

DEVELOPMENT MANAGEMENT COMMITTEE

6 SEPTEMBER 2017

Present: Councillor P Jeffree (Chair)
Councillor S Johnson (Vice-Chair)
Councillors D Barks, N Bell, P Kent, Asif Khan, R Laird and
I Sharpe

Also present: Councillors Fahmy, Taylor and Walford

Officers: Deputy Managing Director and Director of Place Shaping and
Corporate Performance
Development Management Team Leader
Democratic Services Manager

19 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of committee membership for this meeting: Councillor Asif Khan replaced Councillor Turmaine. Apologies were received from Councillor Bashir.

20 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Sharpe explained that regarding the application for Lower Paddock Road it would be impossible to be an Oxhey councillor and not be aware of the debate. He had attended a public meeting about the development but did not express a view on the application.

21 MINUTES

The minutes of the meeting held on 26 July 2017 were submitted and signed.

22 17/00721/FUL 4-6, LOWER PADDOCK 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 introduced the report explaining that the application was for the erection of three dwellings with access, parking,

landscaping and associated works. The site was within the Oxhey conservation area and comprised a short terrace in rear garden areas. The existing houses were to be retained and refurbished. The council was aware of a petition that had been signed by approximately 500 residents. The scheme had originally been submitted with four houses but was amended to three houses at the request of officers.

The issue of back land development was addressed in the report; although garden land was not brownfield, national policy did not preclude development. The proposal retained existing houses and incorporated existing access. The proposed houses were considered an appropriate scale and the site did not appear cramped or over developed.

Attention was drawn to the update sheet, which noted that some additional representations had been received on this application since publication of the committee agenda. Following the change in the scheme from four to three units, all objectors were notified and the council had received a further 12 objections, which maintained the initial objections. The Development Management Team Leader commented that a petition had been circulated but not submitted and read out the petition wording: "We the undersigned oppose the proposed back garden development 4-6 Lower Paddock Road. We ask WBC to refuse this application. This development contravenes NPPF and WBC policy. This is inappropriate development of the green field and the design is incongruous with the local conservation area." With regards to the recommended conditions some amendments had been requested by the developer and agreed:

- Condition 3 – a Bat Roost Assessment survey had been carried out by the applicant and no bats have been found in the building. The condition would be amended to require a new survey to be carried out next summer if development had not commenced.
- Conditions 7, 8, 9 – requiring details of the development itself. The applicant had requested to remove reference to number 4 Lower Paddock Road as it was not dependent on the new access and would be refurbished. It was considered by officers to be reasonable that reference to number 4 be removed.

The Development Management Team Leader commented that the proposed houses were not considered to impact significantly on Lower Paddock Road. The contemporary design was widely accepted as an appropriate approach in conservation areas. The proposed houses were high quality using complimentary materials and there was adequate on site car parking. The relationship to existing houses was considered acceptable. Therefore, this was an appropriate and acceptable development for this site.

The Chair invited Kim Baxter from the Oxhey Village Environment Group (OVEG) to speak against the application. Ms Baxter commented that there was strength of public opinion against the development as there had been 330 objections, and 550 signatures on the petition. Ms Baxter wished to raise two key points: that the development was inappropriate and that secondly it would have a cumulative effect which would impact on the integrity of the conservation area.

Ms Baxter referred to policy U19 and to the proposed plan drawings regarding size and scale. Ms Baxter commented that the building would be 2m higher at eaves height than numbers 4-6 Lower Paddock Road. Keyser Hall was a single storey building therefore the proposed development would be clearly visible from the street scene. Keyser Hall was listed as a building of significant interest. Warneford Place was not a back garden development but had previously been a bowls club attached to Keyser Hall. The new development would be visible from all surrounding dwellings.

Ms Baxter continued that the flank wall of unit 1, was not even 2m away from the rear elevation of 4-6 Lower Paddock Road. This created an incongruous relationship. The proposal also destroyed the symmetry of the front garden. The rear to no. 6 would be overlooked by unit 1 and the depth of the proposed premises exceeded the width of numbers 4-6 Lower Paddock Road.

Ms Baxter then referred to the issue of precedent and policy U19 with the concern that granting this development could lead to similar applications and a cumulative effect. The council's conservation officer had recommended a two storey height for the houses. Ms Baxter concluded that she hoped to have demonstrated that the development was inappropriate and there was a need to protect the character of Oxhey village.

In response to a query from the Chair, the Development Management Team Leader explained that in terms of heights there would be a partial excavation of the site. The maximum level of excavation would be 2.09m at the bottom of the access road. The existing site changed in level from the south-east corner to the north-west corner. Lower Paddock Road was also not on a level. In terms of heights being quoted by Ms Baxter he referred the committee to the drawings and explained that the proposed houses were slightly higher than numbers 4-6 Lower Paddock Road. However, numbers 4-6 Lower Paddock Road were also higher than number 2 Lower Paddock Road.

The Development Management Team Leader explained that precedent would not be used to justify an inappropriate development. Every application had to be considered on its own merits, if it was not acceptable then there would be no case for arguing on the grounds of precedent alone. Where an application was acceptable then, in accordance with the advice quoted that Ms Baxter had

sought from a barrister, precedent could be a material consideration. Examples where precedent had been referenced in appeals in Watford included the application at 10 Cedar Road. In that particular case the site was one of many rear gardens backing onto a service road. The argument was that if permission was granted at number 10 then there could be more similar developments. There was no evidence that this would occur in other cases. Back garden development took place across the borough and was not particularly common. The application before the committee was more acceptable as it maintained the existing properties and current access. Other back garden developments were considered unacceptable as they involved knocking down the front houses.

The Chair invited Charlotte Hutchison from Icen, the agent for the applicant, to speak in support of the application. Ms Hutchison explained the application was for a high quality, sensitive development and the developer supported the proposed conditions. There had been no objections from key consultees such as the Highways Authority and the Arboricultural Officer. The applicant had worked to bring forward a policy compliant development. The council was suffering from lack of supply of housing. The Community Infrastructure Levy was to be spent in the local community at the council's discretion. In response to objections the proposals incorporated 13 parking spaces which exceeded the guidance of 11 spaces and minimised the likelihood of overspill parking. The development achieved spacing over the council's minimum standards and the proposed new dwellings would have limited view from the road. The proposal incorporated contemporary design and contributed to the conservation area. With regards to ecology, in response to concerns a bat roost assessment had been carried out and found low potential for bats. There would be increased roosting provision with bat boxes. Ms Hutchison concluded that, council policies did not preclude back garden development and use of the land would prevent further encroachment in to the green belt.

The Chair invited Oxhey Ward Councillor Peter Taylor to speak. Councillor Taylor commented that there was genuine disquiet in the community and a sense of powerlessness. There had been 331 formal letters of objection and 551 signatures on the petition. This was a recent conservation area and Councillor Taylor quoted a letter from the council to a resident in Upper Paddock Road regarding the conservation area that it "enables the council to protect an area when considering new developments". Residents had to justify painting their doors a particular colour or install certain windows in order to preserve and enhance the area. Councillor Taylor commented that the view from Keyser Hall would be a three storey brick wall. This was not an enhancement or improvement. Councillor Taylor referred to residents receiving multiple letters from developers to buy their rear gardens. If the application went to appeal then the inspectorate could decide.

With regards to the status of Keyser Hall the Development Management Team Leader explained that it was referenced in the conservation area appraisal as a building of significance in terms of its history, but it was not locally listed. The six other buildings referenced were locally listed. The Hall was a community facility with a large hedge on the western boundary which excluded most of the elevation. The proposed houses would be visible above the Hall as were the houses of other surrounding roads. Every house was taller than Keyser Hall as it was single storey.

Before opening up the application for debate the Chair commented that the proposal had been the subject of a great deal of lobbying. The Chair referred to the petition which had been submitted at the meeting so there had not been time for the committee to look at the petition and for signatures to be verified, however, the text was on the update sheet circulated. He reminded the committee that they should consider the valid planning issues not the number of people who had objected. The Chair also expressed concern regarding some of the reporting about the development which had referred to it as a three storey tower block; the application was for 3 link-detached houses. Also the phrase “modern looking flats” had been used but there were no flats in the proposal.

The Chair continued that the main issues for the committee to consider were set out in the report. He commented that the design was comparable in scale but marginally higher. The houses were modern in design and any new building should be reflective of the time at which it was built not a pastiche. The design was 21st century and reflected a modern taste in living. The impact on the conservation area would be low.

The Chair then invited comments from the committee.

Councillor Sharpe commented that back gardens were not viewed as previously developed land and conservation area status did not mean having to copy what was already there or conversely that any new design was acceptable. The development did not harmonise in any meaningful way; it radically contradicted. This was not a marginal location; Lower Paddock Road was at the heart of the conservation area. Councillor Sharpe discussed the view from Lower Paddock Road with a horizontal emphasis which would contradict the vertical emphasis of the terrace houses in the conservation area. He commented that the design was more like a non-residential industrial workshop which would be better in a new development. The proposal undermined Oxhey Village and the conservation area and would set an unacceptable precedent which would further erode the conservation area.

Committee members commented on the work put into establishing a conservation area by officers and residents. It was expressed that whilst some

committee members liked the design it would not fit into this area and did not preserve or enhance the conservation area. There was also concern that in other wards there was back garden development and that a precedent could be set.

The chair invited Councillor Sharpe to move a motion to refuse the application.

On being put to committee the motion was CARRIED

RESOLVED –

That planning permission be refused. By reason of the height, bulk and design of the proposed new houses, the development will fail to conserve or enhance the character and appearance of the Oxhey Conservation Area and will have an unacceptably harmful effect on the surrounding area. As such, it is contrary to saved Policies U18 and U19 of the Watford District Plan 2000 and Policies SS1, UD1 and UD2 of the Watford Local Plan Core Strategy 2006-2031 and requirements in the National Planning Policy Framework for good design.

23

HERTSMERE BOROUGH COUNCIL REF.17/1260/FUL 37, BUCKS AVENUE, 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 introduced the report. He explained that Watford Borough Council was being consulted on a Hertsmere Borough Council development adjoining the Borough. This was for the demolition of 37 Bucks Avenue and equestrian facility and the redevelopment of the site to include 27 dwellings (including nine affordable) with associated parking, informal play area and open space, all to be served by the proposed modified access from Bucks Avenue/Sherwoods Road, as approved under ref. 16/01621/FUL.

The Development Management Team Leader explained that planning permission had previously been granted for 24 dwellings the current application proposed 27 dwellings adopting the same layout. An additional flat was provided within the existing proposed block through an amended layout. There were small changes to building footprints and the volume of housing. The ridge height of some of the houses had increased. The design and scale complimented and reinforced the area and had no greater impact on the surrounding properties. The car parking provision had been increased to accommodate the additional dwellings.

The Chair invited Kim Baxter from OVEG to speak in opposition to the application. Ms Baxter gave the committee some background regarding the previous application which had taken two years to shape; the new proposal had significant differences. Adding houses reduced spacing and increased the height. It had previously been considered that 27 dwellings was overdevelopment. Over 50% of the houses would be three storeys high and would tower above the bungalows and be out of character with the local area. The previously approved 24 dwelling scheme had good spacing and incorporated nice brickwork. The new proposal reduced the spacing and the design of the Dutch roof did not appear anywhere else in the area and would have an impact on the greenbelt. The community development which had been agreed with the previous developer had not been replicated. The proposed building materials were dark and severe. It was a clear attempt by the developer to maximise profitability.

The Chair invited David Howells from Shanly Group (the developer) to speak for the application. Mr Howells stated that the main principles of the development had been assessed and approved. The same principles had been followed in the amendment and were considered not to impact on the greenbelt. The layout was still open and did not extend further than previously approved. The separations between the properties were policy compliant. The developer had tried to make arrangements to speak with OVEG and would look to meet with them. The plans were showing the pond and provided the same amount of open space.

The Chair invited Oxhey Ward Councillor Peter Taylor to speak. Councillor Taylor explained how the inspectorate was supportive of the decision to reject the initial 34 dwelling proposal. The new application proposed properties that were now higher, and openness was compromised as properties were squeezed together. For the previously approved application for 24 dwellings there had been a number of meetings to reach a compromise. The committee needed to be clear about the impact on residents and on the greenbelt.

The Chair thanked the speakers and invited comments from the committee.

Members of the committee expressed concern over the design of the properties and felt that a development which included greenbelt land should be of exceptional quality. There was also disappointment that the community benefits previously agreed were not referred to in this application.

It was agreed that officers would advise Hertsmere of the committee's views on the quality of design in a greenbelt location, the height of the buildings and the inclusion of previously agreed community benefits.

The Chair moved the officer's recommendation subject to these additional comments.

RESOLVED –

that Hertsmere Borough Council be advised that Watford Borough Council has no objection in principle to the layout of the proposed scheme or to the number of dwellings. However, it considers the change in the design of the proposed houses to be detrimental to the scheme and not of the quality expected for this Green Belt site. In particular, it considers the design to be bland and not in keeping with the surrounding area and the introduction of the Dutch hipped roofs to be poor and overly dominant. The change in roof style to provide accommodation in the roofspace has increased the height of several of the houses and the increase in the number of houses has resulted in a reduction in the spacing between the houses. The Council is also concerned that many of the community benefits previously agreed have not been referred to in this scheme. Overall, the Council considers the proposed scheme to be of insufficient quality for this important Green Belt site.

In the event of Hertsmere Borough Council being minded to grant planning permission, then Watford Borough Council 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 on drawing no. 4933/001 Rev. A (Bellamy Roberts).
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 62 car parking spaces.

24

17/00873/FUL 37, BUCKS AVENUE, 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 introduced the report and explained that the application was for the demolition of 37 Bucks Avenue and equestrian facility and the redevelopment of the site to include 27 dwellings (including nine affordable dwellings) with associated parking, informal play area and open space, all to be served by the proposed modified access from Bucks

Avenue/Sherwoods Road, as approved under ref. 16/01621/FUL. (Duplicate application to Hertsmere Borough Council.)

The Development Management Team Leader explained that only the access junction and the first 13m of the road fell within Watford Borough and this was all the committee was to consider. The design of the access junction was identical to that previously approved and no changes had been proposed. Hertfordshire County Council had confirmed that they had no objections to the junction. Therefore there were no grounds to not approve the application.

Ms Baxter, OVEG, and Mr Howells, Shanly Group, withdrew their wish to speak as they agreed with the officer that the proposal had already been approved.

The Chair thanked the speakers.

The Chair moved the officer's 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:-

1334/Pln/100, 119 (Shanly Homes)
4933/001A (Bellamy Roberts)

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 take place until the existing vehicular access to Bucks Avenue has been modified and constructed in full, as shown on drawing number 4933/001A (Bellamy Roberts). 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.

25

17/01030/FULM 83-85, HIGH STREET

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 report. He explained that the application sought the extension at first and second floors to create additional retail floorspace (Class A1).

The proposed extensions would be in a metal clad system. The front elevation would remain unchanged and the side elevation would largely not be visible from the High Street. It would impact neighbouring offices but they had windows to the front and rear and any harm would not outweigh the benefits of the additional retail space.

The Chair moved the officer's 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:-

CPS16-119- 009B, 010B, 011B, 012B, 017C

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, the new floorspace shall only be used for purposes within Use Classes A1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other purpose.

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 report, explaining that the application was for the demolition of units N-Q and J-M and construction of seven new houses with access from Judge Street.

The Chair invited Darren Green, a local resident, to speak in opposition to the application. Speaking on behalf of Judge Street residents, Mr Green explained that the development would mean seven more properties in a densely over populated area of Watford. Parking was a major issue for residents who often had to drive round the roads three or four times to find a space. It could take as long to find a parking space as to drive to Hemel. Residents were also spending more on fuel to find somewhere to park. If the properties were built it was a potential loss of nine parking spaces. Seven new properties had the potential for 14 new cars, however, the development was only offering four parking spaces at the rear. The white stripe on the road across the entrance would take up two spaces in order to create an angle so a car could get in and out. The nearby Verulam pub had been turned into 18 flats with insufficient parking spaces which would further impact on parking spaces in the local roads. Local residents felt vulnerable walking back from where they had parked, particularly when the street lights were turned off. Chaos would be caused by delivery lorries travelling to the development on a one-way street. The adjoining houses were concerned about their properties during the building works. Mr Green referred to the impact on infrastructure, schools and hospitals. He concluded that there was no need for more properties in North Watford.

Committee members expressed concern over the lack of parking spaces in the proposed design and recognised that the current parking situation caused distress to many residents. It was felt that a re-design of the proposals could incorporate more parking spaces. It was also suggested that residents should consider controlled parking in the area as then permits could be restricted for new developments to make them car free. There was a need in the town for this type of development for families as there was a shortage of homes.

The Development Management Team Leader commented that whilst in many ways the parking issue was a valid concern for the committee to consider it would be difficult to sustain on appeal as the government's guidance and incentive was to provide housing in locations close to facilities. This was a brownfield site and the government was seeking to discourage the over provision of car parking which resulted in fewer dwellings being built. The

planning inspectors would look at the national guidance and the government's wish to provide this type of accommodation. However, there would be a case to be made using the evidence received from local residents.

The Chair invited Councillor Sharpe to move a motion for refusal on the grounds of insufficient parking.

The motion for refusal was CARRIED

RESOLVED –

Judge Street and the surrounding roads experience high levels of parking demand and parking congestion at all times, especially in the evening and night-time periods. The local area is not within a controlled parking zone and there are no existing restrictions on parking on the public highway. The proposed development will result in the loss of at least 1 on-street parking space to form the new access. Three of the proposed houses will also have no on-site parking provision. For these reasons, the proposed development will not only reduce the available on-street parking space but is also likely to generate additional demand for on-street parking from the proposed houses. This will exacerbate the existing parking congestion on Judge Street to the detriment of the quality of life of local residents and the quality of the local area, contrary to the objectives of the NPPF for new development to be of high quality and enhance the local area and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

27

17/01044/ADV UNIT 1, 16, GREYCAINE 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 introduced the report. He explained that the application sought retrospective planning consent to display four non illuminated fascia signs and four non illuminated other (folded tray) signs.

The proposal was to put adverts on the front, side and rear elevations. The signs were considered to be acceptable and appropriate for a commercial building in an industrial estate. Non-illuminated signs were considered advantageous particularly so as not to give additional lighting or glare in a residential road. The site faced residential properties. On the basis of scale and the lack of illumination the proposal was recommended for approval.

The Chair invited Nicola Beaumont, a local resident, to speak against the application. Ms Beaumont explained that she lived at 134 Bushey Mill Lane and therefore the main signs were opposite her property. The signs were massive and bright red and yellow. Whilst Ms Beaumont recognised that the site was commercial it was also directly opposite a residential development and developments should not be allowed to impact on each other. The previous industrial units had not impacted as they were brick built with small signs. It was now impossible not to see the signs in any seat in Ms Beaumont's front room. The company had not spoken to residents or applied in advance for the signs. In the original building planning permission the fourth condition had concerned external materials and mentioned an acceptable standard of appearance. The resident's objections were: the siting that it was opposite people's homes, the design and scale of the signs and the relationship to the existing properties. Ms Beaumont had not seen anywhere else where the signs were large and bright and opposite people's homes. She had also noticed there were additional signs advertising MOT's which were not on the application before the committee. Ms Beaumont stated that when it was sunny there was a glare from the signs. Ms Beaumont felt that the signs were affecting the quality of life in the area.

The Chair invited Tudor Ward Councillor Joe Fahmy to speak. Councillor Fahmy stated that the advertisement sign was intrusive and out of context for the road. There was no other signage like it and the vast majority of Bushey Mill Lane was residential. The national planning policy discussed good design but the advertising signs were highly garish and poorly designed. Whilst the council welcomed new businesses the company had gone ahead without planning permission. Councillor Fahmy had no objections to signs on the other side of building. However, this was a poorly placed advertisement with a negative impact on local environment.

Thanking the speakers, the Chair invited comments from the committee.

The committee discussed that all the signage was not necessary and that the signs on the side should be removed but leave the ones at the front and rear of the building.

The Deputy Managing Director reminded the committee that there were only two reasons for objection to the application. Either amenity (visual amenity) or public safety including highway safety.

The Chair moved a split decision that the signs on the front and rear of the building were acceptable but the signs on the side of the building were unacceptable due to impact on visual amenity.

Upon being put to committee the motion was CARRIED

RESOLVED –

Consent is granted for a period of five years from the date of this consent notice for the following advertisements:

Signs A, B and C on the front elevation (drawing no. Page 1)

Signs G1 and G2 on the rear elevation (drawing no. Page 3)

Consent is refused for the following signs:

Signs D, E and F on drawing no. Page 2

Reason: These signs, by reason of their size, siting and colour, are considered to appear unduly prominent within the streetscene on Bushey Mill Lane and to appear as prominent and overbearing features when viewed from the residential properties opposite the site on Bushey Mill Lane. As such, they are considered to have a negative impact on the locality and the amenity of adjacent residential occupiers and to constitute poor design, contrary to the policies of the National Planning Policy Framework and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

Chair

The Meeting started at 7.30 pm
and finished at 10.15 pm