

DEVELOPMENT MANAGEMENT COMMITTEE

5 DECEMBER 2018

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

Also present: Councillors J Johnson and D Scudder

Officers: Committee and Scrutiny Support Officer (IM)
Development Management Team Leader
Principal Planning Officer

48 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There was a change of membership for this committee; Councillor Collett replaced Councillor Sharpe and Councillor Bolton replaced Councillor Watkin.

49 DISCLOSURE OF INTERESTS

Councillor Williams advised that he had met with residents of Ellwood Court to discuss policy and processes, but had not disclosed his position on application 18/01286/FUL.

50 MINUTES

The minutes of the meeting held on 7 November 2018 were submitted and signed.

51 18/01286/FUL ELLWOOD COURT, ELLWOOD GARDENS

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader (PB) explained that the application proposed the erection of two three-storey infill extensions to provide nine additional self-contained units. Additional car parking spaces had been provided

to the rear, together with associated cycle storage, refuse and recycling facilities and hard and soft landscaping.

Attention was drawn to the update sheet, which included information about a daylight and sunlight assessment of the potential impact of the proposed scheme on the windows of the adjoining flats.

The Chair invited Ken Emmons, a local resident, to speak against the application. Mr Emmons argued that the potential impact of the proposed development was considerable. Residents had a range of concerns. These included, overlooking, loss of privacy, shared party walls, parking and disruption during construction. In addition, local people were wary of overloading the local sewerage capacity, which had been problematic previously.

Mr Emmons questioned why this proposed development had resurfaced, following an emphatic dismissal at appeal of a similar application in 1990 (90/00574/OUT).

The Chair invited Emily Benedek, the agent, to speak for the application. Ms Benedek described the close co-operative working undertaken with planning officers. The result was a high quality, fully compliant scheme which would blend into the surrounding area and provide much sought after residential accommodation with high quality amenity space.

Additional benefits to existing residents would include increased parking to provide at least one parking space per flat, and better bin and cycle storage arrangements.

The Chair invited Stanborough Ward Councillor Derek Scudder to speak to the committee. Councillor Scudder returned to the reasons for refusal of the 1990 scheme, in particular the suggested “monolithic” appearance of the proposed structure. He argued that the proposed development would be equally overbearing and represented an overdevelopment of the site to the detriment of surrounding properties.

Councillor Scudder refuted the sunlight and daylight assessment and argued that the mitigating factors outlined in the officer’s report were inadequate.

In a clarification, the Development Management Team Leader advised that government planning policy and the need for housing delivery had changed considerably since 1990. This had a particular impact on housing density and the efficient use of land. The separation distances between the proposed flats remained extensive, exceeding the minimum requirement of 27.5m. As such,

the scale and design of the proposed development was appropriate could not be described as overbearing.

The Chair invited comments from the committee.

Members of the committee sympathised with residents' concerns about the development, particularly its design which would change the appearance of the street scene and diminish the sense of openness currently enjoyed by residents. They were also critical of the images provided by the developer, which did little to aid their decision-making.

Some committee members questioned the need for an assessment of the impact on local wildlife, particularly bats and badgers reported to be on the site.

Despite these concerns, committee members were mindful of changes to the local and national planning policy framework since the inspector's ruling in 1990. They acknowledged that most weight would be afforded to this framework, rather than to the inspector's comments on the previous application, should there be an appeal against the committee's decision.

The Chair invited Councillor Williams to propose a motion to refuse the application. Councillor Williams proposed that the application be refused on the grounds that by way of its height, scale and massing it would adversely affect the character of the existing flats on the site and on the neighbouring residential area and as such was contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

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

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:-

U-PP-LP001, LP002, LP003, BP001, BP002

U-PP-PP001, PP002, PP003, PP004, PP005

U-PP-PE001, PE002, PE003, PE004

3. No construction works shall commence until details and samples of the materials to be used for all the external finishes of the building, including walls, roofs, 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 development on site shall commence until the tree protection measures (including ground protection) relating to the protected trees located within the site, as detailed in the Arboricultural Impact Assessment and Method Statement by Trevor Heaps, Arboricultural Consultancy dated 18th October 2018 (Ref. TH 1669 B) have been implemented in full. The approved measures shall be maintained as such at all times whilst the construction works take place. The construction works shall only be carried out in accordance with the recommendations of this report.
5. No dwelling hereby approved shall be occupied until the refuse, recycling and cycle storage facilities have been provided in full, in accordance with the approved drawings. These facilities shall be retained at all times thereafter and shall be used for no other purpose.
6. No dwelling hereby approved shall be occupied until a minimum of 27 and a maximum of 36 car parking spaces have been provided in full, in accordance with the approved drawings. These parking spaces shall be retained at all times thereafter and shall only be used for the parking of cars of occupiers and visitors to the site.
7. No external lighting shall be installed within the parking areas until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to minimise light pollution and glare to the existing and proposed flats. The scheme shall only be installed in accordance with the approved details.

Informatives

IN907 Consideration of the proposal in a positive and proactive manner.

IN910 Building Regulations.

IN911 Party Wall Act.

IN912 Hours of construction.

IN913 CIL Liability.

IN909 Street naming and numbering.

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader (PB) introduced the report. He advised that the application (part retrospective) sought the erection of a single storey detached garden outbuilding for incidental use to serve as a swim spa/pool and sauna with ancillary WC, shower and changing facilities.

The Chair invited Collin Welling, a local resident, to speak against the application. Mr Welling explained the frustration of local residents regarding this development, which had continued despite objections by planning officers and in disregard to the plans and design details submitted with the application. This had included the unauthorised removal of a mature tree with a tree preservation order.

With the agreement of the Chair, Mr Welling circulated some photographs to the committee.

Neighbours were concerned about the personal abuse they had received from the applicant and urged the committee to consider the wider implications of permitting this type of unauthorised back garden development in the future.

The Chair invited Steven Peters, the applicant, to speak for the application. Mr Peters refuted the claims of local residents, explaining that he had worked with the council's planning and enforcement officers to devise and build what he had understood to be a permissible scheme. The building replaced an existing structure and was intended to be used for recreational purposes only.

He further advised that the mature tree (with preservation order) had been removed after taking advice from the arboricultural officer and had since been replaced.

The Chair invited Nascot Ward Councillor Jane Johnson to speak to the committee. Councillor J Johnson was critical of the applicant, who she argued had deliberately flouted planning rules, intimidating neighbours and ignoring the advice of officers, in order to build a large structure which was intended to be used as a self-contained dwelling. Granting retrospective permission would send a green light to similar developments in the borough.

Councillor J Johnson suggested that a decision on the application be deferred until the s.106 agreement set out in the officer's report had been signed. In

addition, she asked for the minutes to record that, if retrospective planning permission were granted, officers should actively monitor the structure to ensure that it was being used appropriately. Should this fail to be the case, prompt enforcement action should be taken.

In a clarification, the Development Management Team Leader confirmed that the s.106 undertaking went with the land and would therefore apply to subsequent owners of the property. The existence of the s.106 undertaking would enable the council to go directly to the courts should a breach occur.

Although some members of the committee expressed concern about reports of intimidation by the applicant towards his neighbours, it was acknowledged that the committee's role was to consider the planning merits and not to arbitrate between the parties.

Following further advice from the Development Management Team Leader, committee members considered that the stated use for the proposed structure was incidental to the main dwelling house. This use would be formalised by the proposed s.106 undertaking, which would be monitored by enforcement officers.

In granting planning permission, members of the committee determined that the development should be carried out fully in accordance with the drawings submitted to the council. This included the materials for the external walls and roof (set out in Condition 3 below).

The Chair moved the officer's recommendation.

RESOLVED –

- A) That planning permission be granted, subject to the completion of a s.106 unilateral undertaking by 14th December 2018, to prevent the use of the outbuilding as habitable accommodation or as a single dwelling and 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:-

Site location plan
CD-01A

3. The external walls and roof of the building shall be finished in materials to match the colour and appearance of the existing house, unless otherwise agreed in writing with the Local Planning Authority.

Informatives

IN907 Consideration of the proposal in a positive and proactive manner.

IN910 Building Regulations.

IN912 Hours of construction.

- B) That, in the event a s.106 unilateral undertaking is not completed by 14th December 2018, the application shall be refused for the following reason:
 1. The proposed building, by reason of its scale and design, would not in itself be incidental to the use of the main dwelling house. The building as proposed, served by domestic utilities, would be capable of use as habitable accommodation or as a self-contained dwelling. Such a use in this location would not provide acceptable living conditions for future occupiers and would be detrimental to the amenities of neighbouring properties, contrary to policies UD1 and SS1 of the Watford Local Plan Core Strategy 2006-31 and paragraph 8.16 of the Residential Design Guide.

53

18/00973/VAR REMBRANDT HOUSE, WHIPPENDELL 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 (PB) explained that the application proposed a variation of Condition 15 of planning permission ref. 14/00992/VAR to amend the landscaping and hardstanding at the development to provide additional car parking on the decked car park for the use of residents of the development.

The Chair invited David Howells, the applicant, to speak for the application. Mr Howells explained the consultation which had been carried out in response to the committee's concerns expressed on 3 October 2018. The revised planting scheme was intended to soften the views of the car park and provide extra screening for residents.

The Chair moved the officer's recommendation.

RESOLVED –

That planning permission be granted subject to the conditions listed below. As the development approved under planning permission ref. 14/00992/VAR has now been completed, with the conditions having been discharged and the requirements of accompanying Section 106 agreement having been satisfied, only those conditions specific to the application and any relevant enduring conditions need to be imposed.

Conditions

1. The development shall be retained in accordance with the following approved drawings, unless otherwise agreed in writing by the Local Planning Authority:

Site location plan

1248_PLN_602A, 603A, 604A, 605A, 606A, 607, 608A, 609A, 610A, 611, 612A, 613, 614A.

3173/PL 111C, 114A, 121A, 122A, 123A, 124A, 125A.

1248_CON600_D01, J01, J02, K01, K02, L01, L02 and M01.

2. The amended landscaping scheme for the upper parking deck, as shown on drawing nos. SH19186-18B by ACD, shall be implemented in full within 6 months from the date of this decision notice. Any 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.
3. The soft landscaping scheme approved for the whole site under ref. 15/00106/DISCON, as detailed in the following drawings and documents (all by ACD), shall be implemented in full:

Drawing no. SH19186-16A

Soft Landscape Specification (dated April 2014)

Landscape Management and maintenance Plan (dated June 2014)

Drawing no. SH19186-50D

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.

4. The bin and cycle stores for Blocks D, J, K, L and M, as shown on approved drawing nos. 1248_CON600_D01, J01, J02, K01, K02, L01 and M01, shall be retained as approved at all times and shall not be used for any other purpose.
5. The boundary treatments shown on drawing no. SH19186-16A (ACD), as approved under ref. 15/00108/DISCON, shall be retained as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.
6. The refuse and recycling stores for Blocks A, B, C, E, F, G and H, as shown on the approved drawings, shall be retained as approved at all times and shall not be used for any other purpose.
7. The approved bollards (Rhino RS004 Stainless Steel Bollard) to prevent vehicular access between Hagden Lane and King George's Avenue, as shown on drawing no. SH19186-15C (Sheet 2 of 2) by ACD, approved under ref. 16/00930/DISCON, shall be retained at all times.
8. The vehicle parking accommodation for the dwellings, as shown on the approved drawings, shall be permanently retained and shall not be used for any other purpose than the parking of vehicles of occupants of the development or visitors to the site.
9. The windows in the flank elevation of the buildings on Plots B1, B4, C1, C4, D1, D2, D5, D6 and F1 shall be non-opening and shall be fitted only with obscured glazing at all times.
10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be carried out to the dwelling(s) hereby approved without the prior written permission of the Local Planning Authority.

Informative

IN907 Consideration of the proposal in a positive and proactive manner.

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 Chair proposed that this item and the following be considered together as they were linked applications. This was agreed by the committee.

The Principal Planning Officer (CO) explained that the application proposed the demolition of the existing disused bank building and its replacement with a new residential development which included 11 new dwellings comprising: nine apartments; one duplex apartment; and one two-storey house, with associated gardens and car parking. Members were being asked to consider a variation of the s106 heads of terms.

The Chair invited Simon Warner, the agent, to speak for the application. Mr Warner explained that since receiving planning permission on 28 February the applicant had been disappointed to conclude that it would not be able to provide the affordable rented units at the linked St John's Road site (the subject of 17/01619/FUL).

Viability appraisals had confirmed the national and local economic uncertainty which was affecting house prices as well as the developer's ability to provide a financial contribution in lieu. Mr Warner confirmed that a review mechanism had been agreed.

The Chair invited comments from the committee.

Members of the committee expressed disappointment at the loss of the affordable housing element, which had previously been a considerable bonus to the council. It was requested that the applicant engage in full open book accounting towards the end of the project, when actual build costs and sales values of the flats were known, in order to maximise any contribution to the council's affordable housing provision.

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, conditional planning permission be granted subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure a review mechanism of the viability of the development to be undertaken towards the end of the project when actual build costs and

sales values of the flats are known. This shall allow financial payment to be made towards affordable housing provision where the viability of the development can be shown to have improved to provide a financial surplus.

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:-

MRPP2; 5407/A100 Rev P; 5407/A101 Rev L; 5407/A108 Rev F; TS16-148R\1; TS16-148R\2; TS16-148R\3; TS16-148R\4; TS16-148R\5.
3. No construction works above damp proof course level shall commence until details of the materials to be used for all the external finishes of the buildings, including walls, roofs, doors, windows, fascias and balustrades, 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 construction works above damp proof course level shall commence until detailed drawings of the window and door reveals, brick detailing and capping to the external walls, 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 details.
5. No part of the development shall be occupied until full details of a soft landscaping scheme have 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 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.
6. No part of the development shall be occupied until full details of a hard landscaping scheme, including: details of the surfacing of the vehicular access, car park, pathways and amenity areas; details of all site boundary treatments, and all fencing or enclosures 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, unless otherwise agreed in writing by the Local Planning Authority.

7. No part of the development shall be occupied until details of the siting, size and design of refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority and the storage facilities have been installed in accordance with the approved details. The storage facilities shall be retained at all times thereafter.
8. No part of the development shall be occupied until an updated Noise Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall include specification details of the building envelope and the mechanical ventilation system(s) for each of the dwellings to achieve the internal noise levels contained in BS 8233:2014, along with specification details of the building services plant. Together, the ventilation systems and building services plant shall not exceed 39dB(A) during the day-time and 27dB(A) during the night-time, one metre from the nearest residential façades when assessed in accordance with BS 4142:201. The building services plant shall be mounted on appropriate anti-vibration mountings. The development shall be implemented in accordance with the approved details and retained thereafter for the lifetime of the development.
9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, D, E and F of the Order shall be carried out to the dwelling house adjacent to the boundary with No. 4 Haydon Road without the prior written permission of the Local Planning Authority.
10. No above ground construction may commence until a detailed surface water drainage scheme for the site, based on the Flood Risk Assessment and SUDS Strategy prepared by XCO2, dated January 2018, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 1. Final, detailed drainage plan including the location and size of all SUDS features, pipe runs and discharge points with all invert and outlet levels.
 2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including and connecting pipe runs.

3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of the development.

Informatives

IN907 Consideration of the proposal in a positive and proactive manner

IN909 Street Naming and Numbering

IN910 Building Regulations

IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN915 Highway Works – HCC agreement required

55

17/01619/FUL LAND ADJACENT TO 17 - 19 ST JOHNS 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 (CO) explained that the application proposed the erection of three, three-bedroom townhouses, one one-bedroom apartment and one two-bedroom apartment (amended description). Members were being asked to consider a proposed variation to the s106 heads of terms.

Simon Warner, the agent, had provided a commentary on this application above and declined to speak twice.

As this proposal was considered under the previous item, the Chair moved the officer's recommendation.

RESOLVED –

That, pursuant to a Unilateral Undertaking under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following planning obligation, conditional planning permission be granted subject to the conditions listed below:

Unilateral Undertaking Planning Obligation

- i) 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.

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. No construction works above damp proof course level shall commence until full details and samples of the materials to be used for the external surfaces of the building, including doors, and windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.
3. The windows and the doors to be inserted in the external walls of the building shall be recessed a minimum of 6cm from the external walls, unless otherwise agreed in writing by the Local Planning Authority.
4. No construction works above damp proof course level shall commence until full details of the provision for bicycle storage facilities, refuse and re-cycling storage 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 prior to the first occupation of any part of the development and shall be retained thereafter.
5. No construction works above damp proof course level shall commence until details of the siting, height and type of fencing or other means of enclosure around the boundaries of the site and within the site have been submitted to and approved in writing by the Local Planning Authority. The fencing or other means of enclosure shall be provided as approved prior to the first occupation of the dwelling hereby approved and shall be maintained as such at all times thereafter.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any modification or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

7. No construction works above damp proof course level shall commence until a hard and soft landscaping scheme for the site (including a detailed method statement covering tree planting, tree, shrub and grass specie, planting size and density and all hard surfacing materials) has been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out prior to the first occupation of any part of the development and shall be retained at all times. The soft landscaping 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.
8. No construction works above damp proof course level shall commence until details of the stopping up of the existing accesses on St. Johns Road and Estcourt Road, by raising the existing dropped kerbs and reinstating the footways, and highway boundary to the same line, level and detail as the adjoining footway, and highway boundary have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The development shall not be brought into use until the access has been stopped up in accordance with the approved details.
9. Notwithstanding the drawings hereby approved, no construction works above damp proof course shall commence until details of the front gable features and the rear dormer windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.
10. All materials and equipment to be used during the construction of the development shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.
11. Notwithstanding the information already submitted, no development shall commence until detailed plans showing the existing and new or altered ground levels within the site and the floor levels of each of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved under this condition.

12. The scheme hereby approved shall be carried out strictly in accordance with drawing numbers 1962/P2/1, 1962/P2/2, 1962/P2/3 and 1962/P2/4, unless otherwise agreed in writing by the Local Planning Authority.

Informatives

IN907 Consideration of the proposal in a positive and proactive manner

IN909 Street Naming and Numbering

IN910 Building Regulations

IN911 Party Wall Act

IN912 Hours of Construction

IN913 Community Infrastructure Levy

IN914 Unilateral Undertaking

IN915 Highway Works – HCC agreement required

56

18/01437/DISCON LAND AT 64 AND 73-77, CLARENDON ROAD

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader (PB) introduced the report explaining that the report contained details pursuant to Condition 4 (bridge design) of planning permission ref. 17/00558/FULM.

Committee members welcomed the proposed design and the Chair moved the officer's recommendation.

RESOLVED –

That the details of the design of the pedestrian bridge be approved and Condition 4 be discharged accordingly.

Informative

IN907 Consideration of the proposal in a positive and proactive manner.

57

VOTE OF THANKS

On behalf of the Development Management Committee, the Chair thanked Adrien Waite, Head of Development Management, for his expert guidance and advice to the committee and wished him well for his future career.

Chair

The Meeting started at 7.00 pm
and finished at 9.00 pm