

DEVELOPMENT MANAGEMENT COMMITTEE

2 NOVEMBER 2021

Present: Councillor P Jeffree (Chair)
Councillor R Martins (Vice-Chair)
Councillors N Bell, S Johnson, J Pattinson, A Saffery, R Smith,
S Trebar and M Watkin

Also present: Ms Zoe Rhodes

Officers: Head of Planning and Development
Principal Planning Officer
Principal Planning Officer
Democratic Services Manager

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.
4. During the meeting, the officers will refer to the attached presentation document.

Prior to the start of the meeting, the Chair explained the procedure for the meeting. The Chair also ensured that all participants were introduced and reminded those watching on the webcast that the officer's presentation was available online.

29 APOLOGIES FOR ABSENCE

No apologies had been received.

30 DISCLOSURE OF INTERESTS

Councillors Trebar and Bell stated that they had had some involvement with the previous Harwoods Road application, but not the particular planning issue that was before the committee on this occasion.

31 **MINUTES**

The minutes from the meeting on 5 October 2021 were approved and signed.

32 **21/01255/FUL - THE DELL, THE HAREBREAKS, WATFORD, WD24 6NF**

The Principal Planning Officer (AC) delivered his report.

The Chair thanked the officer and invited any questions from the committee.

In response to a question regarding any further extensions to the application and concerns regarding noise issues, the officer stated that he had been assured that the extension to March 2022 was sufficient. The officer pointed out that the conditions did deal with the proper reinstatement of the site.

There was concern that the Watford Community Housing (WCH) should reinstate to exactly how the site was before. The officer explained that the conditions ensured that the programme detailing the proposed restoration of the site would be submitted within three months.

In response to a question about sanctions should the deadline be missed; the officer pointed out that the current conditions were carefully worded to ensure that the site was fully restored to its original state. There was enforcement action that could be taken if the applicant did not comply with the conditions.

The Head of Planning and Development explained that should WCH fail to meet the deadline, there would need to be another planning application put before the committee. He added that that WCH had been clear on the timescales and he expressed his opinion that if they felt they would not meet the deadline, they would have asked for additional time at this stage.

Comment was made that the residents had been very patient and WCH owed it to the community to reinstate fully and in a timely manner.

The Chair moved that planning permission be granted subject to the conditions contained within the officer's report.

RESOLVED –

that, planning permission be granted subject to the below conditions.

1. By 31st March 2022 the use hereby approved shall cease.
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:
 - Drawing Number: 001.
 - Drawing Number: 100. Rev: A
3. A programme for restoration of the site shall be submitted to and approved in writing by the Local Planning Authority within a period of 3 months commencing on the date of this permission.
4. A programme for removing the vehicle crossover and reinstating the pavement, verge and kerb shall be submitted to and approved in writing by the Local Planning Authority within a period of 3 months commencing on the date of this permission.

33

21/01034/FUL - 62 HARWOODS ROAD

The Principal Planning Officer (AC) delivered his report.

The Chair thanked the officer and invited any questions from the committee.

The Chair invited Ms Zoe Rhodes to address the committee.

Ms Rhodes explained that she lived directly adjoining the rear of the premises and that she was also speaking on behalf of other residents. She cited the reasons why the previous applications had been refused and asserted that these reasons were still valid. The unpleasant odours of hot food establishments could be smelt some distance from the premises and she feared that this would be the case here and would adversely affect the amenity of nearby residences, especially the neighbouring flats. The proposed extraction system was incredibly close to the windows of these flats. She stated that this would mean windows would need to be kept

closed with the adverse effect on ventilation and air quality. She added that there had been no consideration of any smells emanating from the kitchen windows and door of the restaurant. She felt that her garden would become undesirable to use.

She was concerned that the hours were excessive and would further harm the amenity of local residents. Additionally, associated parking would block the access to her own house.

Ms Rhodes went on to express concerns about the lack of any fire mitigation to protect the flats and her own house.

The lack of adequate bin storage area meant that the bin was chained very near to her windows causing problems with unpleasant odours, litter and vermin.

She concluded her presentation with references to light pollution, noise and disruption and abusive behaviours that had already been experienced.

The Chair thanked Ms Rhodes, but pointed out that many of the issues raised were to do with the operation of the premises and the committee had no authority to deal with this area. Due to fairly recent changes in planning legislation, the premises could move from a sandwich bar to a restaurant without needing to apply for planning consent. But he agreed that the issue of the smells associated with the flue were a valid consideration.

The officers were asked why there was no health impact assessment and the Head of Planning and Development explained that there was no requirement to submit a health impact assessment for the application.

The committee expressed considerable sympathy for Ms Rhodes's situation and expressed concern that this might have adverse effects upon mental health and wellbeing. The officers were asked if the situation became untenable for the residents, whether the matter would return to planning or to environmental health.

The Principal Planning Officer pointed out that the flue was not overhanging Ms Rhodes's property. The proposed use was for a café/restaurant and not a hot food takeaway. If the premises became a hot food takeaway, it would require a planning application. He added that if the concern over the bin meant that it was a statutory nuisance, then environmental control was the enforcement agency.

The Chair asked for clarification as to what was primary and what was secondary use. The Head of Planning and Development said this was a matter of fact and degree and it would require an investigation in order to determine the planning use.

The Head of Planning and Development pointed out that Environmental Health were of the opinion that, providing all the conditions were followed, this should reach the required standard to mitigate the noise and the odours. Furthermore, the officer had included a condition that required the flue to be installed and operated in line with all the mitigation required by Environmental Health. This would give any enforcement action a clear line to follow.

Ms Rhodes was advised to monitor the situation regarding smells, noise and any other nuisance issues.

The debate continued ranging around the concerns that if approved this might blight the residents' amenity. Some members of the committee gave consideration to wording a motion to refuse the application, but after consideration, could not find suitable policies and grounds to support such a motion.

The Chair noted that there was no condition to maintain the flue and asked if one could be added. He also asked about the procedure, should the standards suggested by the Environmental Health not be met.

The Head of Planning and Development stated that if required, the proposed conditions could be amended to strengthen the requirement for maintenance.

The officers were asked if the matter could be approved on a time-limited basis. The Head of Planning and Development stated that this would be very unusual and unless there was a clear reason why it should be temporary it could be challenged and overturned on appeal. He recommended that should the conditions not be complied with, the correct procedure would be enforcement if the conditions are not met.

It was noted that there were many similar restaurants nearby and any valid reason to refuse would be difficult to find. Committee members expressed their frustration at the lack of reasons to refuse the application.

The Head of Planning and Development pointed out that this committee was only considering the flue and not the use of the premises.

There was a final question about visual impact and the officer explained that the flue would be between the buildings and protrude no higher than the chimneys. Also it was to be painted a dark colour. The Head of Planning and Development also noted that previous similar applications had not been refused on the grounds of visual impact.

The Chair moved that conditional planning permission be granted subject to the conditions contained in the officer's report and also subject to the conditions being strengthened to include the proper maintenance of the installation for its life.

RESOLVED –

That, conditional planning permission be granted subject to the following conditions subject to the conditions being strengthened to include the proper maintenance of the installation for its life.

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 shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority:

Site location plan

Unnumbered drawing (Amended 1/4/2021)

3. The approved flue shall only be installed in accordance with the full mitigation measures set out in the following documents:

Noise Impact Assessment by Nova Acoustics dated 18/02/2021

Odour Risk Assessment by Silsoe Odours dated 05/07/2021

Design and Access Statement by S A York Design Facilities dated 06/07/2021

These mitigation measures shall be retained and maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

4. The external surfaces of the approved flue shall be painted in a dark brown colour (RAL 8014 or similar) and retained as such at all times, unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. IN907 Positive and proactive statement GRANT
2. IN910 Building Regulations
3. IN911 Party Wall Act
4. IN912 Hours of Construction
5. Under the provisions of Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), the ground floor commercial unit can only be used as a cafe or restaurant serving hot food. Use of the commercial unit as a take-away (sui generis) as the primary use will require a separate planning permission from the local planning authority.

34

21/01295/FULM WATFORD GENERAL HOSPITAL VICARAGE ROAD WATFORD WD18 0HB

The Principal Planning Officer (AR) delivered her report.

The Chair thanked the Principal Planning Officer and asked if there would be a requirement that the building be removed and the site reinstated, if the hospital did not go ahead.

The situation was explained by the officer: the application was on the basis of five years. However, they could come back to the committee if they needed more time. She added that the proposed scheme was a huge improvement on the current building.

The Chair then passed the matter over to the committee for debate.

In response to a question regarding the loss of existing trees, the officer pointed out that the trees being lost were not protected and not of a value that would warrant protection. Replacement trees were not sought due to the temporary nature of the application and the expectation of the full hospital redevelopment to include a comprehensive landscaping plan.

Whilst the improvements to the hospital were welcomed, comment was made that the building was very unattractive and would not be agreed if this was to be a permanent building.

The Chair then moved to approve the application that planning permission be granted, subject to the conditions contained in the officer's report.

RESOLVED –

that, planning permission be granted subject to the conditions listed below.

Conditions

1. Temporary Time Limit

The permission shall be for a limited period, expiring on 3rd November 2026 after which the buildings and works hereby approved shall be removed and the property reinstated in accordance with details and a timetable to be submitted and agreed in writing by the Local Planning Authority prior to the 3rd November 2026.

2. Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

201119-FATKIN-WP-XX-DR-AX-91100 SITE LOCATION PLAN

201119-FATKIN-WP-XX-DR-AX-91101 EXISTING BLOCK
PLAN

201119-FATKIN-WP-XX-DR-AX-91102 PROPOSED BLOCK
PLAN

201119-FATKIN-WP-00-DR-AX-30100 PROPOSED GENERAL
ARRANGEMENT LEVEL 00

201119-FATKIN-WP-01-DR-AX-30101 PROPOSED GENERAL
ARRANGEMENT LEVEL 01

201119-FATKIN-WP-02-DR-AX-30102 PROPOSED GENERAL
ARRANGMENT LEVEL 02

201119-FATKIN-WP-RL-DR-AX-30103 PROPOSED GENERAL
ARRANGEMENT LEVEL RL

201119-FATKIN-WP-XX-DR-AX-30501 GENERAL
ARRANGEMENT PROPOSED ELEVATIONS 1

201119-FATKIN-WP-XX-DR-AX-30502 GENERAL
ARRANGEMENT PROPOSED ELEVATIONS 2

201119-FATKIN-WP-XX-DR-AX-30601 PROPOSED
SECTIONS A AND B

201119-FATKIN-WP-XX-DR-AX-30602 PROPOSED
SECTIONS C AND D

WHHT-BDP-WGH-00-DR-C-020 PROPOSED BELOW GROUD
DRAINAGE LAYOUT

WHHT-BDP-WGH-CP-.SK-00008 PROPOSED NEW ROAD
WHHT-BDP-WGH-CP-SK-A-00005 NEW ROAD AND CP
LAYOUT
201119-FATKIN-XX-XX-RP-AX-30001 Design and Access
Statement

3. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements;
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

If the construction management plan (CMP) for the main hospital development (21/00765/OUTM) comes forward prior to the development of the temporary Pathology and Mortuary building, the CMP for the main hospital development may encompass the CMP for the temporary Pathology and Mortuary building.

4. Surface water drainage strategy

No construction works shall commence until a detailed surface water drainage strategy has been submitted to and approved in

writing by the Local Planning Authority. The strategy shall include surface water storage/attenuation for the 1 in 100 year storm event with a 10% allowance for climate change.

Informatives

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN912 – Hours of Construction
4. IN913 – Community Infrastructure Levy Liability

Chair

The Meeting started at 7.00 pm
and finished at 8.10 pm