

DEVELOPMENT MANAGEMENT COMMITTEE

3 MARCH 2021

Present: Councillor P Jeffree (Chair)
Councillor S Johnson (Vice-Chair)
Councillors N Bell, K Collett, M Mills, J Pattinson, I Sharpe,
R Smith and M Watkin

Also present: Councillor B Stanton

Officers: Group Head of Place Shaping
Head of Planning and Development
Development Management Team Leader
Democratic Services Officer

Conduct of the meeting

The committee will take items in the following order:

1. All items where people wish to speak and have registered with Democratic Services.
2. Any remaining items the committee agrees can be determined without further debate.
3. Those applications which the committee wishes to discuss in detail.

Prior to the start of the meeting agenda, the Chair explained the procedure for the virtual meeting and the method he would employ to ensure the voting was accurately completed. The Chair also ensured that all participants were introduced.

54 APOLOGIES FOR ABSENCE

There were no apologies for absence.

55 DISCLOSURE OF INTERESTS

Councillor Johnson explained that as the Ward Councillor for Tudor, he was aware that his two fellow Councillors had met with residents about item 4 on the agenda, Greycaine Road. He had not taken part in the meetings or pre-determined the issue.

56 **MINUTES**

The minutes for the meeting on 3 February 2021 were approved, and would be signed at the next non-virtual meeting.

57 **20/00646/FUL - 15 - 17 GREYCAINE ROAD, WATFORD, WD24 7GP**

The Chair introduced the item to the committee and invited the Principal Planning Officer (AC) to present his report

The Principal Planning Officer presented the application as set out in his report and referenced the brief update sheet that had been circulated to all parties at the meeting. This detailed that two additional objections had been received and that the matters they raised had been dealt with in his report.

The Chair thanked the Principal Planning Officer for his report and invited local resident, Mr Peter Hazeldine, to address the committee.

Mr Hazeldine stated that he had been a resident of Tudor Walk for 40 years and was representing the views of a number of local residents. Prior to the arrival of Gap there had been no problems, but Gap had caused a number of issues and generated many complaints; the first being in 2004.

In 2016 a planning application for the site was refused due to potential noise adversely affecting the amenity for local residents. Accordingly, the subsequent use of the site was unlawful and Gap were advised to submit a planning application. Despite the refusal, Gap had continued to operate in breach of planning regulations.

Mr Hazeldine explained that Gap's operations generated noise as a result of the use of heavy machinery and associated dust and fumes were a blight on the lives of residents. Various complaints had been made to Gap at both local and head office level to no effect. Mr Hazeldine stated that over the years, hundreds of complaints had been made to Environmental Health regarding the detrimental effect of the Gap operations.

Mr Hazeldine described the excessive noise, dust and fumes, and expressed concern that should the application be granted, then the excessive noise, dust and fumes from the site would be to the detriment of the local residents. These extended beyond normal working hours and the change of use from Use Class E to B8 was inappropriate due to the proximity of residential premises. He pointed out the light spill from the flood lights on site was a nuisance and that there had not been an ecological survey carried out.

Mr Hazeldine concluded that he felt if approved, the matter would breach the Human Rights Act, Article 1 and that the acoustic barrier would not have any effect on noise pollution at the first and second floor levels. He urged the committee to refuse the application.

The Chair thanked Mr Hazeldine and stated that he had identified three main points:

1. Noise, fumes and dust – whilst noise had been address by the officer, the committee would like to hear more about the fumes and dust.
2. Detrimental light spill – he asked for clarification on paragraphs 6.17-6.20 of the officer's report regarding the retrospective application for the lights.
3. Whether there should have been an ecological survey.

At the request of the Chair, the Principal Planning Officer expanded on the points, explaining that as there were no buildings or industrial processes on the site and there could be no sources of noise, fumes or dust, other than from vehicles or the pressure washer.

The lights were already in place and in use on six metre poles. The desk based analysis was thorough and indicated the light-spill back into the gardens was negligible.

Finally, the Principal Planning Officer explained that the tree survey did cover ecological matters and noted that there were no protected species living in the trees. He reminded the committee that whilst 14 trees were to be felled, 17 were to be planted.

The Chair then invited Councillor Bill Stanton, Ward Councillor for Tudor, to speak to the committee.

Councillor Stanton stated that he felt the main issue was noise from the site; and to grant the application would be to allow further noise and resulting in misery for the residents. He pointed out that no other premises nearby had open storage or were on the boundary with the dwellings.

Councillor Stanton also expressed concern that the applicants had taken five years to actually apply for planning permission, despite their activities being unlawful as a result of the earlier refusal. He posed the question as to how any further breaches or deadlines would be enforced. He suggested that perhaps the committee might consider how to scale back the application, to make it more amenable to both parties, rather than just appeasing the applicant. He also quoted case law, namely *Coventry -v- Lawrence 2014*, regarding the granting of permission for a change of use to something that may cause a nuisance.

Councillor Stanton pointed out that Gap was a national company with other sites that were better placed to service their needs and not proximal to residences.

The Chair thanked Councillor Stanton and opened the discussion to the committee. There followed a very full discussion, with the members expressing their disapproval of the way the applicant had treated the nearby residents over the past few years. The discussion focussed on the following areas:

- Operating hours – it was questioned whether these could be reined in further. Various suggestions on suitable hours were made as members felt that those on offer were too generous.
- Noise reduction – what would happen if the acoustic barrier failed to reduce the noise levels by 30dB at the rear windows as promised. The committee was assured that acoustic barriers were designed to provide the specified noise reduction.
- The length of time between the initial planning refusal and this application being brought and the longstanding breaches by the applicant. The timetable of the various planning procedures were explained to the committee and it was accepted that this had taken a long time to reach this application stage.
- Lack of confidence based on past non-compliance from 2016 to date, that the applicant would continue to breach, whatever conditions were imposed. The committee was advised that should that occur, enforcement would be considered.
- The concerning number of complaints regarding noise nuisance.
- Concern that the light survey had only been completed as a desk-bound exercise due to the pandemic and the suggestion was that a specific condition limiting lighting levels and times should be imposed.

Despite all these concerns, it was recognised that even if the application was refused, then Gap would probably appeal and they would still have to regularise their operation and that may lead to the residents' problems being prolonged. Furthermore, it was accepted that the proposed use of the site was not unreasonable, given that it was an industrial estate, designated as an Employment Area in the development plan.

In response to a question, the Head of Planning and Development informed the committee that Environmental Health could look at both noise and lighting issues.

The Chair started to sum up the main points, but had to stop almost immediately, as there was a technical fault which stopped the meeting being

public, as was required. After a short delay, the meeting was adjourned as it was not possible to proceed without being in the public domain.

At 8.20pm, the meeting was adjourned to a later date.

58 **20/00671/FULM EXCHANGE HOUSE 60 EXCHANGE ROAD**

This item was withdrawn prior to this meeting, but this will be noted at the reconvened meeting on 15 March 2021.

59 **19/00778/FULM - LAND TO THE NORTH OF THOMAS SAWYER WAY**

This will be considered at the reconvened meeting on 15 March 2021.

Chair

The Meeting started at 7.00 pm
and finished at 8.20 pm