

DEVELOPMENT MANAGEMENT COMMITTEE

27 JULY 2016

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

Also present: Councillor Jagtar Singh Dhindsa

Officers: Development Management Section Head
Applications Casework Manager
Member Development and Civic Officer

9 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There were no apologies for absence.

10 DISCLOSURE OF INTERESTS (IF ANY)

There were none.

11 MINUTES

The minutes of the meeting held on 29 June 2016 were submitted and signed.

12 16/00735/FUL LAND ADJOINING AND ASSOCIATED WITH THE 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 the responses to the application.

The Applications Casework Manager introduced the item, explaining that the application proposed the erection of two 2-storey buildings to provide eight 1-bed flats, including landscaping and arboricultural works.

He reported that the application followed a previous scheme (16/00018/FUL). This had been refused planning permission at the Development Management Committee on 7 April 2016. At that meeting, the Committee had cited concerns about the design of the proposed buildings, which they felt did little to preserve

or enhance the character and appearance of the Conservation Area. The Committee had suggested that a more traditional design would be appropriate. The current application sought to address those concerns.

It was noted that the footprint and siting of the proposed buildings were unchanged compared to the previous application.

With reference to page 37, of the report (at paragraph 6.24, 'Sunlight and daylight'), the Head of Development Management reported on the revised scheme's association with to the 25 degree rule for assessing the impact of new development that is parallel to existing properties. In comparison to the previous application, the provision of pitched roofs would increase the maximum height of the buildings. However, the roofs would slope away from the rear boundary, thus limiting their impact. Additionally, the proposed buildings would not infringe the 25 degree line measured from the ground floor windows at the rear of the properties in Oxford Street and therefore there would not be a significant loss of sunlight or daylight to the habitable rooms of the neighbouring properties. The proposed buildings would cause some overshadowing of the end part of the neighbouring rear gardens in the morning. However, it was not considered that there would be significant overshadowing of the main outdoor amenity areas.

The Chair invited Ms. Pascale Amouret, a local resident, to speak against the application. Her primary concern was that the development would be intrusive. She was apprehensive at the loss of amenity, owing to the removal of some trees. The proposals in this regard were wholly inappropriate, as some of the trees had many years' useful life left before reaching maturity. Parking in this already congested area was a great concern, as she believed that the on-road restrictions would not deter the flats' occupants in adding to parking problems. She considered that the fence adjacent to the alley, proposed at 1.80m high, would not safeguard neighbours' privacy and should be at least 2.5m tall.

Ms. Amouret, in concluding, considered that the area's schools and doctors' surgeries were already under pressure, without the addition of this development. Looking to the future, she felt that the land could more usefully be employed as car parking for the Red Lion public house, once it became operational again.

The Chair invited Helen Cuthbert from Planning Potential, the agent for the application, to speak in support of it. She considered that the re-design of the proposed scheme with pitched roofing represented a more sympathetic approach to the Conservation Area. In her view, the existing properties had steeper roofs than the ones on the proposed application. Parking and tree cover had not been raised as issues when the original application was considered. At

the present time she would ask for the appeal to be put on hold and it would be withdrawn in the event of permission being granted. Referring to the revised design (pages 9-13 of the report), she considered that the development would enhance the Conservation Area and bring a new beneficial use to the land.

The Chair then invited Councillor Jagtar Singh Dhindsa, Vicarage ward councillor, to speak to the Committee. Councillor Dhindsa stated that he was very familiar with the area, which he considered already to be over-developed. Existing parking arrangements were a critical issue, which would probably be worsened with the additional pressure of a new station created by the Metropolitan Line Extension and the hospital development; therefore the development was very unwelcome in his view. The most appropriate use for the site, he contended, was in respect of car parking provision for the Red Lion public house. He felt that the developer's comments about an appeal were an unnecessary distraction to the Committee and should be discounted. He also considered that the Tree Preservation Orders were an unnecessary imposition, to appease the developers. He urged the Committee to refuse the application.

The Chair invited comments from the Committee.

With reference to paragraph 6.24, regarding overshadowing, Councillor Bell considered that no light infringement to properties on Oxford Street should be entertained. He considered that the view expressed in the report at paragraph 6.26 (page 37) that "the proposed development would have no adverse effect on the residential amenities of neighbouring properties" was of questionable validity. He felt that the addition of eight flats could not be of public benefit. The reference at paragraph 6.12 (page 34) about the state of the land was not an adequate justification to grant permission, and consent would set an unacceptable development precedent. Residents had genuine concerns about the operation of the Zone K parking regime, which he considered required a review. In conclusion, he stated that he would not be supporting the application.

Councillor Sharpe reminded the Committee that the previous application (16/00018/FUL) had been refused by the Committee without reference to car parking or tree cover. All applications in Watford were always considered against the planning regime, with an assumption towards sustainable development. In his view, the Committee had no right to require the developer in this instance to consider car parking for the public house. At present the only reason to consider refusal was to judge whether the new design elements had overcome the concerns previously expressed by the Committee. He considered that the proposal was now more traditional in design and in keeping with the visual appearance of the public house. The changes to windows afforded a more domestic appearance and the light coloured gault brick work on the first floor

would be in keeping with the public house's appearance. He concluded by stating that he would be supporting the application.

The Chair requested further clarification from the Head of Development Management on the overshadowing aspects of the development. The latter responded by stating that, in general, planning rules had a set threshold, after which point proposals became unacceptable. The rules acknowledged that no development was without impact. To justify refusal, a proposal would have to breach the threshold. There was a public interest in the Council making consistent decisions and proactively providing sound advice. This application should be considered in the light of material considerations and consistency. In his view, the developer had taken on board previous comments and had, to their credit, attempted to bring forward proposals on the basis of that guidance.

The Chair asked about the suitability of raising the level of the fence. The Head of Development Management responded that, in the event of a grant of permission, if this was the wish of the Committee, a condition could be imposed to ensure a higher fence.

Councillor Watkin stated that when the original development proposal was put before the Committee, he considered that it was acceptable. The amended proposal's design aspects were less sympathetic than previously and on this basis he would not be supporting the application.

Councillor S Johnson raised the possibility of the original scheme being re-introduced in the event of a refusal. He considered that the amended proposal was marginally better.

The Chair summed up the debate at this point, concluding that the Committee considered the proposal to be harmful to the local area.

Councillor Joynes requested clarification on the height of the buildings, which seemed taller than depicted in the previous application. The Head of Development Management advised the Committee that the ridgeline was higher but that the eaves were lower. The final judgment would be whether, set within the street scene, this appeared acceptable. For the Committee's information, he explained that the Council's Tall Building Policy did not apply to developments such as this.

Councillor Barks considered that the developer had made a commendable effort to align the structure to the public house in its amended design. However, he was still minded to refuse the application.

Councillor Bashir felt some unease about the design elements and was also of the view that the application should be rejected.

The Committee requested advice on parking conditions in the event of a refusal. The Head of Development Management informed the Committee that the refusal earlier this year had not included a refusal reason. In this case he suggested that if necessary an informative could be added to ensure all parties and any inspector were aware of the need for a completed unilateral undertaking in the event of an appeal.

The Committee concluded that the benefits of the proposed building in the Square Conservation Area did not outweigh the harm that would be caused 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 that this was the optimum viability, did not outweigh the change to this 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 UD 2 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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**16/00352/FUL LEAVESDEN GREEN NEWSAGENT AND POST OFFICE,
146-148 HAINES WAY, WATFORD**

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

The Applications Casework Manager introduced the item, explaining that the application sought permission for the subdivision of the existing shop unit into two premises. It was reported that one unit was intended to be a pharmacy or hairdressers, and the other a take away restaurant.

Attention was drawn to the update report, which included some clarifications and additional comments. Additionally, the letter of a local resident and objector, Mr. Melvyn Beaumont, had been circulated to the Committee.

The Chair invited Mr. Beaumont to speak against the application. He considered that the car parking at this address was already congested and inadequate, and that the proposal would aggravate the situation. He considered that the increase in numbers of staff in connection with the altered premises would also add to car parking pressure. He firmly believed that the case for an additional 'fast food' facility at this location was not justified, contending that there already existed 25 such premises within 9 miles of the address. Hairdressing businesses were also abundant in Watford. Mr Beaumont considered that fast food premises brought with them problems of drug dealing, burglary and anti-social behaviour. A fast food outlet within 25 metres of a junior school could also add to problems of child obesity and diabetes. In respect of the Post Office, he felt that there was no guarantee that services would be retained.

Mr Beaumont concluded by stating that in a development such as this, residents' views should be paramount.

The Chair invited Mr Gurjit Dhillon, the developer, to speak in support of the application. He commented that he and his family had a long-standing and strong connection with the local area, starting with his father, who had lived in that community since 1986. They were a well-established family in the area, who had no intention of letting down local people. At the present time the Post Office was not considered to be viable; he had an agreement with The Post Office Ltd to maintain services through the new development. The current business model was to have a Post Office adjacent to a strong retail outlet and the application maintained this principle.

The food outlet would not be 'fast food', but fish and chips. The pharmacy would not be an addition, locally, as the Brow Pharmacy was soon to discontinue. In terms of waste collection, larger lorries would only continue to visit once per week and this would be solely in connection with the Costcutter outlet.

Public order, community safety and parking concerns were being addressed through new closed circuit television cameras (CCTV) being installed as part of the development.

The current provision of shops and services on this site was not viable; he was committed to maintaining facilities for the community.

The Chair gave permission to Councillor Jagtar Singh Dhindsa, although not a ward councillor for this location, to speak to the Committee. He then invited Councillor Dhindsa to speak.

Councillor Dhindsa declared that he knew the applicant's family, particularly Mr. Dhillon's father. He considered that the Post Office was a very important community resource, particularly for senior citizens, and the pharmacy was equally vital. Compared with similar facilities elsewhere in the Borough, car parking at this site was already well-controlled.

The Chair invited comments from the Committee.

Councillor Sharpe stated that new take-away premises in any area could be controversial and raise apprehension in the local community. Wholly new developments could bring worries about anti-social behaviour and drug dealing. This development would not introduce these problems, as it would improve existing well-used local amenities. The proposals to remove odours from the cooking processes were sound, coupled with ongoing inspection from environmental health officers.

Councillor Joynes asked for guarantees regarding the testing and monitoring of any new extraction equipment.

The Applications Casework Manager stated that the new system would be demonstrated and tested before installation. Without prejudice to the Committee's decision on this application, as a condition of permission, an assessment and report of a buildings services engineer would have to be undertaken to demonstrate that the proposed extraction system and flue would not create odour or smoke nuisance to the nearest residential properties.

Councillor Bashir believed the applicant to be sincere in his wishes and that he was proposing to provide vital services to this vibrant community. There was no reason to refuse the application, which he supported.

Councillor Watkin stated that he was impressed with the applicant's ambition for the premises, particularly his commitment to retaining the Post Office. There was no fundamental reason to refuse on the basis of the fish and chip shop and if the proposals kept the parade viable, the application should be supported.

Councillor S Johnson requested clarification about the CCTV arrangements in connection with the development, particularly the number of cameras and whether the system would involve Police and Watford Community Housing Trust participation.

The Head of Development Management reported that the scheme involved two external cameras at key locations, one overlooking the car park and one overlooking Costcutters. Other CCTV cameras were installed in the shops.

Councillor Joynes asked that residents' parking spaces be safeguarded. The Head of Development Management reported there would be no changes to residential parking as a result of this scheme, as the proposal entailed a sub division of an existing shop and no increase in floor space.

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 shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings and documents are hereby approved:
 - Site Location Plan 1:1250
 - Block Plan 1:500
 - Design and Access Statement (09.03.2016)
 - Sheet 1 Existing (09.03.2016)
 - Sheet 2 Proposed plan and elevations (06.07.2016)
 - Sheet 3 Block Plan, Rear elevation detail and extraction detail (06.07.2016)
 - Sheet 4 Proposed ground floor and roof plan (06.07.2016)
 - 'Commercial Sound Assessment' carried out by I. Baxter of Peak Acoustics, dated and received 01.07.2016.
 - Manufacturers details of 'The O.N.100 Odour Neutraliser' by 'Purified air Ltd' (27.05.2016)
 - Manufacturers details of the Electrostatic Precipitator and product ESP3000 by 'Purified air Ltd' (27.05.2016)
 - Drawing number ESS-001 of extract fan specification for KBR315 DZ Kitchen Extract Fan, Hopkins 12" and 9" Fans, Turboprop Canopy and SLGU100 Circular Straight Silencer by 'Hopkins Catering Equipment Ltd'. (27.05.2016)
 - Drawing number MHQ570 of proposed extraction system layout by 'Hopkins Catering Equipment Ltd'. (27.05.2016)
 - Intruder Alarm Schedule by Croxley Alarm Systems and two plans of alarm layout (09.03.2016)
 - Product details for CCTV system and plan of CCTC layout

(09.03.2016)

3. Notwithstanding the information already submitted, an assessment and report of a buildings services engineer must be undertaken to demonstrate that the extraction system and flue proposed would not create odour or smoke nuisance to the nearest residential properties. In the event that this system is found to be unsatisfactory, a suitable system shall be designed by a building services engineer. The details of the extraction system found to be suitable for odour and smoke control shall be submitted to and approved in writing by the Local Planning Authority. No A5 activity shall occur at the premises until the flue and systems approved under this condition have been installed and made available for use. The flue and extraction systems shall be installed, operated and maintained in accordance with the manufacturers' instructions and be retained at all times for use.
4. Should an extraction system and flue be required by condition 3 that is not as specified in the Noise Impact Assessment 'Commercial Sound Assessment' prepared by I Baxter of Peak Acoustics (01.07.2016), a further assessment and Noise Impact Assessment, carried out in accordance with BS4142:2014, shall be undertaken. The A5 use shall not commence or occur at the premises until the report for this assessment has been submitted and approved in writing by the Local Planning Authority. If the report requires mitigation measures these shall be carried out and maintained in accordance with the report.
5. The A5 premises shall be open only between 11am and 9.30pm on Monday to Saturday. No cooking activities shall be undertaken at the A5 takeaway unit and no customers shall be on the premises before 11am or after 9.30pm Monday to Saturday and not at all on Sundays and Public Bank Holidays.
6. The use as a take-away hereby approved shall not commence until the CCTV and intruder alarm systems have been installed in accordance with the approved details and drawings with this application. The equipment shall be retained thereafter as per the approved details for as long as the take-away use remains.

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 2015.

2. The applicant is reminded that conditions 3 and 4 must be fulfilled in full prior to the commencement of the hot food takeaway use (A5). Once these details are submitted to the Local Planning Authority, a statutory target period for determination of 8 weeks applies. The applicant is advised to speak to the case officer to discuss the requirements of these conditions in full.
3. Internally illuminated signage is shown on the approved drawings however these are not authorised by this decision and these require advertisement consent.
4. The existing steps to the access for the A1 unit are shown to be retained. The applicant is encouraged to seek advice regarding the potential to create a ramped access to the premises to improve accessibility.

Chair

The Meeting started at 7.30 pm
and finished at 9.05 pm