

DEVELOPMENT CONTROL COMMITTEE

13 MARCH 2014

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

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

71 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There were no apologies; all Members were present.

72 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Bell said that, as a County Councillor, he had had discussions regarding the application at Ascot Road. He advised, however, that these discussions had centred on the school rather than the design and landscaping as detailed within the current application.

Councillors Joynes and Watkin that, as County Councillors, they had also been involved in similar discussions but had made no comments regarding the design and landscaping details as presented at the current meeting.

73 MINUTES

The minutes of the meeting held on 30 January 2014 were submitted and signed.

74 OUTSTANDING PLANNING APPLICATIONS

RESOLVED –

that the report be noted.

75 36 CLARENDON ROAD

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

responses to letters sent with regard to the application. The Major Cases Manager advised that since publication of the report an additional three letters of objection and a petition with 135 signatures had been received.

The Major Cases Manager then drew attention to the Update sheet and explained that the Applicant had agreed to provide 35% affordable housing; this equated to 13 shared ownership homes. He added that two requests had been made to English Heritage to list the Victorian villa currently on site. The requests had, however, been rejected for the reasons detailed in the Update Sheet.

The Major Cases Manager then pointed out that the Update Sheet also advised on amended drawings for the application which were displayed in the Chamber along with revised highway layouts. He added that the financial contribution to sustainable transport should in fact be £24,875.

The Major Cases Manager concluded by drawing attention to the slight amendments to Conditions 2, 5, 18 and 19.

The Chair invited Mr John Berrisford to speak to the meeting.

Mr Berrisford explained that he lived close to the application site. He noted that on the Clarendon Road side of the site, the development would border the pavement; this would be beyond the existing building line. He added that this development, combined with the taller adjacent buildings, would produce a 'canyon' effect.

Mr Berrisford also expressed concern that approval for this application could set a precedent for the future development of the two remaining Victorian houses in the road. He added that the Gartlet Road elevation was inappropriate for the conservation area; its height would be oppressive in this area and would be inappropriate when sited in juxtaposition to the Victorian terraces in Gartlet Road.

Mr Berrisford advised that the height of the residential element would impact on the privacy of residents in neighbouring houses. Mr Berrisford then drew attention to the path of the sun and said that numbers 5 and 7 Gartlet Road would be in the shadow of the five-storey block for most of the day.

Mr Berrisford advised that a further concern focused on the shallow foundations of the surrounding houses and suggested that they could be damaged during the building work. He then addressed the issue of the footpath which he said would cause a bottle-neck further along the path. With regard to parking, Mr Berrisford noted that all parking spaces, in addition to waste collection amenities, were set at the rear of the building and consequently under the windows of number 4 Gartlet Road.

Mr Berrisford concluded by stating that the height and scale of the development would be intrusive in this location and asked that no works should be conducted on either Saturdays or Sundays.

The Chair invited Mr Douglas Bond to speak to the meeting.

Mr Bond advised that the Applicant had been involved with a number of developments in Watford and had worked closely with officers during the pre-application stages. He added that dialogue with officers had resulted in amendments to the current application.

Mr Bond explained that the development ensured balance and scale in relation to neighbouring buildings and that both the office and the residential elements were of high quality. Referring to the review by English Heritage he emphasised that the villa currently on the site had not been considered of a standard to be nationally listed.

Mr Bond noted that Clarendon Road was a core employment area and that there was currently a need for improvement to office space at this location; the proposed development would achieve better employment facilities than the former provision. He added that the residential element would contribute to much-needed housing stock and would enhance the utility of this area of the town.

Mr Bond reminded the meeting that the residential development would be at the rear of the scheme with office facilities at the front; this would create a suitable interface: offices fronting Clarendon Road and homes facing the houses in Gartlet Road. He drew attention to the fact that the building would be of two storeys on Gartlet Road to match the houses and would then 'step up' in height away from the road.

Referring to Mr Berrisford's comments regarding privacy, Mr Bond said that whilst there would be balconies for the flats, these would not overlook homes in Gartlet Road. The development would be constructed of high quality materials, and he stressed that the scheme was of overall high quality which would enhance the surrounding area and improve the existing street scene.

Mr Bond concluded by stating that the development respected current residents' outlook, that 35% affordable housing would be included and that all current policy requirements had been fully met.

The Committee agreed that Councillor Lynch could address the meeting.

Councillor Lynch said that she was speaking in order to express her objections to the scheme and noted the petition, containing 135 signatories, which opposed the intended demolition.

Councillor Lynch reminded the meeting that number 36 Clarendon Road had been the home of Sir Dennis Herbert, a former MP for Watford and had been registered as a locally listed building. She considered that the house provided architectural interest and that the officer's report somewhat underplayed this fact.

Councillor Lynch advised that representatives from English Heritage did not visit the site and had not realised that the relatively rare feature of a cantilevered rear

dormer existed. Residents felt that this, coupled with the fact that this was the only building in the road dating from the 1860s, was worthy of national listing. An appeal against English Heritage's decision had consequently been made and the result was currently awaited.

Councillor Lynch said that the proposed development was not in keeping with the conservation area and could set a precedent for this type of construction. Councillor Lynch felt that the current building should be protected and preserved and that the site could be an asset to the local community.

Councillor Lynch affirmed that several office buildings in Clarendon Road were currently empty and that more office space was not needed. She then advised that a proposal had been aired to open a Free School. This suggestion had been enthusiastically supported with the suggestion that the application site would be ideal for this use.

Councillor Lynch listed her reasons for refusing the proposal: there was limited demand for office space in Clarendon Road, the site could be used to establish a free school and the villa itself was worth preserving.

The Chair asked the Major Cases Manager to address the issues raised by the previous speakers.

On the subject of listing status, the Major Cases Manager advised that the conservation team had been consulted and explained that local listing did not give protection against demolition; nevertheless, there was a measure of conflict between policies designed to protect heritage assets and those intended to promote sustainable development. Since English Heritage had determined that the application site was not of national interest there was no additional protection against development. Furthermore, the site was not in a conservation area and consequently there was no power to prevent the demolition of the building.

Referring to Mr Berrisford's point about the building line, the Major Cases Manager said that the frontage on Clarendon Road did not reach to the edge of the footpath and that six parking spaces would be provided to the front of the building. He added that the Gartlet Road office frontage turned the corner appropriately and that a new footpath would be introduced for the residential area which would be similar to those on Gartlet Road and Estcourt Road.

The Major Cases Manager then addressed Mr Berrisford's point about shadowing. He pointed out that, since the site was north of the boundary with numbers 1 to 4 Gartlet Road, loss of sunshine to these houses would be limited. There would be a degree of overshadowing to the houses at 5 and 7 Gartlet Road but this would only occur late in the day; there would be no overshadowing in the gardens.

The Committee then discussed the application.

Councillor Johnson referred to the appeal to English Heritage as advised by Councillor Lynch and asked how long it would be before an answer would be

received. He said that he would be unhappy to proceed before English Heritage had replied.

Councillor Lynch explained that the County Councillor for Central/Oxhey Division had questioned the fact that English Heritage had not visited the site. He had informed them of the rear dormer aspect as being worthy of inspection; English Heritage had agreed that they would review their decision.

Councillor Bell said that, whilst he was aware that Clarendon Road consisted primarily of office buildings, the villa currently on site was an historic building which could be put to use in its present form.

Councillor Derbyshire advised that he had been unaware of the proposal for a free school for primary aged children at this location. He noted that there was an urgent need for school places in Watford and that this site would be a wise choice.

The Development Management Section Head advised the Committee that there could be many options for uses of land. The Committee could not, however, refuse planning permission for an otherwise acceptable application on the basis of other, possible, proposals that might come forward in the future. If the scheme for which planning permission was being sought was acceptable the application could not be refused on this basis. He counselled that Members should disregard possible suggestions for other uses of the application site.

Councillor Watkin expressed his approval for the proposal. He referred to other recent developments in the town, specifically in Beechen Grove, which had had little regard for neighbouring properties. He considered that this application, however, was of an interesting design which yet managed to soften the impact of height and bulk on its neighbours; whilst there would be the loss of a building, there would be net gain to the community.

Councillor Sharpe advised that the building had only local listing and could, as such, be demolished without planning permission. He referred to developments in Beechen Grove and said that these had been constructed at some distance from neighbouring buildings.

Councillor Sharpe said that the proposed corner from Clarendon Road to Gartlet Road did not make an appropriate transition and that the development did not complement the conservation area. He added that he was inclined to refuse the application on the grounds of its bulk and scale, the detriment to the conservation area and the fact that the design was of insufficiently high quality.

Councillor Brandon commented that the plant room located at the top of the building was not in keeping with the area. He added that the view from Gartlet Road would highlight the difference in styles of the two elements of the building.

The Chair agreed that there was poor transition between the office and residential components of the development and noted that amenity space for residents of the flats would be limited. He added that he was concerned that if

built, the units with poorer outlook and amenity space would most likely be earmarked for social housing. He said that is something the council should guard against

The Major Cases Manager said that it had been intended that it would be clear that the separate parts of the building would have different uses. It had been decided that it would be preferable for the residential element to be clearly defined. Consequently the residential element would be of brick construction and the office element would have curtain wall cladding; this design would offer a visual distinction between the two elements.

The Major Cases Manager further advised that the building was stepped from five to two storeys and that this was the best method of obtaining parity with the surrounding area. The height of the building in Clarendon Road opposite to the site was of five storeys, whilst those in Gartlet Road were of two storeys; the application design would make an appropriate transition between the two.

With regard to the Chair's query about amenity space, the Major Cases Manager said that the flats would have small balconies but that there would be no communal amenity area.

The Chair then asked the Major Cases Manager to advise on Hertfordshire Constabulary's comments on page 15 of the report as it appeared that crime prevention issues had not been adequately addressed.

The Major Cases Manager responded that site security could be provided by means of fencing and gates whilst it would be possible to provide secure refuse bins and cycles.

Councillor Derbyshire expressed his agreement with English Heritage's conclusions stating that there was little merit in this Victorian building. He agreed with Councillor Brandon that the appearance of the proposed plant room was offensive although he considered that the office element of the development would be in character with its surrounding buildings in Clarendon Road.

Regarding the frontage to Gartlet Road, Councillor Derbyshire said that whilst the steps in levels would reduce the impact of the size of the building, it would, none-the-less, have a harmful impact on the adjacent Estcourt Conservation Area.

Councillor Williams echoed previous Members' concerns regarding local versus national listing but noted that he considered the proposal to be of poor design and of excessive bulk and density.

The Chair expressed the view that the report focussed on the impact of the development on Clarendon Road rather than the impact on the conservation area. He also reiterated his concern regarding the lack of sufficient amenity space.

Councillor Sharpe advised that he would not wish to approve this application. He referred to Policy UD1 of the Watford Local Plan Core Strategy and advised

that the bulk and massing of the eastern element of the development would impact negatively on Gartlet Road and the conservation area.

The Development Management Section Head explained that the report represented the officers' views and their recommendations. He reminded Members that were the application to be refused it would be necessary, if there were an appeal, to produce sufficient evidence before an Inspector in order to support their decision. The Development Management Section Head noted that there were numerous conflicting factors to be considered: the case was not clear cut and, in the case of an appeal, the decision could go either way.

Responding to the Chair's query regarding the request for further input from English Heritage, the Development Management Section Head said that the Committee must make their decision based on the available information. He reiterated that local listing did not provide statutory protection and that, within permitted development rights, the building could be demolished without recourse to planning permission.

The Development Management Section Head explained that the Secretary of State for Communities and Local Government could list the building with the consequence that consent from the Secretary of State would then be required for its demolition. At the present time, however, the villa was not a statutorily listed building and there were consequently no reasons for refusal on these grounds.

The Chair invited members to vote on the proposal tabled by Councillor Sharpe that the Application be refused.

RESOLVED –

That the Application be REFUSED for the following reason:

The proposed development, by reason of its height, massing and bulk, will have a harmful impact on the character and appearance of the Estcourt Conservation Area to the east of the site, contrary to Policies UD1 and UD2 of the Watford Local Plan Part 1: Core Strategy 2006-31.

76

FORMER ROYAL MAIL DEPOT, ASCOT ROAD

The Major Cases Manager drew attention to the Update Sheet. The manufacturer's details had been deleted from Condition 2 although the specifications of the materials remained as stated.

RESOLVED –

That the details of the scale and appearance of the building and the layout and landscaping of the site be approved, pursuant to Condition 1 of outline planning permission ref. 12/00792/OUTM dated 22nd November 2012, in accordance with the submitted details and the conditions as set out below:

Conditions

1. The development shall only be constructed in accordance with the details shown on the following approved drawings:

5016/001, 5016/004.

2376_GAD_100000_B, 120000_B, 120001_F, 120002_E, 140000_B, 140001_B, 140002_E, 140003_E, 150000_B, 1500001_A, 1500016_B, 1100-LS-100_A, 1100-PP-300_A.

2. The development shall only be constructed in the following materials:

Main building elevations – through colour render – White.

Lower level of main hall and kitchen – facing brick Charcoal Smooth.

Upper level of main hall – through colour render – coloured.

Spandrel panels – high pressure laminate - coloured.

Windows and doors – aluminium frames coloured Slate Grey (RAL 7015).

External staircase – Western Red Cedar battens.

Bin store – timber fencing/battens 1.8m high.

Cycle store – covered bike shelter coloured Light Moss Green (RAL 6005).

Fencing to nursery and early years play areas – 1.2m high bow topped fencing coloured green.

Boundary fencing and gates and fencing to car park - Jackson's Barbican Railings coloured Holly Green (BS14C39).

Pedestrian piazza – buff paving slabs.

Car park and hard surfaced play areas – black macadam.

3. The soft landscaping of the site shall be carried out in accordance with the following details within the first available planting season following completion of the development:

Planting Plan – drawing no. 1100_PP_300_A (UBU Design LLP).

The soft landscaping shall be retained in accordance with the following management plan:

Landscape Management Plan – ref. 1100/MP/600_A dated January 2014 (UBU Design LLP).

Drawing nos.

5016/001, 5016/004.

2376_GAD_100000_B, 120000_B, 120001_F, 120002_E, 140000_B, 140001_B, 140002_E, 140003_E, 150000_B, 1500001_A, 1500016_B, 1100-LS-100_A, 1100-PP-300_A.

The Chair informed the meeting that he had recently attended a course at which he had discovered that Watford Borough Council was already following the recommended good practice in dealing with planning appeals. He expressed his thanks to officers for their diligence and hard work.

The Development Management Section Head presented his report on Planning Appeals in 2012 to 2013.

Table 1: The Development Management Section Head noted that 35% of s.78 Householder appeals had been allowed nationally whereas only 19% had been allowed for Watford Borough Council. He concluded that this demonstrated that decisions had been both sound and defensible. Decisions had followed the Council's adopted policies and had proved to be sustainable at appeal.

Table 2: The summary of appeal decisions showed that whilst there had been a greater propensity for appellants to appeal refusals of planning permission in Watford compared to England, far fewer of those appeals had been successful.

Table 3: There had been little change since the previous annual report: 43.6% of appeals had centred on the character and appearance of the development and 20% on the impact on living conditions for neighbours.

The Development Management Section Head pointed out that appeal decisions frequently turned on subjective matters. He noted that in 15 cases where inspectors had referred to the Residential Design Guide (RDG) the determining issues were character and appearance of the development and the impact on neighbours. The Development Management Section Head stressed that where specifications included in the RDG were not precisely met, as long as no harm accrued there would be insufficient reason for refusal, as noted in the report's key learning points.

The Development Management Section Head advised that, at a meeting with the Chief Planner at the Department of Communities and Local Government, one local agent had noted that Watford Borough Council had one of the best planning departments in the county and that the Chief Planner had singled out Watford as a model authority in terms of its handling of the Clarendon Road 'office to residential' Article 4 Direction.

The Chair thanked the planning team and said that guidance from officers was essential in the Committee's decision making process.

Councillor Sharpe agreed that the planning team was excellent and that advice was always professional. He reiterated the Development Management Section Head's statement that the RDG was for direction rather than for strict ruling: Members should be guided by the spirit of the Guide not by the 'literal letter'.

The Meeting started at 7.30 pm
and finished at 9.00 pm

Chair