

DEVELOPMENT CONTROL COMMITTEE

31 MARCH 2015

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

Officers: Development Management Section Head
Major Cases and Enforcement Manager
Committee and Scrutiny Officer

79 **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**

There were no apologies for absence.

80 **DISCLOSURE OF INTERESTS (IF ANY)**

There were no disclosures of interest.

81 **MINUTES**

The minutes of the meeting held on 12 March 2015 were submitted and signed.

82 **53 CLARENDON ROAD**

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

The Chairman invited Mr Peter Jeffery to speak to the Committee in support of the application.

Mr Jeffery stated that the proposal was an opportunity to provide a first class grade A development in Clarendon Road. The aim was to have a crane onsite this year. It was felt that the Gresham House building was a blight on Clarendon Road. A viable solution had been proposed. He commented that a new and dynamic approach to the area should be progressed. Mr Jeffery added that during discussions with officers they had been provided with the rental details of the current tenants. He said that the building had reached the end of its life and he asked the Committee to give the applicant the opportunity to redevelop the site.

Mr Jeffery advised that the application had been submitted based on officers' and Members' support for other schemes in Clarendon Road. The applicant had sought officers' advice prior to submitting the application through pre-application discussions and had spent £300,000. As part of the discussions the applicant had been advised that a mixed use, employment led scheme would be suitable for the site.

Mr Jeffery then spoke of the current rental levels being achieved in Clarendon Road, circa £18 up to a maximum of £22 per square foot, and the higher figure officers had told the applicant to use of £25 per square foot when they calculated the viability of the scheme. The officers' recommended figure was a 30% uplift on the current highest rental charges in Clarendon Road. He commented that if such a rental level was achievable development would already have taken place.

Mr Jeffery said that there was a small opportunity to build at this location due to rising costs. The applicant had given an undertaking that they would enter into a legal agreement specifying that the office element of the proposal would be delivered at the same time as the residential element. For over 18 months the applicant had worked with officers and the scheme had been deemed acceptable. It had taken time to work through the proposals prior to the submission. He had been disappointed when the Council had appeared to have performed a 'U-turn'. The applicant had vested a significant sum in the planning application. Mr Jeffery finished by thanking the Committee for their time and he hoped that he had put forward a compelling case as to why the application should be approved.

The Chair noted Mr Jeffery's comments about the prolonged discussions between the applicant and officers. He asked the Major Cases and Enforcement Manager to respond.

The Major Cases and Enforcement Manager advised the Committee that initial discussions had taken place at the same time as discussions had been held regarding the 32 and 36 Clarendon Road schemes. At that time all schemes were being considered for mixed use development. The employment study had been produced in November 2014. The acceptability of mixed use developments was one of the matters that had been changed, in the light of the amendments to draft policy EMP4 in the Local Plan Part 2. The issue of amenity space in this application was too great a compromise. He appreciated the applicant's frustrations. There had been long drawn out discussions on this application, and the applicant had asked for the application to be presented to the Committee for determination.

The Chair invited Members to raise any points of clarification which he would then invite Mr Jeffery or the Major Cases and Enforcement Manager to respond to.

Councillor Johnson asked, if the Committee was minded to defer the application for three months for constructive discussions, whether the applicant would be prepared to participate.

The applicant confirmed that the company was committed to working in Watford with the Council.

In response to a question from Councillor Watkin, Mr Jeffery advised that the applicant had not been aware of any likely change to the policy for Clarendon Road. He understood that the policy had been introduced after the application

had been lodged with the Council. He acknowledged that there had been some delay between the application being submitted and its validation.

Following a further question from Councillor Watkin, the Major Cases and Enforcement Manager confirmed that the policy was in draft form. However, he reminded Members that the proposal was still contrary to adopted policies in the Core Strategy and the Watford District Plan 2000.

Councillor Bashir noted that the applicant had indicated they were not aware of the change in policy. He asked for an explanation of the measures that might be considered as being exceptional circumstances.

The Major Cases and Enforcement Manager explained that he had been unaware of the study commencing in June 2014. The discussions with the applicant had proceeded on the same basis as those with the applicants for 32 and 36 Clarendon Road. Viability might be considered to be an exceptional circumstance.

Councillor Sharpe asked officers to clarify whether the application should be considered based on the policies at the time of its submission. He felt it was unfair if policies were changed after the application had been submitted.

The Development Management Section Head responded that decisions had to be made based on the policies as at the point of determination.

The Committee then discussed the application. The Chair reminded members to consider all the reasons why the officers had recommended that the application should be refused.

Members noted the importance of developing office space for the future, thereby ensuring Watford had a thriving future and it did not become a dormitory suburb. Gresham House, in its current form, was not considered to be an asset for the main employment area in Watford. The current site was suitable for redevelopment, but not at any price. However, it was noted that the first proposals for the redevelopment of this site had been made in 1990. There was some concern that if the application was refused there might be no further proposals to redevelop the site for a further five or 10 years. This would be an opportunity to raise the standard of building in that part of Clarendon Road.

Some Members felt that it would be sensible to defer the decision for a period of time to enable officers and the applicant to further discuss the application and the exceptional circumstances of the application. It would also enable the applicant to consider whether they would be able to resolve some of the officers' concerns. If progress could not be made the Committee would still be in a position to refuse the application.

Other Members considered that the employment policy should be adhered to and the application should be refused as recommended by the officers. The policy had been developed to ensure the future provision of office space in a key business district in the town. There were a number of capital investment

schemes taking place in Watford, for example the Croxley Rail Link, which would see the introduction of underground trains through to Watford Junction. These schemes would make a significant difference to the importance of Watford as an employment centre. There were concerns that should this application be approved against the employment policy there would be an impact on further applications being submitted, inhibiting further commercial development in Clarendon Road. They agreed that there needed to be high quality designed office space but not at any cost. They supported the officers' recommendation.

Members noted that there would be no loss or increase of office space if the application was allowed to proceed. Several Members mentioned that the employment policy was still in draft form. It was also considered that policies should not be completely inflexible. Exception rules should not be set too high which would lead to them being unable to be met. It was suggested that the applicant should be given the opportunity to complete a viability study. They would also be able to discuss the other matters raised by officers.

The Major Cases and Enforcement Manager advised that a rental value of £22 per square foot was unlikely to make the development viable. Officers were concerned about the amenity space for residents due to the site being marrow and deep; it would not be possible to achieve the required amount of space. It was felt that if residential accommodation was included on site there would be substantial compromises.

Some Members were still concerned, as the residential element had been included at the start of the discussions and the applicant had understood it was acceptable.

The Chair proposed that a decision about the application should be deferred for a maximum of three months to enable the applicant and officers to carry out further discussions about the proposal.

One Councillor commented that he did not feel the deferral would be of benefit. He did not consider there to be strong reasons for treating this application as having exceptional circumstances.

RESOLVED:

that the application be deferred for a maximum of three months to enable the applicant to further discuss the proposal with officers and consider if there are improvements that can be made to the scheme.

Chair

The Meeting started at 7.30 pm
and finished at 8.25 pm