

DEVELOPMENT MANAGEMENT COMMITTEE

7 JANUARY 2016

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

Also present: Councillor Karen Collett and Councillor Tony Rogers

Officers: Head of Regeneration and Development
Major Cases and Enforcement Manager
Committee and Scrutiny Support Officer

50 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There were no apologies for absence.

51 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interests.

52 MINUTES

The minutes of the meeting held on 10 December 2015 were submitted and signed.

53 15/01300/OUTM WARNER BROS. STUDIOS LEAVESDEN, WARNER DRIVE, LEAVESDEN

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

The Development Management Team Leader introduced the item, explaining that the application straddled the boundary with Watford Borough Council and Three Rivers District Council. Approximately 90% of the site lay within Three Rivers District Council. Warner Bros. Studios was proposing a significant expansion of its film studios as well as the Harry Potter tour. It was a hybrid application, containing both detailed and outline elements and had been submitted in duplicate to Three Rivers District Council and Watford Borough Council.

Three Rivers District Council had considered its application on 10 December 2015 and resolved to grant planning permission. Since some of the proposed development was within the green belt, the application had been referred to the Secretary of State. It had been confirmed since that the Secretary of State did

not wish to call-in the application and Three Rivers District Council was therefore free to grant planning permission. This would be undertaken shortly, subject to the completion of a new section 106 agreement.

Only two areas of the site fell within Watford Borough Council and therefore needed to be considered by Watford Borough Council.

A number of amendments to the conditions had been set out in the update sheet, which had been circulated to the Committee.

The Chair invited Dan Dark, Senior Vice President and Managing Director of Warner Bros Studios Leavesden, to speak to the Committee in support of the proposed development.

Mr Dark outlined his long involvement in both the film studios at Leavesden and in the local and wider town community. Since 2010 and the entrance of Warner Bros, some £150 million had been invested in the studios, which now supported around 1,300 jobs in the Watford Borough Council and Three Rivers District Council areas. It was a significant contributor to the local economy.

The Warner Bros Studios had endeavoured to be a good neighbour to the local residents, but it was acknowledged that the success of the film studios impacted on them. Traffic was a real issue and Warner Bros Studios had worked, and would continue to work, with the Council and local residents to ameliorate its effects.

The Chair invited Woodside Ward Councillor Karen Collett to speak to the Committee.

Councillor Collett acknowledged the positive benefits of Warner Bros Studios to the local economy and its residents. However concerns remained about traffic impacts, particularly at peak times. In addition, deliveries to the studios, often using oversized lorries, were sometimes misdirected down local roads.

It was suggested that a traffic impact survey should be undertaken amidst concerns about the proposed new junction. This should take into account concerns about air quality, carbon footprints and the loss of parking.

Residents were also interested to see the findings of a green travel plan, which had been part of the original application. It was suggested that this exercise might be repeated.

The Chair invited Woodside Ward Councillor Tony Rogers to speak to the Committee.

Councillor Rogers welcomed the proposed extension to the Warner Bros Studios, which brought great benefits to the local economy. He added his concerns about the traffic impacts on local residents, especially those located in Ashfields.

Whilst communication from the studios was generally good, he hoped that more could be done to alert haulage companies to the need to use appropriate approach roads to the studios.

In response to the issues raised by the Ward Councillors, the Development Management Team Leader explained that traffic issues were the main focus of the report. Detailed comments had been received from Hertfordshire County Council and Highways England, with several rounds of comments and correspondence on the application. Both had withdrawn their objections.

The Chair opened the debate to Committee members.

Committee members welcomed the application from Warner Bros Studios. The studios provided a significant bonus to the local economy and this application represented a further investment in the Borough.

However there were legitimate on-going concerns about traffic impacts and, notwithstanding the withdrawal of objections from Hertfordshire County Council and Highways England, on-going dialogue was needed between Warner Bros Studios and local residents to mitigate the issues raised.

Members were also mindful of the loss of green belt land, which was inappropriate development as defined by the National Planning Policy Framework.

However it was accepted that the studios and studio tour brought significant economic and social benefits. Moreover, the increased benefits arising from the proposed development, locally, regionally and nationally, constituted very special circumstances.

The Chair moved the officer recommendation, with amendments to conditions 26, 27, 31, 41 and 42 as set out in the update sheet.

RESOLVED –

That the Secretary of State for Communities and Local Government be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and, provided the Secretary of State does not call in the application for his own determination, planning permission be granted subject to the following conditions:

Detailed element

L Stage Workshop (Development Area 1 on drawing number 1184/PL/1011 A) and adjoining land

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:-

PL/224401/TOR1

1184/PL/1009, 1184/PL/1010A, 1184/PL/1011A, 1184/PL/1012A
1218/PL/1001, 1218/PL/1002, 1218/PL/1003, 1218/PL/1004,
1218/PL/1005, 1218/PL/1006, 1218/PL/1007

3. The building hereby approved shall not be constructed at a ground level that exceeds the ground level of 95.00 FFL shown on the approved drawings and shall not exceed a height of 11m above the approved ground level.
4. The building hereby approved shall be constructed in the materials shown on the approved drawings, unless otherwise agreed in writing by the Local Planning Authority.
5. The building hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by Quattro Consult reference 4302 dated September 2015, Quattro Consult letters dated 16 October 2015 and 12 November 2015, drawing no. 4315-005-RevA and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Providing infiltration where possible through the use of infiltration trenches.
 3. Limiting any surface water overflow into the existing piped drainage system above the 1 in 100 year + climate change event to pre-development greenfield run-off rate of 5l/s.

The mitigation measures shall be fully implemented prior to occupation / use of the development and subsequently in accordance with the timing / phasing arrangements embodied within the drainage scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Details of how the surface water drainage scheme shall be managed and maintained after completion for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation / use of the development. The sustainable drainage scheme shall be managed and maintained in accordance with the approved details thereafter.

6. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction 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 (but not exclusively) details of:

- a development schedule including timetable of works
- parking of vehicles of site operatives and visitors
- access arrangements including the routing of vehicles away from residential roads
- management of deliveries to avoid peak times
- loading and unloading of plant and materials
- storage of plant and materials
- the erection and maintenance of security hoarding, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during demolition and construction
- measures to minimise noise emissions during demolition and construction
- hours of working
- the siting and type of fencing to protect all trees, hedges and habitats to be retained and all watercourses
- measures to manage ecological habitats during demolition and construction
- safe access to site offices

The Construction Environmental Management Plan shall be implemented as approved and adhered to throughout the period of construction works.

7. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Site Waste Management Plan (SWMP) for all aspects of waste management during site preparation and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include measures for recycling/disposing of waste resulting from demolition and construction works. The development shall be carried out in accordance with the approved SWMP throughout the period of construction works.
8. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until an archaeological written scheme of investigation (WSI) for the development site has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - i) The statement of significance and research objectives;

- ii) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- iii) Such appropriate mitigation measures indicated as necessary by the evaluation. This may include:
 - a) the preservation of any remains *in situ*, if warranted,
 - b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d) and such other provisions as may be necessary to protect the archaeological interests of the site.
- iv) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

No development works shall take place other than in accordance with the approved WSI.

9. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a foul water drainage strategy, detailing all associated on and off site drainage works, has been submitted to and approved by the Local Planning Authority. The development shall proceed in strict accordance with the approved drainage plans and shall not be occupied / used until the drainage works are complete.
10. No piling or any other foundation designs using penetrative methods shall be undertaken other than with the written consent of the Local Planning Authority, which may be given 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.
11. No occupation or use of the building hereby approved shall commence until a waste management scheme, detailing the siting, capacity and design of storage areas for waste and recycled materials, and a management plan for collection, has been submitted to and approved in writing by the Local Planning Authority and this scheme has been implemented in full. These facilities shall be retained as approved at all times.
12. No occupation or use of the building hereby approved shall commence until details of secure and weatherproof cycle storage facilities, based upon the Council's cycle parking standards within the Watford District Plan 2000, have been submitted to and approved in writing by the Local Planning Authority and these facilities have been provided in accordance

with the approved details. These facilities shall be retained as approved at all times.

13. No external lighting shall be installed on the site or affixed to the building hereby approved unless the Local Planning Authority has first approved in writing details of the position, height, design, intensity and time restrictions of the lighting. The lighting shall be installed and operated thereafter in accordance with the approved details.
14. No occupation or use of the building hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site, which shall include the location of all existing trees and hedgerows affected by the proposed development, details of those to be retained together with a scheme detailing measures for their protection in the course of development, and cut and fill sections where applicable. This shall include details for the protection of the County Wildlife Site sited to the east of L Stage.

All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed in writing by the Local Planning Authority before development commences and shall be maintained (including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation) for a period for five years from the date of the approved scheme was completed.

15. No occupation or use of the building hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard landscaping for the site, which shall include details of all boundary treatments and the enclosure of the rear service yard to the L Stage Workshop.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the L Stage Workshop and shall be retained as approved at all times.

16. Notwithstanding the details shown on the approved drawings regarding the remodelled earth bund along the southern boundary of the site adjacent to Gadeside, no part of the bund shall encroach into the County Wildlife Site or within the root protection zones of any trees within this site.
17. No remodelling works to the earth bund along the southern boundary of the site adjacent to Gadeside shall commence until full details of the siting, height and profile of the bund have been submitted to and approved in writing by the Local Planning Authority. The earth bund shall only be constructed in accordance with the approved details and shall be retained as approved at all times.

18. Immediately following implementation of this permission all ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Management Plan (Terence O'Rourke, September 2015) as submitted with the planning application. Details of ecological monitoring of the ecological management measures at 2, 5 and 10 years from the date of this planning permission shall be submitted to the Local Planning Authority for written approval. If monitoring reveals that the site is failing to achieve the desired condition, as stated in the Ecological Management Plan, appropriate remedial action shall take place, details of which (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The remedial action shall be implemented as approved.
19. All plant, machinery and equipment installed or operated in connection with the development shall be so enclosed and/or attenuated so that noise there from does not exceed a level of 45 dB(A) during the day and 30 dB(A) during the night when measured at a distance of 1 metre away.
20. The building hereby approved shall only be used for purposes associated with film making and not for public exhibition purposes at any time.
21. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that order with or without modification), no temporary uses of land and associated structures, other than temporary facilities and/or structures required for the purposes of filming, shall take place unless otherwise agreed in writing by the Local Planning Authority.

Outline element

Island Site (Development Area 11 on approved plan number
1184/PL/1011 A)

22. No development shall commence within the Island Site until details of the reserved matters of appearance and landscaping have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.
23. Applications for approval of the reserved matters for the Island Site shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission. Development shall commence before the expiration of two years from the date of approval of the final reserved matters application.
24. The reserved matters applications pursuant to this permission shall be made in accordance with the following approved drawings:

PL/224401/TOR1

1184/PL/1009, 1184/PL/1010A, 1184/PL/1011A, 1184/PL/1012A

25. The development hereby permitted in outline shall not exceed the maximum height of 15m above existing ground level, as shown on approved plan number 1184/PL/1012 A.
26. The buildings shown in outline on the whole of the Island Site (within Watford Borough and Three Rivers District) shall not exceed a combined total of 13,200 sqm gross external footprint, as shown on approved plan number 1184/PL/1012 A.
27. The buildings hereby permitted shall only be used for purposes ancillary to the use of the main Studio site for film and TV production and/or to support other film production and/or creative industry activities. The buildings shall not be used for any other purposes, except with the express permission of the Local Planning Authority.
28. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until an archaeological written scheme of investigation (WSI) for the development site has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - i) The statement of significance and research objectives;
 - ii) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - iii) Such appropriate mitigation measures indicated as necessary by the evaluation. This may include:
 - a) the preservation of any remains *in situ*, if warranted,
 - b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d) and such other provisions as may be necessary to protect the archaeological interests of the site.
 - iv) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

No development works shall take place other than in accordance with the approved WSI.

29. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a foul water drainage strategy, detailing all associated on and off site drainage works, has been submitted to and approved by the Local Planning Authority. The development shall proceed in strict accordance

with the approved drainage plans and shall not be occupied / used until the drainage works are complete.

30. Prior to commencement of any site works on the Island Site, a scheme of traffic mitigation for the existing Aerodrome Way / High Road / Ashfields signalised junction to increase capacity in general accordance with plan number 14-041-002 (Proposed Access to Island Site) in the submitted Transport Assessment (Odyssey Markides, September 2015) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of traffic mitigation shall be implemented prior to occupation / first use of the Island Site development.

Prior to commencement of any site works on the Island Site, full details of the proposed access arrangements to and from the existing highway network for the Island Site, consisting of a new arm on the existing Aerodrome Way / High Road / Ashfields signalised junction in general accordance with approved plan number 1184/PL/1012 A and plan number 14-041-002 (Proposed Access to Island Site) in the submitted Transport Assessment (Odyssey Markides, September 2015), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be made fully operational prior to commencement of construction on the Island Site.
31. No works of development shall take place within the Island Site until an assessment has been carried out of the capacity at M25 Junction 21a (having regard to illustrative plan number 11012495/PHL/01 B submitted under planning application reference 5/2009/0708 to St Albans District Council) and such assessment, with full details of proposed mitigation measures if required, has been submitted to and approved in writing by the Local Planning Authority (including any measures that it considers necessary to mitigate the impact of the assessed scheme on the capacity of M25 Junction 21a).
32. Prior to commencement of any site works on the Island Site, details of the measures to be incorporated into the development of the Island Site to demonstrate how 'Secured by Design' Commercial accreditation shall be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Local Planning Authority has acknowledged in writing that it has received written confirmation of 'Secured By Design' accreditation.
33. No construction works shall take place within the Island Site until full details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme shall be based on the principles set out in the FRA carried out by Quattro Consult reference 4302 dated

September 2015, Quattro Consult letters dated 16 October 2015 and 12 November 2015 and attached appendices, drawing no. 4302-ISL-002A, sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The drainage scheme shall demonstrate the surface water run-off generated up to and including the 1 in 100 years plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

The scheme shall also include:

1. Detailed drainage plan to confirm final drainage design and location of proposed SuDS features and pipe-runs.
2. Detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change event
3. Undertake final infiltration tests prior to the installation of the infiltration trenches to confirm infiltration rates
4. Details of how the scheme shall be managed and maintained after completion for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme shall subsequently be implemented in accordance with the approved details prior to occupation / use of the development, and be permanently retained as such.

34. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction 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 (but not exclusively) details of:
- a development schedule including timetable of works
 - parking of vehicles of site operatives and visitors
 - access arrangements including the routing of vehicles away from residential roads
 - management of deliveries to avoid peak times
 - loading and unloading of plant and materials
 - storage of plant and materials
 - the erection and maintenance of security hoarding, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during demolition and construction
 - measures to minimise noise emissions during demolition and construction
 - hours of working

- the siting and type of fencing to protect all trees, hedges and habitats to be retained and all watercourses
- measures to manage ecological habitats during demolition and construction
- safe access to site offices

The Construction Environmental Management Plan shall be implemented as approved and adhered to throughout the period of works for the development.

35. No works of development comprising site preparation (including but not exclusively demolition of buildings and structures, ground works, ground remediation and service diversions) or construction shall commence until a Site Waste Management Plan (SWMP) for all aspects of waste management during site preparation and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include measures for recycling/disposing of waste resulting from demolition and construction works. The development shall be carried out in accordance with the approved SWMP throughout the period of works for the development.
36. Notwithstanding the layout shown on the approved plans, prior to commencement of any site works on the Island Site, full details of all parking spaces to be provided on the site (which shall not exceed 480 car parking spaces) and details of all manoeuvring areas for service and delivery vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the parking and manoeuvring areas retained as such thereafter.
37. No occupation or use of the buildings hereby approved shall commence until a waste management scheme, detailing the siting, capacity and design of storage areas for waste and recycled materials, and a management plan for collection, has been submitted to and approved in writing by the Local Planning Authority and this scheme has been implemented in full. These facilities shall be retained as approved at all times.
38. No occupation or use of the buildings hereby approved shall commence until details of secure and weatherproof cycle storage facilities, based upon the Council's cycle parking standards within the Watford District Plan 2000, have been submitted to and approved in writing by the Local Planning Authority and these facilities have been provided in accordance with the approved details. These facilities shall be retained as approved at all times.
39. No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design, intensity and time

restrictions. The lighting shall be installed and operated thereafter in accordance with the approved details.

40. All plant, machinery and equipment installed or operated in connection with the development shall be so enclosed and/or attenuated so that noise there from does not exceed a level of 45 dB(A) during the day and 30 dB(A) during the night when measured at a distance of 1 metre away.
41. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that order with or without modification), no temporary uses of land and associated structures, other than temporary facilities and/or structures required for the purposes of filming, shall take place unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
2. The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
3. It is an offence to take or disturb the breeding or resting location of protected species, and precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from: Natural England: 0300 060 3900; the UK Bat Helpline: 0845 1300228 or Herts & Middlesex Bat Group: www.hmbg.org.uk ; Herts & Middlesex Badger Group; Hertfordshire Amphibian and Reptile Group, or a suitably qualified ecological consultant.

Badgers are protected under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992, which makes it an offence to:

- Wilfully kill, injure or take a badger, or to attempt to do so;
- Cruelly ill-treat a badger; or
- Intentionally or recklessly interfere with a badger sett.

For birds, the removal of trees & shrubs should be avoided during the breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.

For reptiles and amphibians, stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of animals using the piles for shelter. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on.

Trenches should have escape ramps to provide an escape opportunity for any animals that may have become trapped.

4. All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

54

15/01539/FULM 36, CLARENCE ROAD

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

The Development Management Team Leader introduced the item, explaining that the application replaced a five storey building previously approved and would result in an increase in the quantity and quality of office floorspace on the site compared to the previous planning permission. The six storey building was a mixed use scheme and would contribute towards providing new employment within the Borough, in accordance with the Core Strategy.

The reason for the application was to increase the amount of office floorspace in order to help secure investment funding for a speculative development.

Two small amendments had been made to the conditions and these had been circulated to the Committee in the update sheet.

The Chair invited Douglas Bond, Principal of Woolf Bond Planning, to speak to the Committee in support of the application.

Mr Bond reported that the alternative scheme, which had been worked up following various meetings with officers, offered a significant improvement in the quantity and quality of space provided in the new building. Consistent with the

Council's Core Strategy, it was hoped that its character and appearance would provide a catalyst for new and improved office space in the Clarendon Road area.

The building's strong design made a positive feature of the Gartlet Road/Clarendon Road junction, however would not impact on local residential properties.

The building complied with all technical requirements.

The Chair thanked Mr Bond for his comments and opened the debate to the Committee.

The Committee welcomed the new application, which was deemed a much improved design solution entirely consistent with the Council's policies and aspirations for this important prime office area.

There were no concerns about the impact on local residents, including those located in the nearby Estcourt conservation area.

Committee members expressed the hope that speedy progress would be made in the construction phase.

The Chair then moved the officer's recommendation, with amendments to conditions 3 and 5 as set out in the update sheet.

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:-
9283 PL 500-010A, 500-011, 500-100, 500-101, 500-102, 500-103, 500-104, 500-105, 500-106, 500-200, 500-201.
3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, and not at all on Saturdays, Sundays and Public Holidays.
4. No development shall commence until the scheme has been registered with the Considerate Constructors Scheme and a certificate of registration has been submitted to the Local Planning Authority. The construction shall be carried out in accordance with the requirements of this scheme.

5. The development shall be constructed to BREEAM Very Good in accordance with the pre-assessment contained in the Energy and Sustainability Statement by Mecserve (Issue 1.0 – October 2015 – C5902). A post-completion certificate, to certify that the respective BREEAM Very Good standard has been achieved, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of completion.
6. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be undertaken in accordance with the approved piling method statement.
7. No development shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.
8. No development shall commence until details of the materials to be used for all the external finishes of the building, including all external walls, roofs, doors and windows, 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.
9. No development shall commence until a hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all means of enclosure on the boundaries of the site and within the site. No part of the development shall be occupied until the approved hard landscaping works have been carried out.
10. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants 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.
11. No development shall commence until details of a sustainable surface water drainage scheme for the development have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.

12. No development shall commence until a mains water services scheme for the development, including where necessary, the inclusion of fire hydrants to serve the development, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.
13. No plant or equipment shall be installed within the roof level open plant area until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the sound pressure level from the plant area will be at least 10dB below the lowest LA90 (15 minute) noise level measured at 1m from the adjoining residential flats when all plant and equipment is operational. The assessment shall include appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until the approved mitigation measures have been installed.
14. No part of the development shall be occupied until the following works within the site and the public highway have been completed in full, as shown in principle on drawing no. 65058-001 in Appendix C of the Transport Statement by Development Transport Planning (Project No. 65058, October 2015):
 - i) new footpath on southern side of Gartlet Road from Clarendon Road to the boundary of the application site;
 - ii) new servicing lay-by on southern side of Gartlet Road;
 - iii) new vehicular access on Clarendon Road to serve office car parking;
 - iv) re-siting of pedestrian crossing on Clarendon Road to the north of the existing crossing.
15. No part of the development shall be occupied until the existing vehicular junctions on Clarendon Road have been closed off and the adjacent footways and kerbs reinstated.
16. No part of the development shall be occupied until a management plan to ensure that the approved lay-by is only used for refuse collection, deliveries and loading/unloading has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been provided in full. These measures shall be retained as approved at all times.
17. No part of the development shall be occupied until the 27 car parking spaces shown on the approved drawings (unless otherwise approved in writing by the Local Planning Authority) have been laid out and constructed in full. These spaces shall be retained at all times for the parking cars.

18. No part of the development shall be occupied until the bin and cycle stores have been provided in accordance with the approved drawings (unless otherwise approved in writing by the Local Planning Authority). The stores shall be retained at all times for bin storage and cycle storage only and shall not be used for any other purpose.

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.

55

12/01263/EXT 35-37 MARLBOROUGH ROAD, WATFORD

The Committee received the report of the Development Management Section Head.

The Development Management Team Leader introduced the item, explaining that planning permission granted in 2013 had been accompanied by a Section 106 Unilateral Undertaking. One of the obligations was the provision of six one-bed flats on the site for affordable housing.

The applicant had requested that the clauses relating to the provision of the affordable housing units be deleted. This was because no registered provider was willing to purchase the units due to the fact that they did not meet the minimum floor areas required by the Homes and Communities Agency.

In lieu, the applicant had agreed to make a financial payment to the Council towards the provision of affordable housing or other identifiable housing needs within the Borough.

The Development Management Team Leader explained that the circumstances surrounding this application were unique. They arose from changes to affordable housing thresholds, such that the units were no longer suitable. Watford Borough Council did not have a policy on commuted payments and it was not intended that the proposed arrangement should set a precedent for the future.

The update sheet demonstrated that an alternative solution to use the units for temporary accommodation had been discussed, but had been found impractical. The option of a commuted payment was therefore the preferred way forward.

Following further discussions with the applicant's agent, the applicant had agreed to increase the financial payment to £220,000 – an amount sufficient to

enable the Council to purchase a unit on the open market to be used for affordable accommodation.

The Chair invited Matthew Spilsburg, the agent, to speak to the Committee in support of the application.

Mr Spilsburg outlined the considerable attempts which had been made by the applicant to fulfil the conditions of planning permission 12/01263/EXT. The applicant had worked constructively with Council officers to find an alternative solution, including a late proposal to use the units for temporary accommodation.

Drawing the Committee's attention to a letter from Mr Brandon Lewis, Minister of State for Housing and Planning at the Department for Communities and Local Government which had urged local authorities to take a flexible approach to affordable housing renegotiation, Mr Spilsburg asked the Committee to take a pragmatic approach to the proposed commuted payment. This had been increased, with the agreement of the applicant, from £177,200 to £220,000.

Thanking the speaker for his comments, the Chair opened the debate to the Committee.

Accepting that the minimum standards for the size of units had changed, Councillor Bell nevertheless expressed frustration that it had not been possible to secure much needed affordable housing for the Borough. He concurred with the view that the commuted payment should not set a precedent for future developments.

Agreeing with these comments, Councillor Bashir sought assurance that the Council's requirements would in future match accepted standards for affordable housing accommodation.

Responding to Councillor Bashir's comments, the Development Management Team Leader confirmed that Watford Borough Council's policies complied with the Homes and Communities Agency's requirements.

Councillor Johnson commended the applicant for his attempts to meet the terms of the planning permission. He further added, that whilst the loss of the six units for affordable housing was lamentable, the commuted payment did provide the Council with some money to invest in alternative accommodation.

The Chair then moved the officer recommendation, which included an increased financial contribution from £177,200 to £220,000.

RESOLVED –

That the Unilateral Undertaking forming part of planning permission ref. 12/01263/EXT be modified by a Deed of Variation as follows:

1. Deletion of Clauses 3.1(e) and (f).

2. Insertion of a new Clause 3.1(e) with the following wording:

“3.1(e) On commencement of the development to pay to the Council the sum of £220,000 (two hundred and twenty thousand pounds) towards the provision of Affordable Housing in the Borough of Watford or other housing to meet identified housing needs in the Borough.”

56

15/01160/ADV WATFORD MARKET, WATFORD HOUSE LANE

The Committee received the report of the Development Management Section Head.

The Head of Regeneration and Development introduced the item explaining that the application proposed the installation of 11 woven polyester mesh panels on the road-facing side of the market. All of the panels would display advertisements for the market. The proposal was intended to ameliorate ongoing concerns about exposure to the weather on the road side and poor advertising for the market.

The application presented two key considerations for the Committee: potential impact on public safety and the impact on amenity. It should be noted that Hertfordshire County Council had not raised any objections.

Opening the debate to Committee members, the Chair began by expressing his concerns, as Ward Councillor for Central, about the number of panels and the potential for them to deteriorate over time.

In response, the Head of Regeneration and Development commented that any reduction in the number of panels would impact on the ability to shield the market from the elements, which had been one of the key objectives. The proposed panel materials had been used successfully elsewhere and were expected to have a 10 year life-span.

Taking up the second of these points, Councillor Sharpe suggested that advertisement consent be granted for a shorter period, for example 18 months. He did not support a reduction in the number of panels because this would make the boards appear less visually coherent.

Councillor Turmaine questioned whether it was the intention to use the advertisement panels for other advertising purposes. The Head of Regeneration and Development confirmed that this was not the intention as it would negatively impact on visual amenity. In order to prevent such use in the future, it would be possible to add a further condition to the advertisement consent.

Considering the proposed materials for the panels, Councillor Bashir questioned whether it would be possible to use clear, solid panels instead. This would allow more natural light to enter the market and would remove concerns about advertising usage.

The Head of Regeneration and Development commented that the existing structure was not designed to be enclosed in the way proposed by Councillor Bashir. She reiterated the need to improve advertising for the market, which the proposal before the Committee was attempting to rectify.

Moving the officer's recommendation, the Chair proposed that consent be granted for a period of 18 months. Furthermore, any advertisement usage should be restricted to promoting the Watford Market only.

RESOLVED –

That advertisement consent be granted subject to the following conditions:

1. This consent is granted for a period of 18 months from the date of this consent notice;
2. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed;
3. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;
4. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site;
5. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public;
6. Once the advertisement is removed, the site must be left in a condition that does not endanger the public or impair visual amenity; and
7. The advertisement panels hereby permitted shall only be used to advertise New Watford Market and shall not be used as general advertisement panels.

Informatics

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.

Chair

The Meeting started at 7.30 pm
and finished at 8.40 pm

