

DEVELOPMENT MANAGEMENT COMMITTEE

4 APRIL 2023

Present: Councillor P Jeffree (Chair)
Councillors N Bell, A Saffery, G Saffery, S Trebar, M Watkin, and
T Williams

Also present: Councillor Rodrigues, Ward Councillor
Andrew MacDougall, Applicant
Nick Shah, local resident
Alun Evens, Applicant

Officers: Associate Director of Planning, Infrastructure and Economy
Principal Planning Officer
Democratic Services Officer

Conduct of the meeting

The committee will take items in the following order:

1. All items where people wish to speak and have registered with Democratic Services.
2. Any remaining items the committee agrees can be determined without further debate.
3. Those applications which the committee wishes to discuss in detail.

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APOLOGIES FOR ABSENCE

Apologies were received from Councillors Smith and Pattinson.
There was a change in membership for this meeting with Councillor
Williams replacing Councillor Martins.

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DISCLOSURE OF INTERESTS

No disclosures of interest were made.

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MINUTES

The minutes from the meeting on 7 March 2023 were approved and signed.

23/00037/FUL– 39-43 Kingsfield Road Watford Herts WD19 4TQ

The Principle Planning Officer delivered his report to the committee.

The Chair thanked the officer and invited Mr Shah to speak against the application.

Mr Shah introduced himself and stated he would be speaking on behalf of the local residents. He stated that they were not against development of the property in principle but were for this use. Mr. Shah cited a previous council ruling from the 1980s that had specified the use of the house for elderly care and not for disabled or other groups. It was his belief that a house with fourteen residents with learning difficulties or autism would have a significant impact on the local area. Mr. Shah referenced National Institute for Health and Care Excellence (NICE) and Hertfordshire County Council (HCC) guidelines in relation to the number of people with autism living in a single residence.

It was his view that the level of activity would be too high and higher than it had been with the twenty-four residents of the former elderly living home.

Further to this he was worried about antisocial parking, the use of taxis, music and noise that would come from the garden.

He continued to state that they would not oppose a smaller operation. He raised questions of why Watford council would permit an operation not run by a HCC approved organisation. In relation to the massing of the building he did not accept the officer's report and believed it to be greater than the previously refused application. Furthermore, he stated that the residents were concerned about the removal of a poplar tree. Overall he was of the view that the size was not appropriate and would be disruptive.

The Chair thanked Mr. Shah and identified four key points from his statement. He asked the officer to respond to each of these points. Which he did.

In relation to Increased use: The officer responded stating that it was the same class of use, and there would be ten less residents than when it was an elderly care home and that there was no material evidence to suggest an increase in use with fewer people.

In relation to traffic concerns: The officer replied affirming that road was a controlled parking zone, there would be two onsite parking spaces, it was an accessible location and was close to public transport. Furthermore, Highways had raised no objections to the development.

In relation to trees: The officer responded asserting that there was a tree management plan in place and that lost trees would be replaced. There had been no objections from the environmental survey and the tree protection plan included the neighbouring sites.

In relation to the overbearing of the structure: The officer responded stating that there would be no significant loss of light or outlook and that there would be significant separation; all appropriate surveys had been completed.

The Chair thanked the officer and invited Mr. MacDougall to speak on behalf of the development.

Mr. MacDougall thanked the officers and committee. He stated that his organisation, Magic Life, would provide high quality living accommodation for autistic people, would be accessible and would improve the external view of the building. He said that there had been no objection from HCC and would be less intrusive than current high density care facility. Magic Life were in the process of working with HCC and would be fully accredited with them in the future. He stated that they shared the values and aims of providing adults with learning difficulties full, safe, and healthy lives within the community, as far as possible. Residents would have their own space and have an assessment prior to occupation to make sure they were suitable. They would have various community projects and activities available to them. The risk of absconding would be minimal and the staff levels would vary according to need, there would be 24 hour cover on site. He summarised by saying the development would provide high quality living for young people with care needs, who were currently under represented.

The Chair thanked Mr. MacDougall and invited Councillor Rodrigues to speak

Councillor Rodrigues asked the committee to refuse, he had visited the site and neighbouring properties. He wanted to stress that the objections were not to the use but to the number of residents. He went on to state that in accordance with a 1982 covenant the property should only be used for elderly people, he believed that the

committee should honour the covenant. In addition he believed that it would go against HCC guidelines.

Furthermore the Councillor objected to the activity centre, stating it would be close to the boundary with number thirty-seven and that the use would be detrimental to the neighbouring residents. In relation to the size of the development he stated that it was larger than the previously refused application and that there would be a loss of light and view. He also voiced concerns over how many members of staff would be onsite overnight before again asking the committee to reject the application.

The Chair thanked the councillor and asked the officer to comment on the 1982 planning condition being referred to as a covenant and the location of the activity centre.

The Principle Planning Officer stated that the 1982 condition was different to a covenant and pre-dates the current use class categories so there would not be a change of use. He clarified a covenant was very different to a condition. He went on to state that the committee cannot use HCC guidelines as Watford Council has their own guidelines and rules to follow.

In relation to the external building he stated that it would be well set away from number thirty-seven and buffered by trees, further to this he stated that outbuildings were not unusual in the area.

The Chair thanked the officer for his observations. He continued to make some brief comments, he stated that the late comments from HCC unhelpful as it did not relate to planning considerations. He highlighted that the committee should focus on land use and design, and that architecturally it was perfectly acceptable. Overall it improved the external view and the internal aspects were well thought out. He noted that there were no significant tree or ecological issues and that there was nothing in the local plan that supported the 1982 condition. Finally before asking the committee to comment he reminded the committee that they should be focused on the planning aspects and not the operation of the development.

The committee discussed the development. Amongst the committee there were no concerns raised in relation to the use of the house, however some members were concerned about the numbers. They also comment on the HCC report agreeing that while it caused concern it did not include any planning reasons that would allow them to reject the application. Sympathy for the residents was also expressed, while support for the connected lives policy was also made clear.

The Chair moved for the committee to vote on the officer's recommendation.

On being put to the committee the application was approved.

RESOLVED –

That planning permission be granted subject to the following conditions:
Conditions

1. Time Limit

The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

2. Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the following approved drawings:

PP-01; PP-02 Rev A; PP-03; PP-04; PP-05; PP-10; PP-11; PP-12; PP-13; PP-15 Rev A; PP-16 Rev A; PP-17 Rev A; PP-18 Rev A; PP-19 Rev A; PP-20 Rev A; PP-21 Rev A; PP-22 Rev A; PP-23 Rev A; PP-24 Rev A; PP-25 Rev A; PP-26 Rev A; PP-27 Rev A; PP-28 Rev A.

3. Materials

No development (apart from demolition) above ground level shall be carried out until full details of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, 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.

4. Hard and Soft Landscaping

Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works, including:

- trees and soft landscaping to be planted (including location, species, density and planting size),
- a scheme of ecological enhancements,
- details of any changes to ground levels,
- materials for all pathways, all hard surfacing and amenity areas/paving, and,
- boundary treatments,

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development.

The proposed planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants which within a period of five years, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

5. Vehicular access

The on-site parking area shall only be accessed via the dropped kerb shown on drawing No. PP-16 Rev A. Prior to the first occupation of the development hereby approved, all other existing dropped kerbs serving the property shall be permanently closed and the footway/kerb re-installed.

6. Electric vehicle charging

Prior to the first occupation of the development hereby approved, an electric vehicle charging point to serve each of the 2 on-site parking spaces shall be installed and made available for use. The electric charging infrastructure shall be retained at all times thereafter.

7. Refuse and recycling storage

Prior to the first occupation of the development hereby approved, refuse and recycling storage facilities shall be provided in accordance with the details shown on the approved plans. The storage facility shall be retained at all times thereafter.

8. Tree Works and Protection Measures

The development hereby approved shall be carried out in accordance with the tree works and tree protection measures set out in the Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Arboricultural Solutions LLP Revision 1 January 2023.

9. Water efficiency

The development hereby approved shall be constructed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

10. Accessible dwellings

The development hereby approved shall be constructed to M4(2): Accessible and adaptable dwellings or M4(3): Wheelchair user dwellings of The Building Regulations (2010) Access to and Use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings.

11. Obscure glass

The new first floor windows in the northern and southern side elevations of the building shall be (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Informatives

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability

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22/01486/FULM – 3 RHODES WAY, WATFORD, WD24 4YW

22/01486/FULM – 3 Rhodes Way, Watford, WD24 4YW

The Principle Planning Officer delivered his report to the committee.

The Chair thanked the officer and invited Mr. Evans to speak on behalf of the application.

Mr. Evans stated that what he had to say came down to three things – What, who and why. What, he said, was a self-storage unit, that would provide secure storage for residents and businesses, with various sizes of unit available. Currently 30% of customers tended to be businesses. 35-40% of users were short terms, meaning 6 months to a year and around 60% long term users of over a year. The who, he stated was Carbon, they were a brand new company and this would be their first site. Having entered the market around six months ago with lots of industry knowledge. They would also be constructing the development themselves. Finally he approached why. He stated that the category B8 use would be maintained which was supported by the site allocation. He also highlighted that they would be minimising the carbon footprint with various green initiatives and were seeking to meet BREAM excellent standard.

Chair thanked Mr. Evans and addressed the committee stating that he liked the illustrations, he called it very crisp. He went on to say that there was lots to like about it, such as it having a very straight forward design and operation and that he was encouraged by the ecological factors and the targeting of BREAM excellent standard. He had no objections.

The committee raised no objections or questions around this application.

The Chair moved for the committee to vote on the officer's recommendation.

On being put to the committee the application was approved.

RESOLVED –

That planning permission be granted subject to the following conditions:

Conditions

1. Time Limit

The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

2. Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the following approved drawings:

22044GA-10-001; 22044GA-10-003; 22044GA-10-004; 22044GA_D_001E;
22044GA_D_002D; 22044GA_D_003B; 22044GA_D_004B;
22044GA_D_006C; 22044GA_D_007C; 22044GA_D_008C;
22044GA_D_010C; 22044GA-D-022B; EQT W 100.22 SL-01.

3. Surface Water Drainage

No development shall commence until a final detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage scheme has been implemented in accordance with the approved details.

4. Surface Water Management Plan

Upon completion of the drainage works for the site, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development shall be maintained in accordance with the approved management and maintenance plan.

5. Environment Agency – Remediation

The development hereby approved shall be carried out in accordance with the approved remediation strategy set out in the Supplementary Geo-Environmental Assessment and Outline Remediation Strategy Prepared by Brownfield Solutions Ltd Ref. SMS/C5188/11479 Rev A December 2022.

6. Environment Agency – Verification Report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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.

7. Environment Agency – Monitoring and Maintenance

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

8. Environment Agency – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

9. Environment Agency – Piling

Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

10. Environment Agency – Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how 4 redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

11. Hard and Soft Landscaping

Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works, including:

- trees and soft landscaping to be planted (including location, species, density and planting size),
- a detailed scheme of ecological enhancements demonstrating a minimum 10% enhancement to biodiversity,
- details of any changes to ground levels around the building,
- materials for all pathways, all hard surfacing and amenity areas/paving, and,
- boundary treatments,

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. The proposed planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants which within a period of five years, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

12. External Lighting

Prior to the first occupation of the development hereby approved, full details of an external lighting scheme (including location, design, illuminance levels, and illuminance contour plans) shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall have input from a competent ecologist. No external lighting shall be installed on the site other than that shown on the approved lighting scheme.

13. Plant

Prior to the first occupation of the development hereby approved, details of all new external plant or machinery shall be submitted to and approved in writing by the Local Planning Authority. In respect of any plant that emits

sound, details shall include appropriate noise assessments carried out in accordance with BS4142 and undertaken by appropriately qualified technical consultants. The noise assessment shall include details of any necessary mitigation, which shall be installed prior to the plant being brought into operation.

14. Access/parking layout

Prior to the first occupation of the development hereby approved, the vehicular access and on-site parking layout shall be implemented in accordance with the approved plans. The vehicular access and parking layout shall be retained at all times thereafter.

15. Electric vehicle charging

Prior to the first occupation of the development hereby approved, active electric vehicle charging points for 4 parking spaces and passive infrastructure for the remaining 7 spaces shall be provided. The electric charging infrastructure shall be retained at all times thereafter.

16. Cycle parking

Prior to the first occupation of the development hereby approved, cycle storage for 30 cycles shall be provided in accordance with the approved plans. The cycle storage facilities shall be retained at all times thereafter.

17. BREEAM Certificate

Within 6 months of the date of completion of the development hereby approved, a certificate to certify that the BREEAM Excellent standard has been achieved in accordance with the BREEAM pre-assessment set out in the Energy and Sustainability Statement prepared by Atelier Ten Ref. 6986 dated 24 November 2022 shall be submitted to and approved in writing by the Local Planning Authority.

18. Materials

The external surfaces of the development hereby approved shall be finished in the materials specified on the approved drawings, unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN911 – Party Wall Act

Chair

The Meeting started at 7.00 pm
and finished at 8.05 pm