

## **DEVELOPMENT CONTROL COMMITTEE**

**21<sup>st</sup> November 2013**

### **UPDATE SHEET**

#### **Item 7**

#### **13/00972/FULM – Charter Place**

#### REQUEST TO DEFER DETERMINATION OF APPLICATION

The applicant has submitted to the Local Planning Authority two applications: one is for planning permission and the other is for listed building consent. The application for listed building consent relates to the demolition of a substantial part of the listed building at 63-65, High Street.

The applicant has requested that the determination of the planning application by the Committee be deferred in order that the planning application and application for listed building consent can be determined at the same time. The applicant has formally agreed to an extension of time for the determination of the planning application to 12<sup>th</sup> February 2014. If the request is agreed, the application will be re-presented to the Committee in January 2014.

#### AMENDED DRAWINGS

The committee report refers to a number of amendments having been requested to the design of the proposal in response to the comments of the Shape East Design Panel. These amendments have now been made to the design of the proposal and are acceptable. The amended drawings are on display. The complete set of drawings for the planning application are as follows:

AP (02) 0999 P02, 1000 P02, 1001 P02, 1002 P01, 1003 P01, 1004 P01, 1150 P01, 1151 P01, 1010 P01, 1011 P01, 1012 P01, 1015 P01  
AP (04) 1152 P05, A0249 P04, 0250 P07, 0251 P06, 0252 P08, 0253 P09, 0254 P09, 0255 P09, 0256 P08, 0257 P08  
AP (05) 1600 P10, 1601 P05, 1602 P07, 1603 P04  
AP (06) 1700 P04, 1701 P01, 1702 P04, 1703 P04

#### CONSULTATION RESPONSE FROM ENVIRONMENT AGENCY

A further consultation response has been received from the Environment Agency following their consideration of the preliminary risk assessment

requested in their initial response. They have now removed their objection subject to 6 conditions being imposed on any grant of planning permission:

1. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (Issue 03, prepared by Waterman dated 5 September) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

*[This can be substituted for Condition 11]*

2. No development approved by this planning permission shall take place until a scheme that includes the following components 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:

- 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 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.

*[This will need to be included as a new condition. The EA have confirmed the standard wording can be amended to reflect the preliminary risk assessment already submitted]*

3. 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

*[This will need to be included as a new condition]*

4. 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.

*[This will need to be included as a new condition]*

5. No infiltration of surface water drainage into the ground is permitted 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 approval details.

*[This will need to be included as a new condition]*

6. Piling or any other foundation designs using penetrative methods shall not be permitted 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 groundwater. The development shall be carried out in accordance with the approved details.

*[This can be substituted for Condition 13]*

## LETTER OF OBJECTION

A letter of objection has been received from the Open Spaces Society. The objection relates to the concurrent application for a stopping up order to stop up the various rights of way that exist within the site (principally Charter Way, Meeting Alley, the open space at ground level and the first floor walkways).

The main objection centres on the use of s.35 of the Highways Act for the creation of new walkways rather than s.25 for the creation of new public footpaths. The objection to the use of s.35 is that walkways can be closed temporarily or at will, which they do not consider acceptable. They have requested that the new link between High Street and Beechen Grove via Meeting Alley and Grove Walk be kept open at all times.

It is worth noting that the planning application does not propose the closure of the link between High Street and Beechen Grove. Although a high level glazed roof is proposed over the new open space, it is not proposed that the development would be enclosed in the way that the intu Watford centre is. Furthermore, according to the Hertfordshire County Council web site, there are no recorded public rights of way through, or affecting, the application site. It is, therefore, the opinion of your officers that the stopping up order is not a material consideration in the determination of the planning application. However, it would be relevant, from a planning point of view, to consider the imposition of a planning condition preventing the means of access from the High Street to Beechen Grove being closed off at any time.

#### AMENDMENT TO REPORT

Under the section titled 'Environmental Impact Assessment Screening Opinion' on page 79 of the agenda, in the third paragraph, the first sentence should read:

"Having regard to the criteria in Schedule 3 and the provisions of Circular 2/99 it was concluded that an Environmental Impact Assessment was not required in this case."

#### AMENDED AND ADDITIONAL CONDITIONS

Condition 1 - The applicant has requested that the standard 3 year time period for commencement be extended to 4 or 5 years in this case. This is in recognition of the fact that the Council will need to go through a compulsory purchase order procedure to acquire all of the land necessary to enable the development to be undertaken. This may lead to unforeseen delays in commencing the development. It is the applicant's current intention to commence development in May 2015. Your officers consider that a 4 year time period would be appropriate in this case. Condition 1 can therefore be amended to read as follows:

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

The conditions requested by the Environment Agency can be incorporated as follows:

11. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (Issue 03, prepared by Waterman dated 5 September) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.
13. Piling or any other foundation designs using penetrative methods shall not be permitted 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 groundwater. The development shall be carried out in accordance with the approved details.
31. No development approved by this planning permission shall take place until a scheme that includes the following components 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 submitted Preliminary Environmental Risk Assessment (by Watermans, reference EED14097-100-R.1.2.2-NS, dated October 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - ii) The results of the site investigation and detailed risk assessment referred to in (i) 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 the remediation strategy 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 written consent of the local planning authority. The scheme shall be implemented as approved.
32. 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification

plan. The long-term monitoring and maintenance plan shall be implemented as approved.

33. 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.
34. No infiltration of surface water drainage into the ground is permitted 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 approval details.

The additional condition below is proposed to address the objection from the Open Spaces Society:

35. The pedestrian link between High Street and Beechen Grove, via the realigned Meeting Alley and Grove Walk, shall be kept open at all times and shall not be gated or closed off by any means, either temporarily or permanently, to prevent the passage of pedestrians.