

DEVELOPMENT MANAGEMENT COMMITTEE

7 APRIL 2016

Present: Councillor R Martins (Chair)
Councillor G Derbyshire (Vice-Chair)
Councillors N Bell, S Johnson, A Joynes, I Sharpe, M Turmaine,
M Whitman and T Williams

Also present: Councillor Jagtar Singh Dhindsa, Councillor Mark Hofman,
Councillor Linda Topping, Councillor Mark Watkin and
Councillor Mo Mills

Officers: Development Management Section Head
Senior Planning Officer
Committee and Scrutiny Support Officer

81 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of membership for this meeting: Councillor Joynes replaced Councillor Bashir.

82 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Derbyshire advised that his son had a short tenancy arrangement on a property in Nascot Street. However since he had not discussed application 15/01532/FULM Caledonian House with his son, nor did his son have any equity in the property, Councillor Derbyshire would participate in discussions on this item.

83 MINUTES

The minutes of the meeting held on 10 March 2016 were submitted and signed.

84 15/01532/FULM CALEDONIAN HOUSE 39, ST ALBANS ROAD, WATFORD

The Committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Principal Planning Officer introduced the item, explaining that the application proposed the demolition of the existing office building and the erection of a new L-shaped building providing 93 self-contained flats, including 14 affordable units. The original application had proposed 95 flats, however the rear wing of the proposed building had been stepped down in height to address concerns from the Conservation Manager.

Attention was drawn to the update sheet, which included some clarifications, additional comments and a further planning condition.

The Chair invited Cherry Russell to speak in objection to the application. Ms Russell explained that she was speaking on behalf of local residents who, whilst accepting the need for some redevelopment of the application site, were passionate in their opposition to the current proposal.

Referring to a short presentation from residents, which had been circulated to the committee previously, Ms Russell drew attention to the scale, height and bulk of the proposed development, which would result in properties in the neighbouring conservation area being overlooked and experiencing diminished light levels.

Residents were also concerned about the effectiveness of the trees intended to help screen the new development, the mature height of which were not felt to have been accurately represented in the developer's drawings.

The Chair then invited Richard Henley from Preston Bennett Hamptons to speak in support of the application. Mr Henley underlined the collaborative and constructive nature of discussions which had taken place with council officers. In order to raise public awareness, an exhibition had also been arranged together with a leafleting campaign in surrounding roads.

Mr Henley argued that the proposed development complemented the larger buildings on St Albans Road, notably Flanders Court and the Park Inn and would not exceed the height of these buildings.

The proposed building was a significant enhancement of the existing building and was fully compliant with the council's planning policies and statutory requirements.

Thanking the speakers, the Chair invited Councillor Hofman, Nascot Ward Councillor, to speak to the committee. Councillor Hofman considered the application to be an overdevelopment of the site, affording little improvement to Watford's skyline or character. Its soviet style appearance was overbearing and out of scale and character with adjacent buildings and the Nascot Conservation Area.

Councillor Hofman also expressed concern about the relatively low numbers of affordable housing units and the overall affordability of the accommodation for local residents.

The Chair invited Councillor Watkin, Nascot Ward Councillor, to speak to the committee. Councillor Watkin reiterated residents' acceptance that some development of the site was necessary, however too little consideration had been given to the impact of the height and mass of the proposed development on local people.

The officer's report cited the height of taller buildings in the surrounding area. This ignored the fact that the buildings were located on the east side of St Albans Road, which had acted as a natural barrier to a similar scale of development in Nascot. If planning permission were granted, Councillor Watkin was concerned that the decision would set an unfortunate precedent for future taller developments on the west side of St Albans Road.

With permission from the committee, the Chair invited Councillor Topping, Ward Councillor for Nascot, to speak. Councillor Topping added her strong objections to the proposed development, underlining the inappropriate height and mass of the application in this location.

The Chair invited comments from the committee.

Committee members welcomed the quality of the design, which was an improvement on the existing building at 39 St Albans Road. However they were concerned about the scale, mass and bulk of the development in relation to the adjacent Nascot conservation area and did not concur with the officer's view that both sides of the St Albans Road could be characterised equally.

In addition, the committee lamented the shortfall in Watford Borough Council's 35% target for affordable housing in the proposal. This view was supported by comments from the council's housing department which were included in the update sheet.

Officers clarified that planning obligations, including affordable housing, should not make sustainable development unviable and that a flexible approach was required in accordance with paragraph 173 of the National Planning Policy Framework and National Planning Practice Guidance.

The council had had the viability of the scheme independently assessed by the consultants Adams Integra, who had advised that a policy requirement of 35% affordable housing would make the scheme unviable. Assessing factors such as profit levels, development costs and sales values, Adams Integra had concluded that 14 affordable units was the most affordable housing that could be deliverable on this site. As such, officers were satisfied that 14 affordable rented units was the maximum number that could be provided.

The Head of Development Management stated that a clawback mechanism could be included in a s106 planning obligation to ensure that any increased sales value above the modelled viability assessment would be appropriately split between affordable housing contributions and additional profit.

Committee members expressed additional concerns about overlooking and shading in adjacent houses and gardens in the conservation area, despite compliance with minimum distances and sunlight and daylight guidance.

In the face of overriding opposition to the proposed development by the committee, the Chair invited Councillor Sharpe to propose a motion to refuse the application.

Councillor Sharpe proposed that the application should be refused on the grounds that its height, bulk, massing and scale conflicted with local planning policies and impacted negatively on the character of the local area and conservation area.

The Head of Development Management advised members that the motion should reference the current lack of a legal agreement to secure planning obligations and affordable housing. This would safeguard the authority's position if there were an appeal and should be added for robustness.

RESOLVED –

That planning permission be refused for the following reasons:

1. The proposed development, by virtue of its height, bulk, massing and scale, would appear out of keeping with the surrounding area and would be harmful to the setting of the Nascot Conservation Area. The proposal is therefore contrary to Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31 Adopted January 2013, emerging Policies TB1 and TB2 of the draft Watford Local Plan Part 2, "saved" Policy U17 of the Watford District Plan 2000, and guidance in the Supplementary Planning Document Skyline – Watford's Approach to Taller Buildings Adopted March 2016.
2. In the absence of a s106 planning obligation for the provision of affordable housing, the removal of permit entitlement in the Controlled Parking Zone for future occupiers of the development, and the provision of fire hydrants to serve the development, the proposal is contrary to Policies HS3 and INF1 of the Watford Local Plan Core Strategy 2006-31 and "saved" Policies H10, T24 and T26 of the Watford District Plan 2000.

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**16/00018/FUL LAND ADJOINING RED LION PUBLIC HOUSE 105
VICARAGE ROAD WATFORD**

The Committee received the report of the Head of Development Management, including the relevant planning history of the site and details of responses to the application.

The Principal Planning Officer introduced the item. He explained that the application proposed the erection of two 2-storey buildings to provide 8 self-contained flats. The applicant had submitted amended plans to address concerns about the dominance of the proposed buildings in relation to the neighbouring terraced houses in Oxford Street and comments received from the Conservation Manager.

Attention was drawn to the update sheet, which included some additional representations.

The Chair invited local resident, Pascale Amouret, to speak in objection to the

application. Speaking on behalf of local residents, Ms Amouret described the historic architecture of the Vicarage conservation area. Residents considered that the proposed development would have a negative impact on surrounding properties, particularly those in Oxford Street.

The proposed development was too high and out of character with the local area. It would both overlook and restrict light into neighbouring properties and gardens. There were also concerns about the loss of protected trees on the application site and about the maintenance of the replacement planting.

Parking was a problem locally, and residents were extremely concerned about the additional parking pressures that the development would generate in surrounding roads.

The Chair invited Helen Cuthbert from Planning Potential to speak for the application. Ms Cuthbert described the development as an efficient use of the available space on the site.

Developers had consulted at length with officers at Watford Borough Council and had also sought to engage in discussions with local residents to secure the best design solution. This took into account the need to protect some trees, particularly the sycamore, and concerns about the height and impact of the development as well as any overlooking from the flats.

Occupiers of the new flats would not be entitled to parking permits for Controlled Parking Zone K, but it was considered unlikely that they would own cars.

Thanking the two speakers, the Chair invited Councillor Dhindsa, Vicarage Ward Councillor to speak to the committee. Councillor Dhindsa considered that the application was an inappropriate development for the Square conservation area, citing its disproportionate mass, bulk and scale. There was little green space in Vicarage and this development represented a significant loss.

He questioned the developer's assertion that future occupiers were unlikely to own cars, suggesting that a figure of two vehicles per household was more probable. This would present substantial parking difficulties in already overcrowded streets.

Inviting comments from the committee, members expressed the view that the modern development was ugly and out of keeping with historic buildings in the surrounding area. Whilst it might have sought to respond to adjacent buildings with its window sizes and proportions, the development did little to preserve or enhance the character and appearance of the conservation area.

There were concerns about the loss of protected trees and the signal this sent to the validity of tree preservation orders.

Members considered that the benefits of the proposed building in the Square conservation area did not outweigh the harm that would be caused to it by the development.

The Chair invited Councillor Bell to propose his motion to refuse the application.

Councillor Bell moved that the application be refused on the grounds that the development would not enhance or better reveal the significance of the conservation area. Moreover, the public benefits of the proposal, in this case the eight flats – assuming this was the optimum viability, did not outweigh the change to the conservation area.

RESOLVED –

That planning permission be refused for the following reason:

The design of the proposed development fails to preserve or enhance the character and appearance of The Square Conservation Area and is therefore contrary to Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31, “saved” Policy U18 of the Watford District Plan 2000 and national planning policy in section 12 of the National Planning Policy Framework.

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16/00124/FUL 1 RICHMOND DRIVE, WATFORD

The Committee received the report of the Head of Development Management, including the relevant planning history of the site and details of responses to the application.

The Principal Planning Officer introduced the item, explaining that the application proposed the erection of single storey, flat roofed rear extensions to the 2 detached houses approved under application reference 14/01466/FUL. The extensions would be finished in materials to match the constructed houses. No other amendments were proposed.

The Chair invited local resident Robert Teesdale to speak in objection to the application. Mr Teesdale explained that he lived at 2 Richmond Drive and was speaking on behalf of local residents.

Mr Teesdale described a timeline dating back to December 2011 when the developer’s first planning application had been rejected by Watford Borough Council. He then detailed a series of applications and failures to comply with planning conditions. Residents considered that the applicant had been deliberately deceptive in his dealings with the planning authority.

The current application was an overdevelopment which would impact adversely on neighbouring properties leading to a loss of privacy. He urged the committee to refuse planning permission.

Thanking the speaker, the Chair invited County Councillor Watkin to speak to the committee. County Councillor Watkin underlined the applicant’s apparent disregard for the planning system. He considered that the committee could refuse the current application on the grounds that it was an overdevelopment.

Although expressing concern about the applicant's conduct in regard to the planning authority, committee members argued that this did not represent grounds to refuse application 16/00124/FUL. The proposed extension was within the bounds of acceptability according to planning rules, meeting all light, outlook and privacy criteria.

The Chair moved the officer recommendation.

In accordance with Standing Committee Procedure Rules, paragraph 4.4, as an equal division of votes had been cast, the Chair used his casting vote for the officer's recommendation.

RESOLVED –

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

1. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturday, and not at all on Sundays and Public Holidays.
2. The external surfaces of the development hereby approved shall be finished in accordance with the materials specified in Discharge of Condition application 15/00396/DISCON (approved 24th April 2015).
3. The hard landscaping shall be laid out in accordance with the details shown on drawing No. 16/01 – SP02, unless otherwise agreed in writing by the Local Planning Authority.
4. The soft landscaping scheme shown on drawing No. 13/07 – SP SK01 (approved under planning application reference 14/01466/FUL) and detailed in the Landscape Specification dated January 2014 Rev A shall be carried out not later than the first available planting and seeding season after 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.
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (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.
6. The proposed windows in the north-western and south-eastern side elevations of the dwellings hereby approved shall be permanently fixed closed below 1.7m internal floor level and shall be fitted with obscured glass at all times unless otherwise agreed in writing by the Local Planning Authority.

7. The boundary treatment around the boundaries of the site and within the site shall be installed in accordance with the details shown on drawing No. 13/07 – SP SK01 (approved under planning application reference 14/01466/FUL) prior to the first occupation of the dwellings hereby approved. The boundary treatment shall be maintained at all times thereafter. Details of any alternative boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and such boundary treatment shall only be installed in accordance with any alternative details approved by this Condition.
8. The dwelling on Plot 2 shall not be occupied until the new vehicular crossover for Plot 2 has been laid out in accordance with the layout shown on drawing No. 13/07 – SP SK01 (approved under planning application reference 14/01466/FUL) or any subsequent layout that has been submitted to and approved in writing by the Local Planning Authority.
9. The dwellings shall not be occupied until the surface water drainage system for the hard surfacing to the front of the houses has been constructed in accordance with the details shown on drawing No. 119 03 A (approved under planning application reference 14/01466/FUL), unless otherwise agreed in writing by the Local Planning Authority.
10. The Construction Management Plan dated 8th February 2014 shall be implemented throughout the construction period.
11. The development hereby approved shall be constructed in accordance with the proposed finished floor level and proposed ground levels shown on drawing No. 119 02 Rev A (approved under planning application reference 14/01466/FUL).
12. The dwellings shall not be occupied until weatherproof cycle storage has been provided in accordance with the details specified in Discharge of Condition application 15/00398/DISCON (approved 9th June 2015).
13. The development hereby permitted shall be carried out in accordance with the following approved drawings:

16/01 – LP01; 16/01 – PL05; 16/01 – PL06; 16/01 – PL07; 16/01 – PL08;
16/01 – SP01; and 16/01 – SP02.

Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material

considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

2. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision. To find out more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.
3. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters. A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf
4. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on streetnamenumbers@watford.gov.uk or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.

Chair

The Meeting started at 7.30 pm
and finished at 9.45 pm