

DEVELOPMENT MANAGEMENT COMMITTEE

7 DECEMBER 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: Councillors T Williams, K Clarke-Taylor and S Feldman
Ms Wakako Hirose
Mr Pranav Shah

Officers: Head of Planning and Development
Development Management Team Leader
Planning Officer
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.

An update sheet concerning item 5 was circulated on 7 December and is attached to this agenda.

Additionally the officers' presentation is also attached to the agenda and is available for people viewing the meeting to refer to.

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APOLOGIES FOR ABSENCE

No apologies had been received.

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DISCLOSURE OF INTERESTS

There were no disclosures of interest.

MINUTES

The minutes from the meeting on 2 November 2021 were approved and signed.

21/01279/FUL – THE IMAM HUSSEIN FOUNDATION, 205 NORTH APPROACH, WD25 0ES

The Planning Officer (SO) delivered his report.

The Chair thanked the officer and invited the Ward Councillor, Councillor Simon Feldman to address the committee.

Councillor Feldman explained that he had received seven objections and was speaking on behalf of these residents. This was not of a benefit to the community as it appeared to be a wooden makeshift design and did not complement the area. He stressed that in such a prominent location, the look and feel of a design were important and planning should adhere to promoting a high standard of design.

The Chair thanked Councillor Feldman and invited the County Councillor, Tim Williams to address the committee.

Councillor Williams stated that many residents were concerned by the visual appearance of the canopy and they felt that this was merely a means of extending the premises to accommodate even more people, which would add to the problems they were already experiencing, namely noise, inconsiderate parking and anti-social behaviour.

Councillor Williams suggested that this was not merely a canopy, but more of a room and posed the question, when does a canopy become a room requiring full planning permission?

He went on to expand on the problems experienced by neighbours and suggested that if granted, a condition be added to restrict the hours the extension could be used.

The design was poor, linking two disparate buildings with an ill-fitting, inappropriate, poor quality wooden structure. He went on to cite various policies from the Core Strategy UD1 and SS1 and the Residential Design Guide, and how this extension did not comply with those policies. He urged the committee to refuse the application.

The Chair thanked Councillor Williams and asked the Development Management Manager to comment on whether the canopy was a room and the suggestion of restricting the hours of use.

The Development Management Manager explained that these premises were a long established religious centre and there were no powers to retrospectively restrict hours or use. With regards to the canopy, it was open at the rear, so it could not be described as a fully built extension. If it were fully enclosed it would almost certainly need to be upgraded to comply with Building Regulations, however Building Regulations were outside the scope of planning.

The committee then debated the application.

- The opinion was this was a canopy, not a room.
- The use was not an issue.
- Suggestion to consider a change of colour, as it might improve the appearance.
- Important to consider residents' views, although seven was not a large number of objectors.
- The poor design standards would be sufficient grounds to refuse.
- Even though these are not planning matters, there were concerns regarding fire and structural safety. These could, of course, be raised with building regulations colleagues.

The Chair thanked the committee for their comments and expressed his concern about the very poor appearance of the construction and that the design was inadequate. He explained that he had been so concerned, that he and Councillor Johnson had visited the premises. He noted that if approved, this was a permanent addition and posed the question, if this design was in brick, would it be acceptable? He asserted that it would not and added that it did not respect either building that flanked it.

In view of the fact that this failed to meet the required design standards detailed in a number of policies, he proposed a motion to refuse the application.

The Chair moved that the application be refused as it failed to comply with Policy UD1 regarding delivering high quality design: "New development should respect and enhance the character of the local area in which it is located."

Additionally the NPPF 2021, paragraph 130: "Planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development.
- b) Are visually attractive as a result of good architecture.

- c) Are sympathetic to local character.

The Chair added that he felt the development failed to meet the threshold, although he acknowledged that he did feel the principle of development was not in question. Nor did he accept that the development would impinge on the neighbours' amenity.

The Chair moved that planning permission should be refused, as it is of poor design quality, out of character with its adjoining buildings and causes harm to the local character of the area. It is therefore incompatible with Policy UD1 of the Local Plan Core Strategy and NPPF 2021, Part 12, paragraph 130 a), b) and c).

RESOLVED –

that, planning permission be refused as the development is of poor design quality, out of character with its adjoining buildings and causes harm to the local character of the area. It is therefore incompatible with Policy UD1 of the Local Plan Core Strategy and NPPF 2021, Part 12, paragraph 130 a), b) and c).

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21/01496/FUL 140 PINNER ROAD WATFORD WD19 4EN

The Development Management Manager delivered his report.

The Chair thanked the officer and invited the applicant's agent, Mr Pranav Shah, to address the committee.

Mr Shah asked that when the committee considered the evidence, they ignored any personal views. He noted that objections had been received from residents in Firbank Drive, but asserted that these seemed more focussed on personal views and on the impact of construction work, which by its nature was temporary.

Mr Shah pointed out that the scheme caused no loss of light or amenity to any neighbours and the full application was based on a pre-application. Regarding the concerns about the impact of construction traffic, he explained that the site was large enough to accommodate construction vehicles.

Acknowledging that some conditions had been requested, he assured the committee that these were fully accepted and again urged that the matter only be considered on a planning basis.

The Chair thanked Mr Shah and assured him that the committee would always only take account of planning considerations.

The Chair then invited Councillor Clarke-Taylor to address the committee.

Councillor Clarke-Taylor expressed her concerns about the access arrangements for the development and pointed out that HCC Highways had failed to take into account the lack of pavement on the north side of the road, meaning that the entrance to the new building will abut the road. She cited the NPPF, “it should be ensured that safe and suitable access to the site can be achieved for all users.” She also referenced that priority should be given to pedestrian and cycle movements and that the access needs of those with a disability should be assessed. The NPPF also refers to minimising conflict between vehicles and pedestrians or cycles.

The Councillor went on to point out Policy UD1 and that it stated that people should be put before traffic.

She went on to detail the concerns about the construction work and how this would potentially block access for residents. The road effectively being a single-track road, with limited turning space, would mean that vehicles might have to reverse out onto the busy Pinner Road. Furthermore, there was the possibility that access for emergency vehicles might be affected.

Councillor Clarke-Taylor’s final point was the concern that this development might be turned into an HMO, with multiple vehicles requiring parking. There are already two HMOs in Firbank Drive. She noted the Velux windows in the roof, might well be taken as an indication that the intent was to develop further into the roof space. She urged the committee that should they grant to application, to add a condition that prevents the property from being turned into an HMO.

The Chair asked the officer to address the three issues raised by the Councillor.

The Development Management Manager pointed out that the design was such that the front door opened onto a paved area at the front of the property, not directly onto the road. This provided a safe refuge and allowed good views up and down the road before crossing to the pavement. With only ten houses, the traffic flows in Firbank Drive were inevitably very low and it should be noted that the Highway Authority had not made any objections to the development.

The Development Management Manager accepted that any construction works would result in some disruption, but it was a temporary situation and not a matter that could be considered under planning or for a refusal. He stated that he would expect the applicants to manage the construction in a careful way, perhaps with smaller vehicles being used to deliver to the site. Should a vehicle be forced to reverse into Pinner Road, then there would normally be a banksman to assist the driver.

As regards the concern for the house becoming an HMO in the future, under the Use Classes Order, single dwellings are permitted to have up to six unrelated occupants. This is enshrined in legislation and therefore outside the control of the council. Should a larger HMO or sub-division of the dwelling into separate units be proposed, then this would require another planning application.

He concluded by pointing out the condition in the recommendation that removed permitted development rights for any extension at ground level and any extension into the loft space.

There being no questions or comments from the committee, the Chair praised the presentation by Councillor Clarke-Taylor, but could not see any reason to refuse the application. The Chair moved that planning permission be granted subject to the conditions contained in the officer's report.

RESOLVED –

That planning permission be granted subject to conditions, as set out in section 8 of the officer's report.

Conditions

1. Time Limit

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

2. Approved Drawings

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:

Existing Plans

MB-SURV-PR-TS-01 Rev 01

140PINN-LP02

140PINN-PPE01

140PINN-SP06

3. Parking for No140

No development shall commence until full details of the proposed access and parking spaces to the dwelling at No140 Pinner Road have been submitted and approved in writing by the Local Planning Authority. The details shall include any changes to the ground levels and details to avoid surface water run off onto the

Highway. The parking spaces shall be installed and made available for use prior to the occupation of the development and shall be retained as approved.

4. Materials submitted

No external facing materials shall be installed on the development until full details and samples of all the materials to be used for the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in the approved materials.

5. Refuse, recycling and bicycle storage

The refuse, recycling and bicycle storage shall be constructed and installed in accordance with the approved drawings and made available for use prior to the occupation of any part of the development. The storage facilities shall be retained as approved at all times thereafter.

6. Landscaping

The hard landscaping and boundary treatments shall be installed in accordance with the approved drawings prior to the occupation of any part of the development. The soft landscaping and planting shall be implemented in accordance with the approved drawings in the first available planting season following the completion of the 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.

7. West side windows

No windows or doors shall be inserted into the west side elevation of the development.

8. Permitted Development Exemption for extensions and loft conversion

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B or C of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Informatives

1. Positive and proactive statement
2. Building regulations
3. Party Wall Act
4. Hours of construction
5. Community Infrastructure Levy

21/00971/FULM - LAND TO SOUTH OF COLONIAL WAY EITHER SIDE CLIVE WAY, WATFORD, WD24 4FL

The Development Management Manager delivered his report.

The Chair thanked the Development Management Manager and invited Ms Wakako Hirose to address the committee.

Ms Hirose stated that this site was being developed by the landowner, an institutional pension fund, with a long term interest in the site. Ms Hirose informed the committee that the existing buildings were outdated and no longer met current requirements and asserted that there was a pressing need for redevelopment and modernisation of the site.

The planned buildings would provide quality industrial accommodation and have been designed to maximise the use of the site, and comply with current policy. Additionally the proposed development would bring environmental and amenity benefits, being a significant upgrade from the existing buildings. All the proposed buildings incorporated a range of energy efficient and sustainability measures, such as PV panels and roof lights to improve natural light.

Ms Hirose went on to inform the committee that there would be 10% of the parking bays provided with EV charging points with the passive provision for additional charging points in the future. There would be enhanced landscaping to improve the visual amenity of the site. All technical assessments were in place to minimise environmental impacts of the development.

Ms Hirose concluded by noting that the application had received the officer's recommendation and she said she hoped the committee would grant the application.

The Chair commented that the application was completely policy compliant and passed the matter over to the committee for debate.

In response to a question about the amount of EV charging points, the Development Management Manager explained that there were ten charging points, each serving two cars, so the provision was for 20 spaces out of 109 spaces. It was noted that there was no current policy to require EV charging points, although one was included in the emerging local plan. Comment was also made that there was also passive provision for up to 50 spaces to have an EV point installed.

The Chair then moved that, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed in Section 8 of the officer's report.

RESOLVED –

that, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed in Section 8 of the officer's report.

Section 106 Heads of Terms

i) To secure a financial payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan for the site.

Conditions

1. Time limit

The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.

2. Approved drawings and documents

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

- Drawing Number: 36698_T. Rev: 0
- Drawing Number: 36698_01_E. Rev: 0
- Drawing Number: 36698_02_E. Rev: 0
- Drawing Number: 36698_03_E. Rev: 0
- Drawing Number: 36698_04_E. Rev: 0
- Drawing Number: 36698_05_E. Rev: 0
- Drawing Number: 2009 DLA L 01. Rev: P03
- Drawing Number: 2009 DLA L 04. Rev: P05
- Drawing Number: 2009 DLA L 05. Rev: P02
- Drawing Number: 2009 DLA L 06. Rev: P01
- Drawing Number: 2009 DLA L 07. Rev: P01
- Drawing Number: 20008- TP-001. Rev: -
- Drawing Number: 20008- TP-002. Rev: -

- Drawing Number: 20008- TP-003. Rev: B
- Drawing Number: 20008- TP-004. Rev: -
- Drawing Number: 20008- TP-005. Rev: -
- Drawing Number: 20008- TP-006. Rev: -
- Drawing Number: 20008- TP-007. Rev: -
- Drawing Number: 20008- TP-008. Rev: -
- Drawing Number: 20008- TP-009. Rev: -
- Drawing Number: 20008- TP-010. Rev: -
- Drawing Number: 20008- TP-011. Rev: -
- Drawing Number: 20008- TP-013. Rev: -
- Drawing Number: 20008- TP-014. Rev: -
- Drawing Number: 20008- TP-015. Rev: -
- Drawing Number: 20008- TP-016. Rev: -
- Drawing Number: 20008- TP-017. Rev: -
- Drawing Number: 20008- TP-018. Rev: -
- Drawing Number: 20008- TP-019. Rev: A
- Drawing Number: 20008- TP-020. Rev: -
- Drawing Number: 20008- TP-021. Rev: A
- Drawing Number: 20008- TP-022. Rev: -
- Drawing Number: 20008- TP-023. Rev: -
- Drawing Number: 20008- TP-024. Rev: -
- Transport Statement. Drafted by: David Tucker Associates. Ref: SKP/RT 22331. Dated: 18th June 2021
- Response to HCC Consultation – Trip Generation. Drafted By David Tucker Associates Ref: SKP/22331-04. Dated 29 July 2021
- Framework Travel Plan. Drafted by: David Tucker Associates. Ref: SKP/22331-04. Dated: 18th June 2021
- Preliminary Investigation Report. Drafted by: Ian Farmer Associates. Dated: September 2020
- Remediation & Verification Strategy. Drafted by: Gyoury Self Partnership. Dated: 21 June 2021
- Geo-Environmental Assessment. Drafted by: Delta Simons. Dated: April 2021
- Ground Gas Monitoring Assessment. Drafted by: Delta Simons. Dated: August 2021.
- Energy Efficiency and Sustainable Development Report. Drafted by: Synergy Building Services. Dated: 18th June 2021
- Flood Risk Assessment. Drafted by: BWB. Ref: CWW-BWB-ZZ-XX-RP-YE-0001_FRA
- Sustainable Drainage Assessment. Drafted by: BWB. Ref: CWW-BWB-ZZ-XX-RP-CD-0001_SDS
- Landscape Management and Implementation Plan. Drafted by: Davies Landscape Architects. Ref: DLA-2009-LMP-01-RevP02. Dated: May 2021

- Tree Survey and Constraints Plan. Drafted by: Davies Landscape Architects. Ref: DLA-2009-ARB-RPT-01-RevP02. Dated: May 2021
- Assessment of Noise Impact. Drafted by: Sharps Acoustics. Dated: 18th June 2021
- Additional Noise Data. Drafted by: Sharps Acoustics. Dated: 3rd September 2021
- Daylight and Sunlight Report. Drafted by: Right of Light Consulting. Dated: 18th June 2021

3. Land affected by contamination

Following demolition and necessary site clearance and prior to commencement of development approved by this planning permission a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

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
 - 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

4. Verification Report

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

5. Long Term Monitoring and Maintenance Plan for Groundwater

No development shall take place, with the exception of demolition works and necessary site clearance, until a long-term 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. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

6. Unidentified Contamination

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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

7. Borehole Management

No development shall take place, with the exception of demolition works and necessary site clearance until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes has been 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.

8. Piling

No piling, deep foundations and other intrusive groundworks using penetrative measures shall be carried out unless a detailed method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

9. Infiltration of Surface Water onto the Ground

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.

10. Reinstatement of Footway

Prior to the first occupation of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the accesses shown on approved drawing number: 20008- TP-003. Rev: B only. All other accesses or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority.

11. Parking Spaces

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 number: 20008- TP-003. Rev: B (or any subsequent drawing submitted to and approved in writing by the Local Planning Authority). The vehicular access and onsite car parking spaces and manoeuvring areas shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

12. Refuse and Cycle Stores

The development hereby approved shall not be occupied until refuse, recycling and cycle storage has been provided in accordance with approved drawing numbers: 20008- TP-020. Rev: - and 20008- TP-021. Rev: A. The storage facilities shall be retained at all times thereafter.

13. Use classes B2, B8 or E(g) only

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any subsequent legislation that amends or supersedes this Order, the floorspace hereby approved shall only be used for purposes within Classes B2, B8 or E(g)(ii) and (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended), unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction

Chair

The Meeting started at 7.30 pm
and finished at 8.35 pm