

DEVELOPMENT MANAGEMENT COMMITTEE

8 MARCH 2017

Present: Councillor R Martins (Chair)
Councillor S Johnson (Vice-Chair)
Councillors D Barks, S Bashir, N Bell, R Laird, I Sharpe and
M Watkin

Also present: Councillor P Taylor

Officers: Deputy Managing Director - Place Shaping and Corporate
Performance
Development Management Section Head
Development Management Team Leader
Development Management Team Leader
Committee and Scrutiny Support Officer

63 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of membership for this meeting: Councillor Laird replaced Councillor Maestas. Councillor Joynes had sent apologies.

64 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Laird advised that he had had professional dealings with the applicant for agenda item 6 (15/01787/FULM 53 Clarendon Road) previously. However he had not had any contact with the applicant in regard to the current development proposal.

Councillor Sharpe commented that whilst there had been much focus within his ward regarding agenda item 4 (Hertsmere Borough Council ref.16/2272/FUL), he had not been involved in any detailed discussions on the application.

65 MINUTES

The minutes of the meeting held on 15 February 2017 were submitted and signed.

66 HERTSMERE BOROUGH COUNCIL REF.16/2272/FUL 37, BUCKS AVENUE

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 (PB) introduced the item, explaining that the application took the form of a consultation from Hertsmere Borough Council on development adjoining the borough. This was for the demolition of 37 Bucks Avenue and equestrian facility and the redevelopment of the site to include 24 dwellings (including 8 affordable). All dwellings would be served by modifying the existing access from Bucks Avenue/Sherwoods Road (amended scheme).

It was noted that the current consultation followed earlier discussions by the Development Management Committee in November 2015, relating to a scheme for the development of the site for 34 dwellings.

Attention was drawn to the update sheet, which included a correction to the report. In addition, the committee was advised that Hertsmere Borough Council would be considering the application at their committee on 16 March 2017. The officer recommendation was for approval.

The Chair invited Kim Baxter to speak against the application. Ms Baxter explained that she was speaking on behalf of the Oxhey Village Environment Group (OVEG), which had a number of objections to the application. Ms Baxter circulated some explanatory diagrams to assist her presentation.

Ms Baxter explained that whilst residents welcomed changes in the current application, not least the reduction in the total number of dwellings, the design of the accommodation and the improved parking arrangements, concerns remained. Citing National Planning Policy Framework (NPPF) guidance, Ms Baxter advised that inappropriate development was harmful to the Green Belt and should not be approved except in very special circumstances. The current application did not meet these circumstances.

Despite a reduction in the number of dwellings, the current proposal would increase the total volume of Green Belt taken up and reduce access. OVEG supported a more modest development, which would remove a further eight dwellings to reduce encroachment on the Green Belt.

The Chair invited Iain Taylor from Clover Court Fusion to speak for the application. Mr Taylor explained that he was the agent for the application. Outlining the planning history of the site, Mr Taylor reported that a large number of changes had been made to the design and layout in the current proposal to meet with criticism of the previous application for 34 dwellings. This would

afford greater openness on the site and would secure access to 2.5 hectares of Green Belt on a permanent basis.

The developer was proposing to make improvements to the biodiversity of the site and to assist public recreation opportunities, following acceptance of the loss of the riding school to the local area.

The Chair invited Oxhey Ward Councillor Peter Taylor to speak to the committee. Councillor Taylor highlighted residents' concerns about the developer's public campaign to favour the new scheme. This might have skewed apparent support for the application in letters to the council.

Considering the NPPF guidance, Councillor Taylor suggested that the proposal did not demonstrate the very special circumstances required to enable development of the Green Belt, despite provisions relating to the redevelopment of brownfield land. Eight of the proposed houses would be built on greenfield land.

In addition, Councillor Taylor suggested that the development would impact more on local residents due to its closeness to the boundary properties. Moreover, contrary to the officer's report, he did not consider that the new layout of the houses would improve openness due to the narrowness of the gaps between some of the dwellings.

In response to a query from the Chair, the Development Management Team Leader advised that the development of brownfield land provided an exemption to restrictions on building on the Green Belt. However, this did not permit development of the entire curtilage of the former riding school site. The committee would be required to make a judgment on whether the exemption had been met in this proposal.

Considering the question of openness, the Development Management Team Leader further advised that greater openness had been achieved by some buildings being sited on greenfield land to give a more open and less clustered layout. He also advised that the proposals would increase public access to the Green Belt land and that access to the Green Belt for recreation would be a planning benefit. Members of the committee would need to consider whether this represented a harmful impact on the Green Belt.

The Head of Development Management clarified that committee members should note there was no right to a view from existing properties.

The Chair invited comments from the committee.

The committee welcomed the revised development proposal for the site, which had responded to their previous criticisms particularly in regard to the number of houses and to their character and appearance. Committee members considered that the new layout of the houses, although on Green Belt land, had opened up the site. The volume of the proposed buildings was very similar to that of the existing buildings and had been broken down into smaller units, which was more acceptable.

Despite some reservations about encroachment on the Green Belt, which members acknowledged should be protected, and the extent of public access to the land, most of the committee concurred with the planning officer's report.

However some committee members continued to express reservations about the detrimental impact on the Green Belt. Whilst agreeing that the feeling of openness of the site was subjective, they considered that the developer had not demonstrated the need to encroach further on Green Belt land. A further reduction in the number of dwellings should be considered. In addition, they asserted that the recreational benefits of the redeveloped site had been reduced in the revised proposal.

The Chair invited Councillor Sharpe to propose a motion to object to the planning application before Hertsmere Borough Council.

Councillor Sharpe proposed that the committee should object to the application on the grounds that it was an excessive development extending beyond the footprint of the existing buildings, encroaching unacceptably on the Green Belt and resulting in a reduction in its openness.

On being put to the committee, the motion was LOST.

The Chair moved the officer recommendation.

RESOLVED –

That Hertsmere Borough Council be advised that Watford Borough Council has no objection to the application but would wish to see conditions imposed on any grant of permission to cover the following matters:

1. That no part of the development shall be occupied until the existing access to Bucks Avenue has been modified and constructed in full, as shown in principle on drawing no. 16-P1329-11B (Ascot Design).

2. That the trees along the south-western boundary and along the north-western boundary are retained and measures installed to protect the trees during demolition and construction works.
3. The development shall provide at least 60 car parking spaces.

67

16/01245/FULM CLARENDON HOUSE, 33, BRIDLE PATH

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 (PB) introduced this item. He explained that the application was to demolish the existing office building and erect a mixed-use building of 4, 9 and 14 storeys incorporating 1,800m² of office floorspace and 41 residential flats.

Attention was drawn to the update sheet which included some clarifications on the officer's report, particularly in regard to the viability of the scheme.

The Chair invited Adam Murray from Coda Planning to speak for the application. Mr Murray advised the committee that this was an exciting, landmark development which had evolved over a number of years. On-going discussions had been held with planning officers to devise the most workable scheme for the site, which would see a near doubling of the amount of office accommodation available and some 41 residential flats. The development was in a sustainable location and there would be no on-site parking provision.

A payment of £368,000 had been agreed with the council in lieu of affordable housing provision on site.

Before opening out discussions to the committee, the Chair commented that he had concerns about the lack of affordable housing provision in the proposals. This contravened the council's own policies, which required 35% affordable housing provision on all new residential sites over a certain size. The Chair commented that the committee had a duty to balance the developer's desire to make a profit against the Council's need to meet its requirement for affordable housing. He considered that more information was required about the developer's viability assessment for this scheme to enable the Committee to make that judgement.

Whilst welcoming the overall design of the tall building and the proposed mixed use development, the committee agreed that viability was proving a key issue in decision making for planning applications. As such, it was important that all

relevant information should be made available to the committee members in order to make informed decisions. This included full access to any viability reports.

As a consequence, it was agreed that a decision on this application be deferred to allow time for a full scrutiny and assessment of the developer's viability report.

The Head of Development Management reported that he would arrange a meeting with the council's advisers, GL Hearn, for councillors to help determine how the council should instruct consultants in future applications on the question of viability.

RESOLVED –

That a decision on the application be deferred, pending full consideration by the committee of the developer's viability report and rationale in regard to its offer of £368,000 for off-site affordable housing provision.

68

15/01787/FULM 53, CLARENDON ROAD

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 this item, explaining that the application was for the redevelopment of the site to provide a mixed use development with the erection of a building of up to 11 storeys. This would comprise 6,247m² of office accommodation, 140m² of coffee bar use and 59 dwellings (21 affordable).

Attention was drawn to the update sheet, which included some additional information received since the committee papers were published.

A model of the development was available for viewing in the Council Chamber.

The Chair invited Nick Shute from Nick Shute Associates to speak against the application. Speaking on behalf of four of the current business occupiers at 53 Clarendon Road, employing some 250 employees, who would be displaced (possibly outside the borough) if this redevelopment were permitted, Mr Shute stated that Clarendon Road should be protected as an employment area. This was in line with the council's own policies which had sought to prevent office to residential conversions.

Businesses were concerned that placing residential development in the heart of the town's main office area would increase congestion and downgrade the quality of Clarendon Road for business. It would limit the future redevelopment potential of adjoining businesses for office purposes and its height would dwarf surrounding buildings on Monmouth Road.

Mr Shute also questioned whether the council's procedural rules had been followed correctly for this application.

Responding to this last point, the Head of Development Management refuted that there had been any procedural irregularities in this application. All required procedures had been followed strictly by officers, including undertaking the appropriate consultations and placing press advertisements and site notices relating to the amended plans.

The Chair invited comments from the committee.

Members of the committee considered the scheme to be both well designed and an efficient use of land, which would enhance the quality of office space on Clarendon Road. Although the development would be higher than surrounding buildings, the committee accepted that the council's Supplementary Planning Document, Skyline (Watford's Approach to Taller Buildings), had identified Clarendon Road as a suitable location for taller buildings.

The committee also welcomed the additional housing in the mixed development, which was a common feature in central London. The sustainable accommodation was considered to provide a good level of amenity space and would include 35% affordable housing units for which there would be a separate entrance to allow easier management of the flats.

Committee members noted that the developer had sought to ensure that the amenities of the adjoining occupiers in terms of loss of light and privacy had been reasonably protected.

The Chair moved the officer recommendation.

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 below:

Section 106 Heads of Terms

- i) The provision of 21 units of affordable accommodation in accordance with Policy HS3 of the Core Strategy.
- ii) The payment of £2,000 towards the variation of the relevant traffic regulation order to exclude the development from the local controlled parking zone, to ensure future residents of the development are not entitled to resident's permits, in accordance with saved Policy T26 of the Watford District Plan 2000.
- iii) The provision of fire hydrants to serve the development in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000 if this were to be required.

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 hereby permitted shall be carried out in accordance with the following approved drawings:- PL_005, 099, 100101, 106, 107, 108, 109, 110, 111, 120, 201, 202, 301, 302, 303, 304, 305, 501, 502, 503, 504, 505 and 521.
- 3. No construction works shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors and balconies) have been submitted to and approved in writing by the Local Planning Authority.
- 4. The development hereby permitted shall be carried out in accordance with the approved surface water drainage assessment carried by ESI consultancy.
 - i) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 - ii) Undertake the drainage in specified Proposed Surface Water Drainage Strategy (report ref; 64499.00.01R1) finalised February 2017
 - iii) Implement appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

5. No development above damp proof course shall take place until a detailed surface water drainage scheme for the site based on the approved Drainage Strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - i) Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
 - ii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
6. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.
8. No part of the development shall be occupied until the refuse and recycling store to serve the development, as shown on the approved drawings, has been constructed and made available for use. This facility shall be retained as approved at all times.
9. No part of the development shall be occupied until a detailed soft landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include the depth of the planter boxers over the basement areas as well

as those over the terraces. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of 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.

10. No part of the development shall be occupied until a detailed hard landscaping scheme for all the land within the site, including details of all site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.
11. The office floorspace shall not be occupied until a detailed Travel Plan, based upon the Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance', has been submitted to and approved in writing by the Local Planning. The travel plan shall then be implemented in accordance with the approved scheme thereafter.
12. No dwelling shall be occupied until details of a communal terrestrial television aerial(s) and satellite dish(es) have been submitted to and approved in writing by the Local Planning Authority.
13. For the avoidance of doubt, no communications development permitted by Class B or Class C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be undertaken on the building.
14. No plant or equipment shall be sited on the external elevations of the building unless details of the plant or equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include size, appearance, siting and technical specifications relating to noise.
15. No development above damp proof course level shall take place until a detailed scheme in respect of the natural ventilation for the development hereby approved has been submitted to and approved in writing by the local planning authority. The ventilation system shall then be implemented in accordance with the approved scheme and retained as such thereafter, unless a subsequent scheme is agreed in writing by the local planning authority.

Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & 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.

2. 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 (semeta.bloomfield@watford.gov.uk).

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 and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure a financial payment towards the provision of affordable housing in the Borough and to exclude the development from the local controlled parking zone.

4. All new developments 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.

5. With respect to crime prevention issues you are advised to follow the following:
 - It will be important for residents when returning to their home, that the walkway from Clarendon Road to the residential block is welcoming with suitable lighting, so as to reduce any fear of crime. I would recommend suitable CCTV coverage of the outside area as well as the ground floor entrance areas, to help deter any offenders.

 - The basement parking to be secured with suitable access control for vehicle access. This will help protect parking for the intended users, as well as protecting this area from criminals and rough sleepers, and thus reducing a fear in crime for users. The stair core areas from the basement parking will need to be to a security level to stop tailgaters gaining access to the residential and commercial internal areas.

 - In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

 - The development to adhere to the physical security standards of Secured by Design.

6. 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. The Council also gave advice on the proposal and sought amendments during the application process.

Chair

The Meeting started at 7.30 pm
and finished at 9.30 pm