

DEVELOPMENT MANAGEMENT COMMITTEE

14 APRIL 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:

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

Conduct of the meeting

Tribute to HRH the Duke of Edinburgh

Prior to the commencement of the business of the meeting, the Chair paid tribute the life of Prince Philip, the Duke of Edinburgh, and asked for a minute's silence to reflect.

Conduct of the meeting

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.

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.

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APOLOGIES FOR ABSENCE

There were no apologies for absence.

61 **DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

62 **MINUTES**

The minutes from the meeting on 15 March 2021 were approved and would be signed at the next non-virtual meeting.

63 **20/01491/FULM - DHAMECHA, IMPERIAL WAY, WATFORD, WD24 4UA**

The committee received the report of the Principal Planning Officer (HH).

The Chair then asked the committee for any comments or questions. There being none, he put the vote to the committee to approve the officer's recommendation to approve the application that planning permission be granted, subject to the conditions and informatives listed in the report.

In accordance with Standing Committee Procedure Rules, paragraph 4.2, the Chair requested that it be recorded in the minutes how members cast their votes.

Those members voting for the motion:

Councillors Bell, Collett, Jeffree, Johnson, Mills, Pattinson, Sharpe, Smith and Watkin

Those members voting against the motion:

None.

Those members abstaining:

None.

RESOLVED -

That planning permission be granted, subject to the conditions and informatives listed below:

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:

DWF-PL-500 – Proposed Ground Floor Plan and Proposed Roof Plan

DWF-PL-500 – Proposed Elevations

DWF-PL-401 – Block Plan Site Plan

DWF-PL-400 – Site Location Plan

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors; and
- Potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

4. No development shall commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.
5. No development shall commence until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on the approved Flood Risk Assessment & SUDS Strategy at Dhamecha Foods, Imperial Way, Watford prepared by Jomas & Associates, dated December 2020 (Version 1.0, Ref: reference P1851J1558). The scheme shall also:
 1. Include detailed engineered drawings of all the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
 2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as permeable paving etc. and ensure appropriate management and treatment of the car parking areas.
6. No development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes is submitted to, and approved in writing by, the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development. No boreholes should be decommissioned until it has been agreed in writing by the local planning authority that they are no longer required.
7. Before any part of the development hereby permitted is commenced, an air quality assessment / survey shall be submitted to and approved in writing by the Local Planning Authority. No part of the development

hereby approved shall be commenced until after a statement of method and extent in order to mitigate / minimise the effects of air pollution has been submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed development shall not be constructed other than in accordance with the details agreed under this condition.

8. No construction works above ground level shall be carried out until details of the materials to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
9. No piling or any other foundation designs using penetrative methods shall be carried out until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. The piling method statement must incorporate measures to demonstrate that there will be no resultant unacceptable risk to groundwater. Any piling must be undertaken in accordance with the approved piling method statement.
10. 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 contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
11. No infiltration of surface water drainage into the ground at the site shall take place other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
12. Prior to any part of the permitted development being brought into use, a verification report demonstrating the 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

verification plan to demonstrate that the site remediation criteria have been met.

SE24 of the Watford District Plan 2000 and Paragraph 170 of the NPPF, 2019.

13. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and SUDS Strategy at Dhamecha Foods, Imperial Way, Watford by Jomas and Associates (dated December 2020, version 1.0, reference P1851J1558) and the following mitigation measures:
 1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
 2. Implement drainage strategy based on restricted surface water discharge at 2l/s and include permeable paving with sub-base and geocellular storage.
14. Upon completion of the drainage works for the site in accordance with the timing/phasing arrangements, a management and maintenance plan for the SuDs features and drainage network must be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include:
 1. Provision of a complete set of as built drawings for site drainage
 2. Maintenance and operational activities
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime
15. The development hereby approved shall not be occupied until the new on-site car parking spaces and manoeuvring areas have been constructed and laid out in accordance with approved drawing no. DFW/PL/500 (or any subsequent drawing submitted to and approved in writing by the Local Planning Authority). The vehicular access and on-site car parking spaces and manoeuvring areas shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.
16. The development hereby approved shall not be occupied until refuse, recycling and cycle storage has been provided in accordance with the approved plans. The storage facilities shall be retained at all times thereafter.

17. The units hereby approved shall be solely used for light industrial purposes and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Informatives

1. IN907 - Positive and proactive statement - GRANT
2. IN910 - Building Regulations
3. IN912 - Hours of Construction
4. IN909 - Street Name and Numbering
5. IN913 - Community Infrastructure Level Liability
6. HIGH – Storage of Materials – Highway
7. OBSHIG – Obstruction of the Highway
8. MUD – Mud on Highway
9. Advice from the Environment Agency

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21/00159/VARM INTEGRITY HOUSE 3 RHODES WAY WATFORD WD24 4YW

The committee received the report of the Principal Planning Officer (AR).

The Chair then asked the committee for any comments or questions. There being none, he put the vote to the committee to approve the officer's recommendation to approve the application that planning permission be granted, subject to the conditions listed in the report.

In accordance with Standing Committee Procedure Rules, paragraph 4.2, the Chair requested that it be recorded in the minutes how members cast their votes.

Those members voting for the motion:

Councillors Bell, Collett, Jeffree, Johnson, Mills, Pattinson, Sharpe, Smith and Watkin

Those members voting against the motion:

None.

Those members abstaining:

None.

RESOLVED -

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

Conditions

1. The development to which this permission relates shall be begun before 3rd September 2023.

2. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:

18019-TP-001
18019-TP-002
18019-TP-003
18019-TP-004
18019-TP-005 Rev C
18019-TP-006 Rev B
18019-TP-007 Rev B
18019-TP-008 Rev C
18019-TP-009 Rev A
18019-TP-010 Rev B
18019-TP-011 Rev B
18019-TP-012 Rev B
18019-TP-013 Rev B
18019-TP-014 Rev B
18019-TP-015 Rev B
18019-TP-016
18019- Materials finishes Rev A
18019-SK-025 Rev B

3. The external surfaces of the development shall be finished in the materials as specified on approved drawings and in document '18019- Materials finishes Rev A' unless otherwise agreed in writing by the Local Planning Authority.

4. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of any demolition works, removal of materials from site, parking for all contractors, sub-contractors, visitors and delivery vehicles and storage of materials to be approved in writing by the Local Planning Authority and those measures approved shall be maintained available for use at all times during the period of site works.

5. Three Months prior to full use of the permitted development, a detailed Travel Plan for the site, based upon the Hertfordshire County

Council document “Hertfordshire Travel Plan Guidance” and applicant’s framework Travel Plan, shall be submitted and approved in writing by the local planning authority. The approved Travel Plan shall always be implemented.

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on (the submitted report: Phase 1 Contamination Assessment (MLM, reference: 777853-MLM-ZZ-XX-RP-J-0001, 08/07/2019) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

7. Prior to any part of the permitted development being brought into use, a verification report demonstrating the 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 verification plan to demonstrate that the site remediation criteria have been met.
8. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in

writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

To prevent deterioration and promote recovery of water quality within the Mid Chilterns WFD groundwater body.

9. 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 contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
10. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
11. Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
12. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.
13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A site investigation scheme, based on the Phase 1 Contamination Assessment prepared by MLM Consulting Engineers Limited (Report ref. 777853-MLM-ZZ-XX-RP-J-0001), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - ii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
14. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented. The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

16. Noise emitted from operations within the site, measured as a Rating Level in accordance with BS4142 'Method for rating industrial noise affecting mixed residential and industrial areas' at the boundaries of the nearby residential premises, shall not exceed the background LA90 noise level that would otherwise prevail in the absence of noise from the site by more than 5dB(A).
17. Prior to occupation of the new development, secure and weatherproof cycle storage shall be installed in the site in accordance with approved drawing 18019-TP-005.
18. No part of the development shall be occupied until a detailed soft landscaping scheme for the site, including details of an appropriate irrigation systems, and a landscape management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon the Landscape Proposals of the approved drawings. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. 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 by the Local Planning Authority.

Informatives

IN907 Consideration of proposal in a positive and proactive manner

IN910 Building Regulations

IN912 Hours of Construction

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20/00541/VAR - 112-114, THE PARADE

The committee received the report of the Development Management Team Leader.

The Chair commented that this was an unusual case in that the committee was considering a viability report after the event and not before.

In response to question from Councillor Bell, the officer clarified that the proposed reduction in commuted sum would only occur after the six month period. He added that the developers were still keen for the five units to be taken up by a Registered Provider (RP), but thus far no RP had shown sufficient interest.

Watford Borough Council had put the developers in touch with possible RPs but had not yet received any positive responses. However, there were two possible options with a meeting due to take place next week.

There was a discussion about extending the six month period, but the officer pointed out that the units had already been completed for some considerable time, costs had escalated and there was a drive to conclude the matter as soon as possible.

Councillor Johnson explained that one possible reason the RPs were not especially interested in the scheme, was that there was only one access point and this needed a specialist provider. He stated that due to the substantial decrease in the commuted sum, from approximately £1 million to £407,000, he would like to see a clawback option.

The Chair asked the Development Management Team Leader to comment on the possibility of a clawback. The officer stated that this would not normally be used where there has been a robust viability appraisal and a commuted sum had been agreed. The officer noted that there was nothing in council policy that specifically referred to this and clawback would normally only be granted when there was a significant period between the granting of planning permission and the sale of the units.

The officer advised that the applicant had originally proposed no commuted sum, but the independent assessment had given the figure of £407,000. The larger sum was never subject of a viability report.

There followed a discussion where members expressed their disappointment at the large reduction in the commuted sum and some voiced their support for a clawback. It was suggested that a review of the clawback mechanism might be appropriate. However, concern was also expressed that the introduction of a clawback might prompt an appeal that could place the whole scheme in jeopardy.

In response to a request for clarification, the Development Management Team Leader explained that the costs were exceptionally high because the first builder went bankrupt, the second builder did not build according to the plans and the third builder had to carry out remedial works. Despite this the developer used the typical build costs for this type of development within the submitted viability appraisal.

The initial commuted sum of £1 million had not been subjected to a viability study, making it doubtful that £1 million was ever a viable figure.

The Chair then put the vote to the committee to approve the officer's recommendation to approve the application that planning permission be granted, subject to the conditions and informatives listed in the report and the amendment regarding the clawback as moved by Councillor Johnson.

There followed a thorough discussion around the issue of clawback and the potential for this to damage the whole scheme, as any appeal might be on far broader grounds than just the clawback. A number of members expressed their concern about adopting a clawback.

Councillor Johnson moved that the proposal should include a clause seeking an upwards only clawback review in six months' time, should the sale of the properties realise more funds than the viability report had suggested.

In accordance with Standing Committee Procedure Rules, paragraph 4.2, Councillor Jeffree requested that it be recorded in the minutes how members cast their votes.

Those members voting for the motion:

Councillors Bell, Collett, Johnson, Mills, Pattinson and Smith.

Those members voting against the motion:

Councillors Jeffree, Sharpe and Watkin.

Those members abstaining:

None.

The motion was **CARRIED** 6 votes to 3 with no abstentions.

The Chair then moved that the committee should vote on the original officer's recommendation that pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the Heads of Terms, planning permission be granted subject to the conditions contained in Section 8 of the officer's report and the addition of the motion just agreed, the inclusion of an upwards clawback review. The exact wording of the clawback review clause to be agreed by the planning officers and the applicant.

In accordance with Standing Committee Procedure Rules, paragraph 4.2, Councillor Jeffree requested that it be recorded in the minutes how members cast their votes.

Those members voting for the motion:

Councillors Bell, Collett, Johnson, Mills, Pattinson and Smith.

Those members voting against the motion:

None.

Those members abstaining:

Councillors Jeffree, Sharpe and Watkin.

RESOLVED -

That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the Heads of Terms, planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure 5 units on the first floor of the development to be affordable housing units for affordable rent comprising 4 x 1 bedroom and 1 x 2 bedroom units;
- ii) No more than 9 units of open market housing units to be occupied before the owner has entered into a legally binding agreement with a Registered Provider in respect of the affordable housing units or paid the commuted sum referred to below;
- iii) In the event the affordable housing units are not acquired by a Registered Provider within a period of 6 months, a commuted sum of £406,980 to be paid to the Council;

- iv) That the commuted sum be subject to an upwards only clawback review after a period of 6 months;
- v) On payment of the commuted sum to the Council, the affordable housing units to be sold as open market units.

Conditions

1. No dwelling shall be occupied until the internal works to the flats on the first, second and third floors have been carried out in full in accordance with the approved drawings.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

594-CDA-A-00-DR-A-05-0100 Revision 04
594-CDA-A-01-DR-A-05-0101 Revision 07
594-CDA-A-02-DR-A-05-0102 Revision 07
594-CDA-A-03-DR-A-05-0103 Revision 07
594-CDA-A-04-DR-A-05-0104 Revision 01
3. No dwelling or commercial unit shall be occupied until the cycle and bin stores have been provided in accordance with the approved drawings.

Chair

The Meeting started at 7.10 pm
and finished at 8.10 pm