an improvement on the existing fence, the Highways Authority were still not satisfied.

Councillor Sharpe stated he was unclear as to what the Highways Authority was objecting to however he did not wish to go against the Authority's safety advice. He suggested the application be deferred to allow for a more detailed response to be provided by the Highways Authority.

Councillor Bell believed the Committee would be remiss to ignore the objections of the Highways Authority however clarified reasons were needed for the Committee to refuse the application.

Councillor Johnson was keen to see the Highways Authority be more robust and make representations in relation to more applications. Furthermore, he did not want to ignore their comments when they did provide them. He was in favour of deferring the application.

Councillor Bashir requested further information, referring to paragraph 3 on page 47 of the agenda, he questioned what it was about the fence which made it unacceptable to the Highways Authority, e.g. height, location, design or closeness to the road.

Councillor Watkin disagreed with other Members and believed the application should be refused as the Highways Authority had recommended refusal because the fence obstructed the view of the access road.

The Chairman questioned the merits of deferring the application. The Planning Officer confirmed the Highways Authority's comments carried weight and deferring the application offered the opportunity to request a more detailed response. The Interim Development Management Section Head agreed that the Highways Authority's response was not clear where exactly the visibility splay was insufficient.

Councillor Sharpe favoured deferring the application to request greater clarity from the Highways Authority as to why the application should be refused. He noted that this would strengthen their case if the decision was appealed.

RESOLVED:

that planning permission be deferred to allow for a more detailed response from the Highways Authority, in relation to their recommendation that the application be refused, to be obtained.

Chair

The Meeting started at 7.30 pm
and finished at 8.00 pm