

## **DEVELOPMENT CONTROL COMMITTEE**

**29 JANUARY 2015**

Present: Councillor R Martins (Chair)  
Councillor G Derbyshire (Vice-Chair)  
Councillors S Bashir, K Collett, J Connal, P Jeffree, S Johnson  
and I Sharpe

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

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

There were changes to the Committee at this meeting: Councillor Collett replaced Councillor Watkin and Councillor Jeffree replaced Councillor Williams.

Apologies were also received from Councillor Bell.

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

Councillor Johnson explained that he had been contacted by both the residents and the Applicant in relation to the item at minute number 65. He stated that he had not expressed an opinion and had come to the meeting having made no decision on the application.

### **64 MINUTES**

The minutes of the meeting held on 8 January 2015 were submitted and signed.

### **65 SOVEREIGN HOUSE, 2 REGAL WAY**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site and details of a petition from six residents of Balmoral Road.

Councillor Johnson said that he had been advised that the current application would not be the final proposal for changes to the building. He asked that officers explain what was intended for long term use of the building and what it would be used for in the near future.

The Applications Casework Manager advised that this particular application related solely to the installation of windows in the building. The Applicant had,

however, submitted a prior application for residential units comprising 24 studio flats. The officer explained that change of use from office buildings to residential use could be designated as 'permitted development' subject to 'prior approval' notification. Such a change would, consequently, not require planning permission but certain checks would need to be made; these would include flooding, contamination and transport impacts.

The previous application had been rejected since it did not comply with all appropriate criteria although approval would have been possible for mixed use. The Applicant had considered a further submission evidencing 25 years use of the building as offices. The Applications Casework Manager advised that were the Applicant to prove an office use of the building it was possible that he would submit another application.

The Applications Casework Manager concluded by explaining that an application simultaneously submitted with the one currently being considered had been rejected. This proposal had requested the installation at first floor level of six obscured windows with restricted opening mechanisms. Rejection had been on the grounds of perceived overlooking and loss of privacy. There were, however, no grounds for refusal of the current application.

The Committee then discussed the application.

Councillor Derbyshire asked whether the Applicant could submit a further planning application for change of use.

The Applications Casework Manager advised that in principle he could make such an application, which would be determined having regard to the Council's adopted planning policies. Despite the shortage of employment space in the borough being greater than had been previously considered to be the case, the Applicant could produce a stronger case for loss of employment space and reuse for residential purposes; if only four flats were to be proposed for each floor, for example, refusal would be difficult.

Councillor Derbyshire then enquired whether it would be possible for the Applicant to submit a full application for change of use to offices which would then fit the employment criteria. Following this move the Applicant could submit a further application under permitted development rights.

The Applications Casework Manager responded that this would not be possible as it was a requirement for the building to have been in office use since 30 May 2013. The Applicant, however, was confident that he could prove that this had been the case.

Replying to information supplied by Councillor Johnson, the Chair cautioned that it was not possible to 'second guess' the intentions of the Applicant. He suggested, however, that Article 4 Directions could be invoked.

The Development Management Section Head advised that Parliament had granted local authorities the power to remove permitted development rights

through Article 4 Directions albeit after careful consideration. He noted a recent application which had come to committee where it had been possible to prevent the change from office to residential use. He said that where a serious loss of office space would occur through conversion to residential use it was unlikely that the Secretary of State would intervene to prevent the Council making a Direction.

The Development Management Section Head cautioned, however, that he suspected that in the current application it was probable that the Secretary of State would not allow the use of an Article 4 Direction.

Councillor Johnson advised that were the building to be used for industrial purposes nearby residents would be affected.

The Chair reminded the Committee that the current application was concerned only with the installation of the windows on the ground floor.

The Applications Casework Manager advised that the planning permission granted for the existing building contained conditions which provide:

- that the property must be used only for light industrial use;
- that only office equipment is to be operated in the evenings and at weekends; and
- that there shall be no external alterations other by a grant of planning permission.

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.

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.

Chair

The Meeting started at 7.30 pm

and finished at 7.50 pm