

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**19 APRIL 2017**

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

Also present: Councillors Cavinder, Collett and Saffery (agenda items 77 and 78) and Taylor (agenda item 77)

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

### **74 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**

There were none.

### **75 DISCLOSURE OF INTERESTS (IF ANY)**

There were none.

### **76 MINUTES**

The minutes of the meeting held on 29 March 2017 were submitted and signed.

### **77 16/01621/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 introduced the item, explaining that this was a duplicate application to Hertsmere Borough Council for the demolition of 37 Bucks Avenue and equestrian facility and the redevelopment of the site to include 24 dwellings (including 8 affordable), to be served by modifying the existing access from Bucks Avenue/Sherwoods Road (amended scheme).

It was noted that the part of the development falling within the jurisdiction of Watford Borough Council as the Local Planning Authority was the modified access and the first 13m of the access road within the site. As such, only matters relating to the access were relevant planning considerations. All other aspects of the proposal fell under the jurisdiction of Hertsmere Borough Council, which had granted planning permission for the proposed development at its meeting on 16 March 2016.

Attention was drawn to the update sheet, which included a corrected drawing reference and listed the additional representations received.

The Chair invited Kim Baxter from Oxhey Village Environment Group (OVEG) to speak against the application. Ms Baxter outlined residents' concerns about the highway, which had recently seen a minor vehicle collision. Residents considered that too little attention had been given to the highway issues affecting the development and it was questioned whether Hertfordshire County Council had, in fact, ever visited the site to take accurate measurements of the access from Bucks Avenue/Sherwoods Road.

Listing the exact measurements of the access road and referring to the National Joint Utilities Group guidance, Ms Baxter suggested that good practice required greater consultation between the utility companies regarding service margins, which would then inform discussions with the emergency services regarding safe access. In the absence of any such consultation, Ms Baxter urged the committee to refuse or defer the application pending further consideration of the issues.

The Chair invited Graham Bellamy on behalf of Clovercourt Fusion to speak to the committee. Mr Bellamy explained that he was the highways consultant to the applicant and drew the committee's attention to the existence of a full transport statement which had accompanied the application. This had been considered by the Hertfordshire County Council.

Mr Bellamy explained that the new development would result in a relatively small number of additional vehicle movements. The proposed gateway design was an improvement on the existing access and would control speed to the benefit of neighbours and other road users. It would also provide sufficient access for large vehicles. As such, there were no credible grounds to refuse planning permission.

The Chair invited Oxhey Ward Councillor, Peter Taylor, to speak to the committee. Reiterating the concerns of residents, Councillor Taylor suggested that the layout of the road was dangerous and liable to cause an accident as had been seen recently.

Since the safety of residents was the primary concern of councillors, he considered it prudent to defer any decision pending proper consultation with and between the utilities and emergency services regarding safe access to the development.

The Chair invited comments from the committee.

Whilst the committee acknowledged that the access to the approved development in Hertsmere was sited at a difficult intersection of roads, it was apparent that no objections had been raised by Hertfordshire County Council as the Highways Authority or by Hertfordshire Fire and Rescue Service.

In a clarification by the Head of Development Management, the committee also noted that highway engineers from Hertfordshire County Council had visited the site.

Having been advised that servicing issues were not material planning considerations and should not therefore form part of the committee's decision making on this application, members of the committee considered that there were no grounds for deferral or refusal.

The Chair moved the officer recommendation.

In accordance with Standing Committee Procedure Rules 4.5, Councillor Sharpe requested it be recorded that he voted against the officer recommendation.

RESOLVED –

that planning permission be granted subject to the following 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:-  
  
16-P1329-LP-A  
16-P1329-01C, 11C, 16C  
4933/001A
3. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in

writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

4. No occupation of any dwelling forming part of the development shall be occupied until the existing vehicular access on Bucks Avenue has been upgraded as indicated on drawing number 4933/001A. This shall include provision for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway, together with any necessary adjustments to the drainage system on the adjoining public highway.

78

#### **17/00240/FUL LAND AT BUTTERMERE PLACE, LINDEN LEA**

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 introduced the item. He explained that the application was for the demolition of the garage court, incorporation of garden space at 111-121, Linden Lea into the site and erection of a two storey block of six flats with car parking.

Attention was drawn to the update sheet which listed some additional representations which had been received.

The Chair invited Woodside Ward Councillor, Glen Saffery, to speak to the Committee. Councillor Saffery outlined the concerns of local residents regarding the lack of car parking provision in the area around the application site.

Whilst the eleven parking spaces included in the application were welcome, Councillor Saffery considered that the loss of casual car-parking spaces as a result of the development would impact detrimentally on already congested roads.

Should planning permission be granted, Councillor Saffery sought assurances that the access needs of local residents would be respected during construction.

The Chair invited comments from the committee.

Members of the committee were sympathetic to residents' concerns about parking. This issue was raised frequently in all wards, particularly in regard to

planning applications, and had been discussed previously at development management committee. It was suggested that ward councillors should consult with Watford Borough Council's parking officers and with their county council colleagues to see if solutions to acute concerns could be devised.

However, since the existing parking issues on Linden Lea remained outside the remit of the committee, members agreed that there were no grounds to refuse the current application.

The Chair moved the officer recommendation.

RESOLVED –

that planning permission be granted subject to the following 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 drawing:-

931.03 Rev.D

3. No construction works shall commence until details of the materials to be used for all the external finishes of the building, including walls, roof, balconies, doors and windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.
4. No dwelling shall be occupied until full details of a soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the retention of the existing trees along the western boundary, measures to protect these trees during construction works, and new tree planting within the site. The approved tree protection measures shall be implemented before construction works commence and shall be retained throughout the construction period. The approved planting scheme 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. No dwelling shall be occupied until full details of a hard landscaping scheme, including details of all site boundary treatments and all fencing within the site, have 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.
6. No dwelling shall be occupied until a sustainable drainage scheme for the drainage of the car parking spaces has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full.
7. No dwelling shall be occupied until details of the refuse and recycling store to serve the development, as shown in principle on the approved drawing, have been submitted to and approved in writing by the Local Planning Authority, and the store has been constructed and made available for use. This facility shall be retained as approved at all times.
8. No dwelling shall be occupied until details of a secure and weatherproof cycle store to serve the development, as shown in principle on the approved drawing, have been submitted to and approved in writing by the Local Planning Authority, and the store has been constructed and made available for use. This facility shall be retained as approved at all times.

#### 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/neighbor\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_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](mailto: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. 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](mailto: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.
4. 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.

79

#### **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 introduced the item, explaining that the application was for the demolition of the existing office building and erection of a mixed-use building of 4, 9 and 14 storeys incorporating 1,800m<sup>2</sup> of office floorspace and 41 residential flats.

The application had been considered previously by the committee on 8 March 2017, when it was decided to defer a decision, pending full consideration of the developer's viability report and rationale in regard to its offer of £368,000 for off-site affordable housing provision.

The Chair invited Adam Murray from Coda Planning to speak for the application. Mr Murray described the lengthy discussions which had taken place with planning officers to agree an exciting, landmark development which would provide a near doubling of the current office accommodation available.

Referring to the viability report which had been received by the committee and addressing the £368,000 payment in lieu of affordable housing, Mr Murray advised that this sum had been achieved by reducing the developer's profit margins. The one-off payment, rather than a sliding scale arrangement, was intended to provide greater clarity and certainty for both sides.

The Chair invited comments from the committee.

Committee members welcomed the mixed-use design of the development within the town's designated employment area. This successfully combined modern, high quality office space on its lower floors with much needed housing on its upper storeys.

However, committee members were mindful of the need for affordable housing in the borough and were frustrated by the developer's claim that viability issues prevented adequate provision in the scheme. It was noted that, according to the council's own guidelines, the development should have provided 14 affordable dwellings. The developer's £368,000 payment in lieu of this provision was considered derisory.

The committee noted that the original contribution from the applicant had been £150,000. Following an in depth analysis of the viability, this contribution was challenged by officers and was subsequently agreed by the applicant. Committee members were aware that officers had proposed that the time limit for commencement of the development was two years, as opposed to the normal three years, so that the matter of viability would need to be reconsidered as part of any new application if the development were not commenced during that time.



Members of the committee questioned the profit levels enjoyed by the developer and the apparent lack of social responsibility this engendered. The ability of developers to use viability as an excuse to avoid affordable housing provision was fuelling higher land prices. As a consequence, Watford was becoming unaffordable for many workers.

Notwithstanding these arguments, the committee accepted that the application needed to be considered in accordance with adopted local and national planning policies. There were no grounds for refusal.

The Chair moved the officer recommendation.

In accordance with Standing Committee Procedure Rules 4.5, Councillor Bell requested it be recorded that he abstained from voting for or against 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) To secure a financial contribution of £368,000 towards the provision of affordable housing in the Borough of Watford;
- ii) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.

#### Conditions

- 1. The development to which this permission relates shall be begun within a period of two years commencing on the date of this permission.
- 2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

2259 (90) 001, 002

2259 (08) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010

3. No construction works shall commence until a detailed noise mitigation scheme for the proposed flats (to include acoustic glazing, acoustic trickle vents and mechanical purge ventilation), to protect the future occupiers from noise from rail traffic on the adjacent railway line and the plant and equipment associated with the adjacent Holiday Inn Express and Egale office building, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the internal noise levels for individual rooms as set out in British Standard 8233: 2014.
4. 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.
5. No construction works shall commence until details of the window reveals for the office glazing and the windows to the flats have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved materials.
6. The development hereby permitted shall be carried out in accordance with the approved surface water drainage assessment carried out by JMP (ref. NW91602-FRA-01 dated July 2016) and the following mitigation measures detailed within the FRA:
  - 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 as indicated on drawing titled 'Conceptual Drainage Plan' reference NW91602-DR-02.
  - 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.

7. No development 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.
8. 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.
9. 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.
10. 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.
11. 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 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.

12. 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.
13. No part of the development shall be occupied until details for the secure and weatherproof storage of 58 cycles (41 for residents of the flats and 17 for occupiers of the office floorspace) have been submitted to and approved in writing by the Local Planning Authority, and the facilities have been provided as approved. These facilities shall be retained at all times.
14. 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.
15. 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.
16. 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.
17. 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.

#### 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/neighbor\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_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](mailto: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](mailto: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. 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.

80

## **REVIEW OF PERFORMANCE OCTOBER 2015 TO DECEMBER 2016**

The committee received the report of the Head of Development Management. This report had been deferred from the previous meeting on 29 March 2017 in the absence of the Head of Development Management in order to allow him to respond directly to questions and comments from the committee.

The committee thanked officers for the good performance. It was agreed that it would be good practice to undertake an annual review as part of the continued learning for the council.

Whilst performance exceeded the current targets, members were mindful that the government target for appeal decisions on major applications had been reduced recently from 20% allowed on appeal to 10%. As a consequence, it would not require local planning authorities to lose many appeals before this threshold was reached.

Members were asked to identify any training needs, in addition to the general training provided for them as part of their committee role. It was agreed that training sessions on development viability and design issues would be useful.

**RESOLVED –**

that the committee note the content of the report on the performance of Development Management.

Chair

The Meeting started at 7.30 pm  
and finished at 9.15 pm