

DEVELOPMENT MANAGEMENT COMMITTEE

12 OCTOBER 2016

Present: Councillor R Martins (Chair)
Councillor S Johnson (Vice-Chair)
Councillors D Barks, N Bell, A Joynes, J Maestas, M Mills, I Sharpe
and M Watkin

Also present: Councillors Mauthoor and Asif Khan

Officers: Development Management Section Head
Development Management Team Leader (HN)
Committee and Scrutiny Support Officer (IM)

25 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

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

26 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Joynes advised the committee that, although a Leggatts ward councillor, she had not been involved in discussions with residents about application 16/00946/FUL.

27 MINUTES

The minutes of the meeting held on 1 September 2016 were submitted and signed.

28 16/00890/FUL 187 - 189 HARWOODS 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 Development Management Team Leader (HN) introduced the item, explaining that the application was for the retention and refurbishment of properties at 187-189 Harwoods Road to form one 2-bedroom flat and two 3-bedroom flats. In addition, it was proposed to demolish the existing main

building to the rear and erect an attached three storey building comprising one 1-bedroom flat and five 2-bedroom flats.

The Chair invited Sally Bownes, a local resident, to speak against the application. Mrs Bownes expressed residents' concerns about the proposed development, in particular the impact on local traffic and parking in an already densely populated area with significant parking issues. Prior to the meeting, Mrs Bownes had provided some photographs to illustrate the current problem. These had been circulated to the committee.

Residents considered that local traffic and parking problems would be exacerbated by construction vehicles and materials. They were also sceptical that the proposed car free development would actually prevent future occupants of the flats owning vehicles. It was questioned whether this policy was enforceable.

In addition, there were significant concerns about the environmental impacts of the development during construction, specifically noise and air pollution, on the local primary school. Residents sought assurance that Chater School had been consulted on the proposals.

Residents were also worried about privacy and overlooking from the proposed flats, and about the strain on local services and amenities as a result of the increase in the local population.

The Chair then invited Kevin O'Callaghan, the architect for the application, to speak in support. Mr O'Callaghan discussed the benefits of the proposed development. This included the retention of the existing houses to maintain the Victorian character of Harwoods Road, and the removal of an unattractive extension on Princes Avenue.

Mr O'Callaghan commented that the extension building on Princes Avenue was out of character with the other buildings in the street. It would be replaced by a more sympathetically designed block of flats, which would reflect features from the surrounding buildings and sit comfortably in the street.

In a clarification from the Head of Development Management, it was confirmed that Chater School had been consulted on the proposed development.

The Chair invited comments from the committee.

The committee concurred with residents' concerns about traffic and parking in the area. Local congestion was a significant issue and, although it had been agreed that future residents would not be entitled to parking permits in the

surrounding controlled parking zone, it was likely that the development would add to the demand for spaces outside its hours of operation.

The committee was also sympathetic to residents' concerns about the negative environmental impacts during construction; not least the noise and pollution close to a school. However, these concerns did not provide grounds for refusal.

Whilst the site was in a densely populated area, the committee considered that the dimensions of the proposed flats were fully compliant and, according to planning regulations, would not overlook or present privacy concerns to surrounding residents. The new building was not overbearing and presented a considerable improvement on the existing ugly and protruding extension.

The Chair moved the officer recommendation.

RESOLVED –

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

- 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: PL-187-3000 revision A (this is an amended plan that was received on 13.09.2016) PL-187-4000 revision A (these are amended elevation drawings that were received on 13.09.2016).
- 3 No work shall commence above the level of the damp-course until full details of the bricks and the roof tiles have been submitted to and approved in writing by the Local Planning Authority. The submission should include physical samples labelled with the manufacturer and model. Nor shall work above the damp-course commence until further details have been submitted to and approved in writing by the Local Planning Authority regarding the proposed finish of the flank wall of the existing building that is to be retained. The development shall be carried out in accordance with the approved details.
- 4 No windows or doors, other than those shown on the plans hereby approved, shall be inserted in the walls of this development unless otherwise approved in writing by the Local Planning Authority.

- 5 The proposed bathroom windows on the first and second floors shall be fitted with obscured glass at all times. None of the windows (whether for bathrooms or any other rooms) in the rear elevation shall be capable of being opened other than parts that are at least 1.7m above the floor of the room in which the window is installed.
- 6 Notwithstanding the details submitted in the application form, the window frames and the frames of the glazed external doors shall be aluminium, and those shall be coloured white in the retained parts of the existing building and grey in the new building, or alternatively such other material or colour may be used as has been agreed in writing by the Local Planning Authority.

Informatives

- 1 For details of how the Local Planning Authority has reached its decision on this application please refer to the planning officer's report, which can be obtained from the Council's website www.watford.gov.uk, where it is appended to the agenda of the Development Management Committee meeting of 12 October 2016; and please also refer to the minutes of that meeting.
- 2 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 2015.
- 3 This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development. A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email. If nobody assumes liability to pay the levy, this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the regulations, or commencing work without notifying the Council, could forfeit any rights you have to appeal or to pay in instalments, and it may also incur fines or surcharges.
- 4 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 more information and for advice as to whether a Building Regulations application will be required please visit www.watfordbuildingcontrol.com.

- 5 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
- 6 You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health and Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990. In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours: Monday to Friday 8am to 6pm, Saturdays 8am to 1pm. Noisy work is prohibited on Sundays and bank holidays. Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work. Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at: https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93_construction_noise
7. This planning permission is accompanied by a planning obligation in the form of a unilateral undertaking, which is binding upon the owners and their successors in title. It obliges the owners to make a contribution to the varying of the local traffic order when work commences on implementing this permission. It includes an obligation to inform the Local Planning Authority when work commences by contacting the Section 106 Co-Ordinator in the Planning department. The effect of the planning obligation will be to exclude the flats from entitlement to permits for the local Controlled Parking Zone.

16/00946/FUL LAND TO THE REAR OF 177-187 GAMMONS LANE, 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 (HN) introduced the item. He explained that the application proposed the demolition of the existing garages and the erection of five houses with associated car parking spaces, integrated garages and provision for vehicular access and landscaping.

The Chair invited Martyn Tott, a local resident, to speak against the application. Speaking on behalf of local residents, Mr Tott argued that this was a further application in a series of similar developments in the Leaford Crescent area which had led to a significant rise in local housing density. The application was an overdevelopment and contrary to the Watford Plan.

Residents were worried about access to the site from Leaford Crescent. A 20mph limit had been introduced on the road, partly in response to restricted visibility around the sharp bend in the road further down from the proposed access. The increase in traffic resulting from the development would exacerbate road safety concerns, particularly in the expectation that a further development of the site would be undertaken.

Mr Tott cited changes to the rules governing back garden developments announced in 2010. These were intended to transform councils' ability to prevent unwanted development on gardens where local people objected.

The Chair invited Jane Wakelin, from Wakelin Associates Architects, to speak in support of the application. Ms Wakelin stated that additional local housing was needed and the use of residential land protected further encroachment on the green belt.

Ms Wakelin argued that the Council was not contravening changes to the guidance on back garden developments. The proposed scheme could not be described as an overdevelopment, achieving separation distances well in excess of the Council's own standards. She noted that the Council's arboricultural officer had not raised any objections to the development.

The bespoke architectural design met all planning requirements and, despite residents' concerns about access, there had been no objections raised by the highways authority.

The Chair invited Councillor Mauthoor, Leggatts Ward Councillor to speak to the committee. Councillor Mauthoor explained that she was both a resident and a ward councillor. She had moved to the area, drawn by its space, greenery and peacefulness. These had been eroded over time, with rising problems around parking, traffic, and excessive back garden developments.

Councillor Mauthoor described a close knit community. It was strongly opposed to the proposed development, which was overbearing, would overlook existing properties and change the character of the area.

In a clarification, the Head of Development Management stated that, although the government's announcement on back garden developments in 2010 had removed such land from the definition of "previously residential land", other areas of policy remained unchanged. The National Planning Policy Framework stated a presumption in favour of sustainable development, that being development which complied with the development plan. The proposed development was considered to comply with policy H9 of the Watford District Plan 2000 and should therefore be approved.

The Chair invited comments from the committee.

Members discussed various aspects of the application, including back garden development, access to and from the site on to Leaford Crescent and the impact through loss of light on neighbouring properties. The Head of Development Management and Development Management Team Leader responded and spoke about each of the issues raised by the committee.

Some of the committee were still concerned about the number of back garden developments, which had been undertaken in and around Leaford Crescent. The proposed development appeared to be inappropriate, segregated from surrounding properties and out of character with the local area.

The committee also expressed the view that the new properties would overshadow existing dwellings.

In addition, the committee expressed significant concerns about road safety, despite the silence of the highways authority on the issue, as well as officer assurances about the width of the access roads and the visibility this would afford onto Leaford Crescent.

The Chair commented that there were no grounds for refusal on highways grounds and suggested that local councillors worked with the highways authority to discuss the issues in this area.

On being put to the committee, the officer's recommendation was LOST.

The Chair invited Councillor Maestas to propose a motion to refuse the application. Councillor Maestas proposed that the application be refused on the grounds that it would be segregated and did not fit in with the area.

RESOLVED –

that planning permission be refused on the grounds that the proposed development, by reason of its siting (in a rear garden), design and layout would result in a cramped form of development which would be segregated from the surrounding properties and therefore have an appearance which is visually incongruous (given the setting) and would fail to harmonise with the character and appearance of the surrounding area. The proposal is detrimental to the visual amenity and character of the surrounding area and contrary to Policy UD1 of the Watford Local Plan Core Strategy (2006-2031) adopted 2013 and the design principles set out in National Planning Policy Framework 2012 which requires the development to enhance the character of the environment.

Chair

The Meeting started at 7.30 pm
and finished at 9.20 pm