

## **DEVELOPMENT CONTROL COMMITTEE**

**5 JUNE 2014**

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

Also present: Councillor Helen Lynch

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

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

There was a change to the Committee at this meeting: Councillor Connal replaced Councillor Joynes.

Councillor Brandon had sent apologies prior to the start of the meeting.

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

There were no Disclosures of Interest.

### **103 MINUTES**

The minutes of the meeting held on 15 May 2014 were submitted and signed.

### **104 OUTSTANDING PLANNING APPLICATIONS**

RESOLVED –

that the report be noted.

### **105 70 EUSTON AVENUE**

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

The Senior Planning Officer drew the meeting's attention to the Update Sheet which included an additional condition regarding the shop front glazing.

The Chair invited Mr Michael No to speak to the Committee.

Mr No explained that he was the leaseholder of the shop at 70 Euston Avenue and that his intention was to offer Chinese therapies to residents. These therapies would include health care and acupuncture as well as muscle pain relief through traditional Chinese massage.

Mr No advised that he intended to offer oriental health care to the local community and had not anticipated that there would be any opposition to this objective. Believing that approval for the change of use would be forthcoming, he had redecorated the premises at some cost and had not anticipated any form of rejection.

Mr No's intention was to offer a range of traditional Chinese treatments. He stated that he had lived in England for some time and would welcome the opportunity to provide this service to the local community.

The Committee then discussed the application.

Councillor Bell advised that residents had expressed concern regarding this proposal. He said that the shop had been vacant for some time and was not attractive in its present state. He noted that the premises were sited between a betting shop and a newsagent which sold alcohol and had been the subject of vandalism in the past.

Councillor Bell further advised on problems connected to parking in the area. He noted that the Controlled Parking Zone (CPZ) operated until 6.30 p.m. but that Mr No hoped to remain open until 9.00 p.m. Were customers to arrive by car this would cause additional problems for residents in an area where parking places were already at a premium. Councillor Bell said that his worries were mainly on highway grounds.

Councillor Derbyshire said that he recognised that the concerns of residents had been driven by the description of proposed activities as stated in the original application. He referred to the perception of the general public to the term 'massage parlour' but noted that the current application proposed a therapy centre with physiotherapy treatments; this, he felt, would be acceptable in this location.

Councillor Derbyshire added that, as a precaution, it would be wise to ensure that time limits be imposed on opening times. He considered that there should be no requirement for late opening and that the imposition of a limit on operating times would be of reassurance to local residents.

The Chair asked the Senior Planning Officer to comment on the change of name.

The Senior Planning Officer advised that the term 'massage parlour' had featured in discussions between the Applicant and the Council's Enforcement Officer as a result of which the applicant was under the impression that this was the appropriate planning description to use on his application. However, Mr No had then discussed the proposed use of the premises, and the complementary therapies and treatments which he intended to offer, with the Senior Planning Officer and, during a visit to the site, the Senior Planning Officer noted the fitting out and arrangement of the premises, which were consistent with the proposed use. She had discussed an amendment to the description with Mr No, who had agreed that the altered details of services to be provided would be a more accurate description of the development.

Councillor Sharpe agreed with Councillor Derbyshire regarding the use of the word 'massage' but reminded the meeting that the Committee was bound to judge the application on its own merits rather than on residents' fears on what might transpire in the future. He explained that were the premises to provide inappropriate services this could then be dealt with through enforcement measures. At face value, however, he considered that there were sufficient grounds to approve the application.

Councillor Sharpe then referred to parking problems. He said that parking continued to be an issue in the location but that this proposal would generate fewer visitors than most other uses.

Councillor Bell further explained his concerns regarding highway issues. He noted problems inherent in Euston Avenue's street plan and said that whilst there might be few additional visitors, problems could still increase.

The Chair asked the Senior Planning Officer to comment on parking problems.

The Senior Planning Officer said that she understood the problems associated with Euston Avenue's cul-de-sac street plan but that it should be recognised that the premises could be returned to A1 use at any time. She referred to Councillor Sharpe's comment regarding parking and agreed that other uses could have a greater impact on congestion.

The Chair advised that it would not be possible to refuse the application on the grounds of parking. He then asked the Committee to consider the question of opening times.

Members discussed possible changes to opening times. It was suggested that the closing time of 9.00 p.m. should be limited to one year and that this condition should then be reviewed.

The Committee concluded that the opening times should be restricted to those referred to in the report. The Committee also agreed the additional condition regarding shop glazing.

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 premises shall be used only as a massage treatment studio and shall not be used for any other purpose, including any other purpose falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.
3. Details of the shop front glazing shall be submitted to and approved in writing by the Local Planning Authority and the shop front glazing shall be installed in accordance with the approved details prior to the commencement of the use.
4. The use hereby permitted shall not be operated on these premises before 10.30am or after 9pm on any day.

#### 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

Site Plan 1:1250  
140513-21-DK002 (Floor Plan)

106

### **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 six responses raising objections to the application.

The Major Cases and Enforcement Manager drew attention to the Update Sheet. He advised that additional representations had been received from Councillor Lynch, the vicar of St John's Church, part of which had been reproduced in the Update Sheet, as well as four further letters of objection from residents.

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

Mr Berrisford considered that insufficient alterations had been made to the design of the application. He noted that whilst the number of flats had decreased, the floor area of the residential units was proportionately larger than the office space.

Mr Berrisford explained that the main concern of residents was the number of windows and balconies which would dominate the back gardens of surrounding houses to the detriment of residents' privacy. He added that the design of the development would not blend in with the adjoining conservation area.

Mr Berrisford then noted the wall which was proposed between the electricity substation and no. 4 Gartlet Road which, he said, had been reduced in height from three and a half metres to 2 m. He suggested that the construction of the substation could be altered.

The Chair then invited Mr Douglas Bond to address the Committee.

Mr Bond advised that the scheme was similar to that which had come to the Development Control Committee in March 2014. He noted that at that meeting the application had been refused solely for reasons of its height, massing and bulk having a harmful impact on the character and appearance of the Estcourt Conservation Area.

Mr Bond pointed out that no issues other than those connected with massing had been considered as grounds for refusal and noted that changes to height, mass and bulk had been addressed within the current application.

Mr Bond affirmed that the Applicants wished to work with local residents on the scheme; they had listened to their concerns and had addressed these in a positive manner. The results were apparent in the current application: the loss of the former top floor, fewer residential units, alterations to windows and lower 'steps' to lessen the bulk and mass of the building. Mr Bond added that the facing material had been changed, giving a softer appearance which harmonised with the surrounding homes.

Mr Bond reiterated that the concerns expressed at the previous meeting had all been addressed and that the changes represented significant improvement and reflected the area in which the development would be set.

Mr Bond then referred to the issue of the building currently on the site. He reminded the meeting that English Heritage had rejected two proposals that the house should be designated a 'listed' building. He noted that the house was not regarded as being of 'listable' quality but said that the Applicant would be willing to prepare an historical record of the building.

With reference to Mr Berrisford's remarks concerning the substation, Mr Bond said that the developer had sought to enclose this building but that it could be possible to include changes and ensure that the substation was secured.

The Committee agreed that Councillor Lynch could speak to the meeting.

Councillor Lynch advised that she was speaking on behalf of the residents of Gartlet Road. She referred to the previous application which had been refused due to reasons of height, massing and bulk and affirmed that the current application should be refused for similar reasons. She noted that the current

application proposed office space of 2,200m<sup>2</sup> in addition to 34 residential flats and said that she considered this to be overbearing and, visually, both obtrusive and intrusive.

Councillor Lynch then advised that the Core Strategy had designated Clarendon Road as a prime commercial area. She pointed out that whilst offices would generally be empty during evenings and weekends, the flats would be inhabited day and night and would impact negatively on nearby residents.

Councillor Lynch concluded by suggesting that, if approved, a condition be included that construction works take place from Monday to Fridays only, in order to provide weekend respite for residents.

The Chair asked the Major Cases and Enforcement Manager to comment on the letter from Fr Stevenson as noted in the Update Sheet.

The Major Cases and Enforcement Manager explained that it had been suggested that a school be built on site. He reminded Members that an application which came to Committee could not be refused on the grounds of a possible alternative use. He added that there were no reasons why multiple planning permissions could not be granted for a site as long as they were acceptable and satisfied planning considerations.

The Major Cases and Enforcement Manager then referred to Mr Berrisford's comments on the proportionality of residential and office space and said that this was similar to the development at no. 32 Clarendon Road. He further noted that transition between residential and commercial elements was stark in some parts of this locality; he considered, however, that the transition at this site had been successfully managed.

Responding to the question of the substation, the Major Cases and Enforcement Manager said that this matter had not been raised before. The intention had been to enclose and hide the substation from view. He added that the building did not need to be screened and that a further design could be submitted which would reduce the height of the structure but still provide some screening for the substation.

The Committee then discussed the application.

Councillor Derbyshire said that he had had reservations concerning the original scheme but that the current application demonstrated significant improvements. He had considered the previous design to be overwhelming but approved the incorporation of yellow stock bricks into the current design.

Councillor Derbyshire added that he found the changes in the 'steps' to the building to be acceptable and noted that he was pleased with the Applicant's response to previous objections.

Councillor Sharpe agreed that the application proposed a significant change to that presented previously. He considered that there were a number of stark

transitions in Watford which presented problems in planning. He noted, however, that it was necessary to be aware of national policy which required councils to make use of urban areas for development. Councillor Sharpe advised that the scheme was acceptable and that there were no planning reasons for a refusal.

Councillor Williams asked whether an additional condition could be included in respect of the substation.

Councillor Bell agreed that the design was an improvement but noted that the close proximity to the Estcourt Road Conservation Area would make a considerable impact.

He noted that the report had recommended that the residential element in the scheme needed careful consideration.

Councillor Watkin supported Councillor Lynch's suggestion of a restriction on hours for construction work.

The Chair agreed that a condition should be included prohibiting construction work at weekends. He added that the issue of the preservation of the house as a listed building had been considered at the previous meeting and regretted that since English Heritage had rejected the listing application the building would be 'lost'.

The Major Cases and Enforcement Manager suggested that further details on the design of the substation could be submitted. The Committee agreed to an additional condition in this respect.

RESOLVED –

**(A)** That 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) £84,048 (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) £13,790 (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) £24,000 (index linked) towards the implementation of the South West Hertfordshire Transport Strategy and sustainable transport measures in Watford in accordance with Policies T3 and T5 of the Core Strategy 2013;
  - b) £13,284 (index linked) towards the provision of primary education in accordance with Policy H10 of the Watford District Plan 2000;
  - c) £7,156 (index linked) towards the provision of secondary education in accordance with Policy H10 of the Watford District Plan 2000;
  - d) £3,370 (index linked) towards the provision of nursery education in accordance with Policy H10 of the Watford District Plan 2000;
  - e) £958 (index linked) towards the provision of childcare facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - f) £242 (index linked) towards the provision of youth facilities in Watford in accordance with Policy H10 of the Watford District Plan 2000;
  - g) £3,346 (index linked) towards the provision of library facilities in accordance with Policy H10 of the Watford District Plan 2000;
- iii) To secure the provision of fire hydrants as required by the County Council in accordance with Policy H10 of the Watford District Plan 2000.
- iv) To secure 12 flats as affordable housing to be shared ownership by tenure in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2013.

#### 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:-  
  
9283/PL 001, 002, 103C, 104C, 105C, 106C, 107C, 108C, 109C, 110C, 111C, 112D, 113D, 114DH, 115A, 116A, 117C.  
Topographical Survey GY\2641-1\0001 (Parts 1 and 2).  
63040-TS-003B.
3. Construction of the development hereby permitted shall not take place before 8am or after 6pm Mondays to Fridays, and not at all on Saturdays, Sundays and Public Holidays.



4. No development shall commence until the scheme has been registered with the Considerate Constructors Scheme and a certificate of registration has been submitted to the Local Planning Authority. The construction shall be carried out in accordance with the requirements of this scheme.

5. The existing Victorian villa on the site shall not be demolished until a historic building record has been made of the building. This shall include a written and photographic record of the building internally and externally.

6. The development shall be constructed to Code Level 4 of the Code for Sustainable Homes (residential element) and BREEAM Very Good (office element) in accordance with the pre-assessments contained in the Sustainability Statement by XCO2 Energy (dated December 2013). No part of the development shall be occupied until post-completion certificates, to certify that the respective Code Level 4 and BREEAM Very Good standards have been achieved, have been submitted to and approved in writing by the Local Planning Authority.

7. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be undertaken in accordance with the approved piling method statement.

8. No development shall commence until details of the existing and proposed ground levels and the finished ground floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

9. No development shall commence until details of the materials to be used for all the external finishes of the building, including all external walls, roofs, doors, windows and balconies, have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall also include details of privacy screens to Units 8, 9, 10 and 17 and obscure glazing and infill panels to Units 24 and 34. The development shall be carried out only in accordance with the approved materials.

10. No development shall commence until a hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all means of enclosure on the boundaries of the site and within the site. No part of the development shall be occupied until the approved hard landscaping works have been carried out.

11. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants 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.

12. No development shall commence until details of a sustainable surface water drainage scheme for the development have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage scheme has been implemented in full.

13. No plant or equipment shall be installed within the roof level plant room until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the sound pressure level from the plant room will be at least 10dB below the lowest LA<sub>90</sub> (15 minute) noise level measured at 1m from the adjoining residential flats when all plant and equipment is operational. The assessment shall include appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until the approved mitigation measures have been installed.

14. No construction shall commence until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority which demonstrates that:

- i) Sound levels from the existing electrical substation in units 3 and 10 do not exceed any of the values on curve NR 30.
- ii) Sound levels from the domestic plant room in units 2, 3, 9 and 11 do not exceed any of the values on curve NR 30.

Reference to curve NR 30 relates to ISO 1996: Acoustics – Description, measurement and assessment of environmental noise.

15. No solar panels shall be installed on the development until details of the number, siting, size and appearance of the panels has been submitted to and approved in writing by the Local Planning Authority. The panels shall only be installed in accordance with the approved details.

16. No part of the development shall be occupied until the following works within the site and the public highway have been completed in full, as shown in principle on drawing no. 63040-TS-003B (Development Transport Planning):

- i) new footpath on southern side of Gartlet Road from Clarendon Road to the boundary with 4, Gartlet Road;
- ii) new vehicular access on Gartlet Road to serve residential car parking;
- iii) new servicing lay-by on southern side of Gartlet Road;
- iv) new vehicular access on Clarendon Road to serve office car parking;

- v) re-siting of pedestrian crossing on Clarendon Road to the north of the existing crossing.
17. No part of the development shall be occupied until the existing vehicular junctions on Clarendon Road and Gartlet Road have been closed off and the adjacent footways and kerbs reinstated.
18. No part of the development shall be occupied until a management plan to ensure that the approved lay-by is only used for refuse collection, deliveries and loading/unloading has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been provided in full. These measures shall be retained as approved at all times.
19. No gate or barrier shall be installed at the entrance to the residential car parking area except in accordance with full details and specifications of the gate or barrier, including the operating mechanism and noise levels during operation, which have been submitted to and approved in writing by the Local Planning Authority.
20. No part of the development shall be occupied until the 43 car parking spaces shown on the approved drawings (unless otherwise approved in writing by the Local Planning Authority) have been laid out and constructed in full. These spaces shall be retained at all times for the parking cars.
21. No part of the development shall be occupied until the bin and cycle stores have been provided in accordance with the approved drawings (unless otherwise approved in writing by the Local Planning Authority). The respective stores shall be retained at all times for bin storage and cycle storage only and shall not be used for any other purpose.
22. Notwithstanding the details shown on the approved drawings, no development shall commence until details of the design and height of the sub-station enclosure and the residential switch rooms abutting the boundary of 4 Gartlet Road have been submitted to and approved in writing by the Local Planning Authority. The height shall be the minimum necessary to screen the sub-station from view.

### Informatives

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 13 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.

3. Prior to demolition of the existing buildings, the applicant is advised to commission a survey, by a suitably qualified and competent person, to identify asbestos within the building and to ensure that it is removed and disposed off in accordance with current regulations. The survey report should be submitted to the Environmental Health Team at Watford Borough Council for approval. No demolition should commence until this report has been approved.

Drawing numbers

9283/PL 001, 002, 103C, 104C, 105C, 106C, 107C, 108C, 109C, 110C, 111C, 112D, 113D, 114DH, 115A, 116A, 117C.

Topographical Survey GY2641-1\0001 (Parts 1 and 2).  
63040-TS-003B

Chair

The Meeting started at 7.30 pm  
and finished at 8.45 pm