

## **DEVELOPMENT CONTROL COMMITTEE**

**19 SEPTEMBER 2013**

Present: Councillor R Martins (Chair)  
Councillor G Derbyshire (Vice-Chair)  
Councillors I Brandon, P Jeffree, S Johnson, A Joynes,  
M Watkin and T Williams

Also present: Councillor D Scudder

Officers: Development Management Section Head  
Major Cases Manager  
Applications Casework Manager  
Committee and Scrutiny Support Officer (RW)

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

Apologies had been received from Councillor Bell.

There was a change to committee membership at this meeting: Councillor Jeffree replaced Councillor Sharpe.

### **26 DISCLOSURE OF INTERESTS (IF ANY)**

Councillor Joynes advised that the Application at minute number 31 was situated in Newhouse Crescent where she lived. She made no comments on this development.

Councillor Williams informed the meeting that he had received an email from a resident on the subject of the Application at minute number 32. He confirmed that he had expressed no opinion on this matter.

### **27 MINUTES**

The minutes of the meeting held on 29 August 2013 were submitted and signed.

### **28 OUTSTANDING PLANNING APPLICATIONS**

The Committee received a report setting out the outstanding planning applications as at 10 September 2013.

RESOLVED –

that the report be noted.

29

## **52A TO 56 HIGH STREET**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site.

Councillor Derbyshire noted that the amended plans showed that the underground car park had been withdrawn from the scheme. He asked how the space intended for this car park would be used.

The Major Cases Manager explained that the underground car park would not be built as the costs to excavate the area would have been too great. There would be a ground level undercroft car park rather than provision in a basement area.

In reply to a further question from Councillor Derbyshire, the Major Cases Manager advised that there was currently no basement to the building and that the original proposal would have required expensive additional work.

Councillor Brandon referred to the report and noted that planning permission had been granted in June 2010; he asked whether, since the permission was now out of date, it was too late to change the application.

The Major Cases Manager replied that changes had been made to policies at national and local level since the original planning permission had been granted in May 2007 but these changes were taken into account in April 2010 when the planning permission was extended for a period of five years (rather than the usual period of three years). He added that the Section 106 planning obligation was likely to be completed within the next two weeks.

RESOLVED –

- (A)** That conditional planning permission be granted subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 to secure the following contributions and subject to the conditions listed below:

### Section 106 Heads of Terms

- i) To secure financial payments to the Council of:
  - a) £138,432 (index linked) towards the provision and improvement of public open space in the Borough in accordance with Policy L8 of the Watford District Plan 2000;
  - b) £37,430 (index linked) towards the provision and improvement of children's play space in the Borough in accordance with Policy L9 of the Watford District Plan 2000;

- c) £2,000 towards the variation of the relevant Traffic Regulation Order to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being allocated to this site.
- ii) To secure financial payments to the County Council of:
    - a) £25,750 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31;
    - b) £16,905 (index linked) towards the provision of secondary education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
    - c) £33,343 (index linked) towards the provision of primary education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
    - d) £7,865 (index linked) towards the provision of nursery education in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
    - e) £2,302 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
    - f) £511 (index linked) towards the provision of youth facilities in Watford in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
    - g) £5,835 (index linked) towards the provision of library facilities in accordance with Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000;
  - iii) To secure the provision of fire hydrants as required by the County Council.
  - iv) To secure the provision of 17 affordable housing units of which 11 shall be general needs rented (8 x 1 bed and 3 x 2 bed) and 6 shall be for intermediate tenures (5 x 1 bed and 1 x 2 bed).

## Conditions

1. The development to which this permission relates shall be commenced before 4<sup>th</sup> June 2015.
2. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.
3. Demolition of the existing buildings shall only take place in accordance with the Demolition Method Statement, Demolition Plan and Façade Retention Statement dated 19<sup>th</sup> September 2012, unless otherwise agreed in writing by the Local Planning Authority. No construction shall commence until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. This Plan shall include details of phasing of construction, contractors parking, the delivery and storage of materials, measures to mitigate noise and dust, wheel washing facilities, plant and equipment and a contact procedure for complaints. The Plan as approved shall be implemented throughout the construction period.
4. No construction shall commence until the programme of archaeological work set out in the Archaeological Project Design by The Heritage Network dated November 2012 has been undertaken. No part of the development shall be occupied or brought into use until the approved scheme of investigation for archaeological works has been implemented in full. Any evidence, reports or archive generated as a result of the programme of archaeological work shall be deposited within six months of the completion of the work with the historic environment record maintained by the Hertfordshire County Council (with copies provided to the Watford Museum) or such other public depository as shall be agreed in writing with the Local Planning Authority.
5. The development shall only be carried out in accordance with the detailed works for the retention, renovation and refurbishment of the façade of the existing building on the High Street frontage, as contained in the Façade Retention Statement dated 19<sup>th</sup> December 2012 and the Schedule of Works dated 15<sup>th</sup> May 2013, unless otherwise agreed in writing by the Local Planning Authority.
6. The development shall only be carried out using the following external materials, as shown on drawing nos. 1416-7-2A, 1416-7-3A, 1416-7-4A, 1416-7-5A and 1416-7-6A (W. Griffiths & Glass), unless otherwise agreed in writing by the Local Planning Authority:-

PermaRock Metallocryl Render in colours Silver and Copper

Metsa Thermowood timber cladding  
Trespa Meteon laminated panels in colour Spring Green (A3723)  
Euroclad Vieo metal cladding system  
Windows and external doors - powder coated aluminium  
External stair - galvanised metal with perforated infill panels  
Balconies - translucent structural glass balcony panels in clear glass and orange tinted glass with brushed stainless steel handrails and patch fittings

7. The development shall only be constructed in accordance with the threshold levels shown on drawing no.988\_1-10 (W Griffiths), unless otherwise agreed in writing by the Local Planning Authority.
8. The development shall only be carried out in accordance with the hard and soft landscaping scheme shown on drawing nos. 988\_1-9 and 988\_7-4 Rev.C (W Griffiths) and detailed in the email dated 27th June 2013 from Chris Griffiths, unless otherwise approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been implemented and the works carried out shall thereafter be retained as approved at all times.
9. The development shall not be occupied until the cycle store on the fifth floor has been constructed and Code Streetpods have been installed to accommodate 18 cycles, unless otherwise approved in writing by the Local Authority. The cycle store shall be retained at all times..
10. No part of the development hereby permitted shall be occupied until the refuse, recycling and cycle storage areas shall have been provided as approved, and all these areas shall thereafter be retained solely for these purposes.
11. No affordable housing units shall be located on the first or second floors of the rear building in any of the units numbered 1.1 to 1.6 inclusive or 2.1 to 2.6 inclusive which face north-east or south-west, unless otherwise agreed in writing by the Local Planning Authority.
12. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

988-1-1B, 2E, 3E, 4E, 5E, 6E, 7E, and 8F;  
988-2-1D, 2D, 3F, 4F and 5F.

### Informative

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision or improvement of public open space, children's play space, education facilities, childcare, youth facilities, library facilities and sustainable transport measures within the

Borough of Watford. In addition the agreement secures a contribution towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2006 to exclude future residents of the development from entitlement to residents parking permits. The agreement also requires the provision of necessary fire hydrants to serve the development and the provision of 17 affordable housing units.

2. 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.

Drawing numbers

988-1-2E, 988-1-3E, 988-1-4E, 988-1-5E, 988-1-6E, 988-1-7E, 988-1-8F, 988-2-1D, 988-2-3F, 988-2-4F, 988-2-5F

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- (B)** In the event that no section 106 planning obligation is completed by 2<sup>nd</sup> October 2013 in respect of the Heads of Terms set out above, the Development Management Section Head be authorised to refuse planning permission for this application for the following reasons:
1. The proposed development fails to make provision for public open space or children's play space, either in the form of on-site works or commuted payments, and as such is contrary to Policies L8 and L9 of the Watford District Plan 2000.
  2. The proposed development fails to contribute towards the implementation of sustainable transport measures forming part of the South West Hertfordshire Transportation Strategy, either in the form of off-site highway works or commuted payments, and as such is contrary to Policies T3, T4, T5 and INF1 of the Watford Local Plan Core Strategy 2006-31.
  3. The proposed development fails to contribute to the provision or improvement of education and community facilities (youth facilities, childcare, libraries and healthcare) in the Borough and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000.
  4. The proposed development fails to make the required affordable housing contribution pursuant to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
  5. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to Policy T24 of the Watford District Plan 2000.

6. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local Plan Core Strategy 2006-31 and Policy H10 of the Watford District Plan 2000.

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## **SCEPTRE SERVICE STATION, ST ALBANS ROAD**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site.

Councillor Watkin asked whether it would be possible to refuse an application on the grounds that there were already many masts in a particular area. He wished to know if there was a policy on density in any one location.

The Major Cases Manager replied that the Committee could take into account the presence of other masts in the vicinity. He cautioned, however, that at only one appeal regarding three masts in close proximity at the Hempstead Road/Langley Road junction, had the Inspector allowed the appeal based on the number of masts in the locality. There were no other cases of this being supported as a reason for refusal.

Councillor Brandon asked for information on the height of the mast and whether it would be in the sight line of houses in Pomeroy Close.

The Major Cases Manager said that the height would measure 15m, the same as other, nearby, masts. He advised that the mast would be shared by two operators and added that most companies ran sharing agreements in which they sought to minimise the number of masts in any one area.

With regard to visibility from Pomeroy Crescent, the Major Cases Manager said that the mast could be seen from this location but it would be 75m from the nearest residential property.

Responding to a question from Councillor Johnson, the Major Cases Manager advised that there were few homes within a 100m radius of the mast. He further advised that in Pomeroy Crescent 12 or 15 properties would be within this distance; the other properties were in commercial use.

The Chair noted Councillor Watkin's concerns regarding density of masts and invited further comment. Councillor Watkin asked whether, in future reports, it would be possible to advise on the locations of other masts in the application area.

**RESOLVED –**

That the applicant be advised that prior approval is required in this case and is granted subject to the following condition:

1. The mast shall be coloured Sherwood Green (BS 12 D 45) (unless otherwise agreed in writing by the Local Planning Authority) and shall be retained as such at all times.

Informative

1. The equipment cabinets should be coloured Fir Green (RAL 6009) and should be coated with a treatment to deter graffiti and fly-posting, in the interests of the visual appearance of the site.

Drawing numbers

70420-01, 11, 13

31

**LAND AT NEWHOUSE CRESCENT**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site.

RESOLVED –

That the applicant be advised that prior approval is required in this case and is granted subject to the following condition:

1. The mast shall have a textured GRP coating and be coloured brown to give the appearance of a telegraph pole (unless otherwise agreed in writing by the Local Planning Authority) and shall be retained as such at all times.

Informative

1. The equipment cabinets should be coloured Fir Green (RAL 6009) and should be coated with a treatment to deter graffiti and fly-posting, in the interests of the visual appearance of the site.

Drawing numbers

69289/101A, 102A, 103A, 104A

32

**11 THE PIPPINS**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site and details of five objections to the application.

The Committee agreed that Councillor D Scudder, councillor for Stanborough ward, could address the meeting.

Councillor Scudder said that he wished to address aspects of the application in the context of the planning history of the site. He advised that a proposal for the



erection of five houses had been refused in January 2008 and an appeal had been dismissed in October 2008. A further application had been granted in 2009. For this application the single storey extension had been removed.

Councillor Scudder drew attention to the fact that the proposed development reproduced plans which had been refused on appeal in 2008. He asked whether the Committee would be compromised by granting this application thus overturning the 2008 decision of the Planning Inspector.

The Chair considered that this was an important and substantive point and asked the Development Management Section Head if he would comment.

The Development Management Section Head explained that the refusal of 24 October 2008 was made prior to the adoption of the Residential Design Guide (RDG) which had introduced changed policies. He advised that the Council could no longer follow the Inspector's conclusion and that the Committee should now be guided by the Council's current adopted planning policies and the National Planning Policy Framework.

Councillor Williams commented that the original planning application had proved to be contentious. He reminded the meeting that the amended application had been passed and that, consequently, a single storey extension should not now be considered.

Councillor Williams then drew attention to policies GP3 and DG1. He said that Policy GP3 set out guidance on the effects of development on neighbouring properties; he claimed that this application would adversely affect such properties. Councillor Williams also noted that policy DG1 stated that extensions should not exceed 3.5 m whilst this conservatory would extend by 4m. He suggested that the application could be refused on those lines. He added his concerns regarding privacy, noting that this issue had been key to rejection of the original proposal at appeal.

The Applications Casework Manager advised that two standards should be applied in the matter of privacy. Firstly, there should be a 27.5m 'back to back' distance between first floor windows in neighbouring dwellings and, secondly, there should be a 10m distance from a first floor window to the boundary. He stressed that these distances must be measured from a first floor window and that there were no distance requirements at ground floor.

The Applications Casework Manger further noted that no 11, The Pippins had only one adjoining neighbour which, at the rear, was set back from the application house. This would result in the proposed conservatory projecting only 2m beyond the back wall of the neighbouring property.

In reply to a question from Councillor Johnson, the Applications Casework Manager said a substantial degree of amenity would remain within the rear boundaries of 11 The Pippins, amounting to over 90 sq m after the extension had been built.

The Chair noted that the extension would be a predominantly glazed structure and asked whether there were similar buildings in this locality.

The Applications Casework Manager replied that the conservatories were usually glazed in similar proportion to this proposal. He added that this would be of considerably lighter construction than one of solid brickwork and would provide a clear indication of the original building's structure.

Councillor Johnson noted that Permitted Development Rights had previously been withdrawn at the original application and asked whether it would have been allowed under the new legislation. He also asked why Permitted Development Rights had been removed.

The Applications Casework Manager explained that had Permitted Development Rights not been withdrawn an extension of up to 3m would have been allowed.

Responding to a question from the Chair, the Development Management Section Head advised that weight could not be accorded to the removal of Permitted Development Rights nor could it be inferred that planning permission for what would otherwise have been permitted development would therefore be refused. All that the condition removing Permitted Development Rights had done was to require all such proposals to be the subject of an application for planning permission. He explained that this meant that what the Committee had to do was to determine the current application in the light of policies adopted and currently in use by the Council.

Councillor Watkin referred to an email from a resident passed to the Committee prior to the start of the meeting. He noted that the email had commented on visibility from ground floor and first floor windows. Councillor Watkin then drew attention to the sloping roof of the conservatory and asked whether this had any significance with regard to distance from the first floor windows of neighbouring properties.

The Applications Casework Manager advised that no such standards had been set on this type of development.

Councillor Derbyshire pointed out that the distance between the application site and the adjoining property in Rother Close had been central to considerations. He noted that the advised distance as set out in the Residential Design Guide was limited to 27.5m. He considered, however, that the RDG's guidance lacked clarity: it was unclear that the distance should be measured to first floor windows. Councillor Derbyshire suggested that the RDG should be improved; residents had difficulty in understanding the guidance on distance which could, in fact, be interpreted in several different ways.

The Applications Casework Manager agreed that the section on distance was confusing and advised that the RDG was in process of being updating and improved. He confirmed that the distance to be considered was from first floor windows rather than from the end of the conservatory. He further advised on

privacy issues from the ground floor windows noting that the boundary fence would be at a height of 1.8m to negate problems from overlooking.

In a reply to a question from Councillor Derbyshire, the Development Management Section Head advised that Permitted Development Rights could be a material consideration at appeal. He noted a previous application which had originally been refused by the Council but then allowed at appeal by the Inspector. The Development Management Section Head added that it was the Government's view that an extension of up to 4m on a detached house, such as at this application, was not considered to be harmful to neighbouring properties and that, currently, an extension of up to 8m on a detached house was considered acceptable.

The Development Management Section Head further advised that rigid adherence to planning policies and particular distances would not necessarily succeed at appeal; it had to be demonstrated that harm would arise as a result of a failure to meet a particular specified distance. He noted that in this case, so far as the 4m depth of the extension was concerned, there was no evidence of harm to amenity to neighbouring properties. The Development Management Section Head pointed out that there was a neighbouring property on one side only and that these two properties had a staggered aspect in respect of their back walls, such that the extension would appear to have a depth of about 2m when seen from the adjoining property. He advised that, in such circumstances, an Inspector would in all likelihood allow any appeal against a refusal of planning permission.

Councillor Jeffree noted that the conservatory would breach the 27.5m distance allowable between two neighbouring homes. He advised that this could in effect prevent the neighbour from extending their property as the distance would then reduce to less than the limit. Councillor Jeffree also referred to the location plan and noted the large outbuilding at the end of the garden at number 9, Rother Close. He considered that this would effectively block any view from this house and that consequently this neighbouring house would not be adversely affected.

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 Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, before 8am or after 1pm on Saturdays and not at all on Sundays and Public Holidays.
- 3 All the external surfaces of the extension shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, 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.

Informative

- 1 In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

Drawing numbers

1008/1; 1008/2; 1008/3; Site Location Plan

Chair

The Meeting started at 7.30 pm  
and finished at 8.20 pm