

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**4 JULY 2018**

Present: Councillor P Jeffree (Chair)  
Councillor S Johnson (Vice-Chair)  
Councillors N Bell, R Laird, M Mills, I Sharpe, R Smith, M Watkin  
and T Williams

Also present: Councillor Maggie Parker and Councillor Imran Hamid

Officers: Committee and Scrutiny Support Officer  
Development Management Section Head  
Principal Planning Officer  
Development Management Team Leader

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

There were no apologies for absence.

### **8 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

### **9 MINUTES**

The minutes of the meeting held on 13 June 2018 were submitted and signed.

### **10 18/00248/FULM FORMER HAPPY HOUR PUBLIC HOUSE, EASTBURY 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 Principal Planning Officer introduced the report explaining that the application was for the demolition of the existing building and erection of 37 dwellings, together with a means of access from Eastbury Road, provision of associated parking for 33 cars, amenity space and landscaping.

Attention was drawn to the update sheet, which included some additional comments and an amendment to condition 3.

The Chair invited Rodney Salter, a local resident, to speak in opposition to the application. Mr Salter expressed his concern about the development on four key grounds. First, the overdevelopment of the site to establish a three/four storey building within an area of predominantly two storey suburban houses. Second, the lack of adequate parking, which failed to take into account the likely demands of future residents and the need for visitor spaces. Third, the flat roof design which was out of keeping with the surrounding area. And fourth, the loss of trees and resultant overlooking to surrounding properties from the upper flats.

The Chair invited Steven Brown from Woolf Bond Planning, the agent, to speak in support of the application. Mr Brown outlined the need for new homes in the borough and the collaborative work which had been undertaken with officers to put together a policy compliant development.

Considering the height of the proposed scheme, Mr Brown highlighted the mixed nature of buildings along the road and the support at government level for higher density developments to meet housing need. Despite the concerns of local residents, this would not lead to overlooking.

The Chair invited Oxhey Ward Councillor Maggie Parker to speak to the committee. Councillor Parker outlined the concerns of local residents about the excessive overdevelopment of the former public house. The proposed scheme was out of keeping with the area and would dwarf neighbouring properties, leading to privacy concerns.

Councillor Parker maintained that too little consideration had been given to the impact on local services and surrounding roads, and to the parking needs of future residents. She also questioned whether a full ecological survey of the site had been undertaken.

Responding to a query from the Chair, the Head of Development Management reminded members that they should consider the planning policy objective which was to make best use of the previously developed land. The measure of whether this could be termed an overdevelopment was the council's adopted policies on a range of criteria including, parking, amenity space and separation distances. This scheme was deemed fully compliant by officers.

The Principal Planning Officer confirmed that ecological and arboricultural appraisals had been undertaken.

The Chair invited comments from the committee.

Some members of the committee considered that there were no solid reasons to turn down the application. The proposed development was policy compliant, would meet the likely parking demands of flatted accommodation and would, most importantly, enable some families to move off the council's housing waiting lists into more appropriate accommodation.

Other committee members, whilst acknowledging that the government had just trebled the council's housing target from 260 to 800 a year, and with the understanding that this would require higher density developments in the town, were concerned about the scale and overbearing nature of the proposed scheme on this site.

They maintained that the surrounding area comprised predominantly two storey semi-detached houses and, even where there had been conversions to flats, these had been on a more domestic scale. Although higher density developments had been agreed elsewhere in Watford, often on former industrial lands or in special policy areas, a three/four storey development in this location would significantly and unacceptably change the character of the area and trigger further similar developments along this stretch of Eastbury Road.

The Chair invited Councillor Sharpe to propose a motion to refuse the application.

Councillor Sharpe proposed that the application be refused on the grounds that its height, scale and massing would adversely affect the character of the neighbouring residential area and as such was contrary to policy UD1 of the Watford Local Plan Core Strategy 2006-31.

RESOLVED –

that planning permission be refused on the grounds that its height, scale and massing would adversely affect the character of the neighbouring residential area and as such is contrary to policy UD1 of the Watford Local Plan Core Strategy 2006-31.

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#### **18/00561/FULM GRAFTON OPTICAL, CROWN HOUSE, THE CRESCENT**

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 the existing warehouse/office/showroom building and redevelopment with 21 flats

(comprising of 2 x studio flats, 16 x 1 bed flats and 3 x 2 bed flats) in two buildings. The application included the provision of two parking spaces, integrated bin and cycle store and associated landscaping. A previous application on the site (17/01281/FULM) had been refused by the committee on 28 February 2018 on design grounds and its detrimental impact on the High Street and King Street Conservation Area.

Attention was drawn to the update sheet, which included information about an additional representation in the form of a petition signed by 33 local residents.

The Chair invited Ani Meehan, a local resident, to speak in opposition to the application. Ms Meehan highlighted the concerns of local people, 33 of whom had signed a petition specifically highlighting the insufficient number of car parking spaces in the development which countered the council's own policy.

There were also concerns about the lack of affordable housing provision and the modest commuted sum in lieu. Ms Meehan asserted that the failure to achieve a 35% affordable housing provision was contrary to council policy and the commuted sum would afford little in the buoyant local housing market.

She also questioned the accuracy of the viability calculations on the council's website and the appropriateness of the housing mix included in the development.

The Chair invited Rachel Wakelin from Wakelin Associates to speak in support of the application. Ms Wakelin advised that following the refusal of the previous application on the site, the architects had worked collaboratively with the council's planning and conservation officers to overcome the committee's design concerns. This had resulted in a number of amendments, including to the front and side elevations, the removal of the zinc cladding roof element and changes to the brick facing materials.

Responding to a query from the Chair, the Head of Development Management confirmed that an additional viability report had not been required for this application due to the short time that had elapsed since the committee's previous consideration.

The Chair invited comments from the committee.

Some members of the committee remained concerned about the lack of affordable housing provision and questioned the reasonableness of the commuted sum agreed, which would have limited impact in the local housing market.

In addition, whilst the council's parking policies stipulated maximum – rather than minimum – limits, some committee members disputed the feasibility of car free developments regardless of their sustainable location.

However, the committee acknowledged that the previous reason for refusal had been on design grounds. It was agreed that the proposed design changes had improved the appearance of the development and would enhance the street scene and wider conservation area.

The Chair moved the officer's 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 payment of £270,331 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 issued to this site.
- iii) To secure the provision of fire hydrants to serve the site as required by Hertfordshire County Council.

#### 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:-  
  
GOW/18/PL/2/LP01, L01, L02, L10, L12, L15, L20, L21, L22, L23, L25, L26, L27, L28
- 3. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the

risks associated with the potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include:

- i) a site investigation scheme, based on the Desk Study Report by JNP Group dated (ref. M42180/RE001/Rev A), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- ii) the results of the site investigation and risk assessment referred to in (i) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- iii) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.

- 4. No construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 5. 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.
- 6. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and

- i) The programme and methodology of site investigation and recording;
- ii) The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
- iii) The programme for post investigation assessment;
- iv) Provision to be made for analysis of the site investigation and recording;
- v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vi) Provision to be made for archive deposition of the analysis and records of the site investigation;
- vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall only be carried out in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

7. No demolition of the existing buildings shall commence until details of the boundary walls to be retained and/or rebuilt, including their height, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
8. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy (ref. 170964/DS/TS/RS/01 RevA, dated April 2018) by Lanmor Consulting and the following mitigation measures:
  - i) Implement appropriate drainage strategy based on attenuation and discharge into Thames Surface water sewer.
  - ii) Limiting the surface water run-off to a maximum of 5l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - iii) Providing a minimum of 70.22m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume 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.
  - iv) Implement drainage strategy as indicated on the proposed drainage strategy drawing 170964/DS/01A utilising permeable paving and underground attenuation basin.

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.

9. No development (excluding demolition works) shall take place until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - i) Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations.
  - ii) Final design should incorporate silt traps and appropriate pollution prevention methods to ensure surface water run-off from the proposed car parking and roads can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.
10. No development (excluding demolition works) shall commence until a noise mitigation scheme for each of the residential dwellings, based upon the recommendations of the Environmental Noise Survey by AIRO (Report No. DLW/7120 dated 23<sup>rd</sup> October 2017), has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. An updated noise assessment shall be submitted to demonstrate that the proposed measures achieve the required internal noise levels. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.
11. No development (excluding demolition works) shall commence until the specification of a mechanical air supply/extract system for each of the residential dwellings has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwelling remaining closed. The system must not compromise the sound insulation of the façades. Details of the siting of any air intake; extraction units; generators and other mechanical equipment serving this system that are likely to give rise to noise should be submitted, along with details of noise attenuation measures to be incorporated to ensure these units do not give rise to a noise nuisance. Noise from the external plant associated with this system, when combined with any building services plant, must not exceed limit of 39dB(A) during the daytime and



27dB(a) night time, one metre from the nearest residential façades. In addition, when in operation, the sound pressure level within each flat shall not exceed the internal noise levels contained in BS8233:2014 1 metre from any associated inlet or outlet. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

12. No development (excluding demolition 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, balconies) have been submitted to and approved in writing by the Local Planning Authority.
13. No dwelling 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. This shall include new tree and shrub planting to replace trees to be lost. 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.
14. No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site 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.
15. No dwelling shall be occupied until details of the design and materials of the external bin store and cycle stores to serve the dwellings, as shown on the approved drawings, have been submitted to and approved in writing by the Local Planning Authority and have been constructed in accordance with the approved details. These facilities shall be retained as approved at all times.
16. No dwelling shall be occupied until the following works have been completed in full:
  - i) the existing vehicular crossover on The Crescent at the western end of the site frontage has been removed, the footpath has been reinstated and the controlled parking zone bay has been extended to incorporate this part of the highway;

- ii) the existing vehicular crossover on The Crescent at the eastern end of the site frontage has been improved and the controlled parking zone bay has been modified and any necessary additional yellow lines have been installed;
  - iii) the existing lamppost and parking payment meter adjacent to the existing vehicular crossover on The Crescent at the eastern end of the site frontage have been relocated.
17. No dwelling shall be occupied in either block until details of a communal terrestrial television aerial(s) and satellite dish(es) for the respective block have been submitted to and approved in writing by the Local Planning Authority.
18. 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 either building.
19. All windows at first floor, second floor and third floor level in the east and west facing flank elevations of both blocks shall be non-opening and fitted with obscured glass 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. 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.
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 entered into extensive pre-application discussions with the applicant and requested amendments during the consideration of the application.
6. All works required to be undertaken on the highway network will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact HCC Highways Development

Management, County Hall, Pegs Lane, Hertford, SG13 8DN to obtain their permission and requirements. This is to ensure any work undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

12      **18/00580/FUL 36A PURBROCK 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 report, explaining that the application was for the erection of a single storey rear and side extension.

Attention was drawn to the update sheet which included a change to condition 3 and an additional representation from the freeholder of the property.

It was noted that a representative for the applicant had attended the committee but opted not to speak.

In the absence of comments from the committee, the Chair moved the officer's recommendation.

RESOLVED –

that planning permission be granted subject to the following conditions:

1. The detached garage must be removed as part of the development in accordance with the approved plans.
2. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
3. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority: Drawing nos. PB-18/36A-purb/02D, PB-18/36A-purb/03D, PB-18/36A-purb/10C, PB-17/36A-purb/01B.
4. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building. Details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development

and the development shall only be carried out in accordance with any alternative details approved by this Condition.

### **Informatives**

1. Your attention is drawn to the fact that planning permission does not override any property rights that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner.
2. It is your responsibility to ensure that the removal and disposal of the detached garage is done safely due to it possibly being an asbestos material. The correct approach must be carried out in accordance with Health and Safety Executive (HSE) advice to protect yourself and others from any asbestos dangers. The HSE have produced guidance sheets which you can find on our website. Most asbestos removal work will require a licensed contractor.
3. This permission does not remove the need to obtain any separate consent, which may be required under the Buildings Act 1984 or other building control legislation. Nor does it override any private rights which any person may have relating to the land affected by this decision.

To find out more information and for advice as to whether a Building Regulations application will be required please visit [www.watfordbuildingcontrol.com](http://www.watfordbuildingcontrol.com).

4. This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters.

A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/393927/Party\\_Wall\\_etc\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf)

5. 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](https://www.watford.gov.uk/info/20010/your_environment/188/neighbour_complaints_%E2%80%93 construction_noise)

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 2015.

Chair

The Meeting started at 7.00 pm  
and finished at 9.00 pm