

## **DEVELOPMENT CONTROL COMMITTEE**

**23 APRIL 2015**

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

Officers: Development Management Section Head  
Senior Planning Officer  
Democratic Services Manager  
Committee and Scrutiny Support Officer

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

Apologies were received from Councillors Rabi Martins and Nigel Bell. Councillor Peter Jeffree replaced Councillor Martins.

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

Councillor Sohail Bashir disclosed a personal interest in item 4, '1A St Johns Road'. Councillor Bashir disclosed that he had eaten at Rodells restaurant which was situated on the ground floor of the application site. He also disclosed that he had exchanged pleasantries with the applicant prior to the Committee meeting but he had not discussed the application nor had any representations been made to him.

### **85 MINUTES**

The minutes of the meeting held on 31 March 2015 were submitted and signed.

### **86 1A ST JOHNS ROAD**

The Committee received a report from the Development Management Section Head including the relevant planning history of the site. It was noted by the Senior Planning Officer that recommendation B of the report no longer needed to be considered as the Section 106 agreement had been completed.

The Chairman invited Mr Oliver Hyams to speak to the Committee in objection to the application. Mr Hyams stated that the proposal to change the use of the upstairs to a residential dwelling would result in the ground floor commercial use as a bar being unviable, due in part to the only customer toilet being currently located upstairs. As a consequence, the ground floor would be left unoccupied and the mixed use of the building would be lost which was a defining characteristic of the conservation area in which the site was located.

Mr Hyams also raised concerns regarding the lease. He noted that a change to the lease required an order from the County Court. Obtaining the order was dependent on showing redevelopment would take place for which obtaining planning permission was a necessary pre-requisite.

The Senior Planning Officer responded to the speaker's comments. He noted that if the change of use for the upstairs was changed to residential, it might result in a change of the long term use of the ground floor from a bar (A4) to a shop (A1) or for financial and professional services (A2). However such a change would retain a commercial use. It was noted that historically the ground floor had been used as a shop. Furthermore, it was noted that the lease of the property was a private matter between tenant and landlord and not a consideration for the Committee.

The Chairman opened the debate to the Committee Members.

Councillors Watkin and Sharpe expressed concern that the application before the Committee was a precursor to a further change of use for the ground floor of the property to a residential use as well.

Councillor Watkin suggested that a condition should be attached to prevent the change of use of the ground floor to a residential use. The Senior Planning Officer noted it was not necessary to attach a condition because a planning application would be required for such a change of use.

Councillor Sharpe noted there was a public perception that such an application might be a stalking horse for something else. He understood that the Committee could not speculate on possible applications in the future but wished to know if there was a danger of the ground floor being subsequently converted to a residential use and whether there were adequate planning policies to resist this. The Senior Planning Officer reminded Members that only the development proposed in the application should be considered rather than any future change of use of the ground floor, and he also commented that because of the distinctive mixed use character of the Conservation Area, change of use of the ground floor to residential would be resisted.

Councillor Jeffree noted the speaker's concerns but was satisfied with the Senior Planning Officer's responses regarding the lease and the potential change in the long term use of the ground floor. He was of the opinion that returning to the historic use of a shop made sense.

Councillor Bashir stated he agreed with his fellow Councillors. He could see no planning grounds on which to reject the application. He highlighted the second paragraph of page 13 of the agenda, noting the lack of a customer WC which was described as a "matter for other legislation" and not a material planning consideration. The Senior Planning Officer emphasised that such a consideration would be within the remit of environmental health officers rather than a matter for planning control.

Councillor Sharpe informed the Committee that he remembered the 2005 application concerning the application site when the applicant had successfully changed the use to a restaurant. He noted that there had been apprehension from neighbours at that time regarding the change. Therefore it was a great tribute to the current occupiers, Rodells, that neighbours were now concerned about changing the use away from a restaurant. Councillor Sharpe suggested the planning system was not equipped to deal with the application satisfactorily. He sympathised with the speaker's situation and noted that he would have preferred to have seen Rodells continue to use the site in its current form. However it was not for him to dictate such a property issue. He apologised for being unable to resist the application but believed there were no planning grounds on which to reject.

The Chairman moved officer recommendation that the application be approved subject to the conditions outlined in the Officer's report.

#### **RESOLVED UNANIMOUSLY:**

**That, in consequence of a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 (as amended) having been entered into to secure the contribution set out below, planning permission be granted subject to the following conditions:**

##### Section 106 Heads of Terms

To secure a financial payment to the Council of £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.

##### 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.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties during the time that the development is being constructed, pursuant to Policy SE22 of the Watford District Plan 2000.

3. No development shall commence until details of the siting, size and design of refuse, recycling and cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the storage facilities have been installed in accordance with the approved details. The storage facilities shall be

retained at all times thereafter.

Reason: In the interests of the visual appearance of the site and, to ensure that sustainable transport objectives are met.

4. No development shall commence until details of a sound proofing scheme for protecting the future occupiers of the first floor flat hereby approved from noise from the ground floor bar have been submitted to and approved in writing by the Local Planning Authority. The first floor flat shall not be occupied until all works which form part of the scheme have been completed.

Reason: To ensure that the proposed development is adequately insulated from potential noise nuisance arising from the existing ground floor bar.

#### Informatives

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 2015.

2. This planning permission is accompanied by a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 to secure financial contributions towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude future residents of the development from entitlement to resident parking permits for the controlled parking zones in the vicinity of the land in accordance with Policy T24 of the Watford District Plan 2000.

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### **18 COLONIAL WAY**

The Committee received a report of the Development Management Section Head including the relevant planning history of the site. The Development Management Section Head noted the application sought to vary the previously successful application. The proposed amendments were summarised as a reduction of the height of the approved extension at the western end of the building from 4 storeys to 2 storeys, a change to the infilling of the undercroft car park and the introduction of coloured spandrel panels in the colours of the UTC reflecting a change in the internal layout of the ground floor and retention of the main entrance of the building in its current location as opposed to relocating it as had been proposed in the previous application.

It was noted that representations had been received from the Environment Agency and environmental health officers who had stated there was no risk to ground water flooding or to human health. As a result, conditions 3 and 4 were no longer required as part of the officer's recommendation.

The Chairman invited Mr Mark Nowell to speak to the Committee in support of the application.

Mr Nowell stated that the proposal sought to amend the previously approved application due to constraints on his client. As a result there would be a reduction in size to the building and the hall would have a dual use. He reiterated the comments of the Development Management Section Head regarding conditions 3 and 4, and also highlighted that the requirements of conditions 8 and 9 had been completed and the developer was waiting on the receipt of the proposed external materials required in condition 7.

The Chairman opened the debate to the Committee Members.

Councillor Watkin noted that the project was excellent and highlighted that it was rare that an application sought to reduce the impact on a site. He noted that the extra branding was a positive change and would be a more interesting aspect than it was now. He stated that he wholeheartedly supported the application.

Councillor Connal queried whether there were any flooding concerns. The Development Management Section Head stated that there were no flooding concerns as the site was on raised ground; however he noted that flooding issues had already been dealt with in the previous application.

The Chairman moved officer recommendation that the application be approved subject to the conditions outlined in the Officer's report except for conditions 3 and 4 which were removed and the remaining conditions renumbered accordingly.

**RESOLVED UNANIMOUSLY:**

**that planning permission be granted subject to the conditions listed below:**

1. The development to which this permission relates shall be commenced before 7th August 2017.

Reason: To accord with the time period for commencement of planning permission ref. 14/00705/FULM dated 7th August 2014.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

AE(0-)00, 01, 04, 05, 06, 08, 09  
AG(0-)130, 131, 132, 133, 134, 140, 141

Reason: For the avoidance of doubt and in the interests of proper planning.

3. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected

contamination is to be dealt with. All works shall be carried out in accordance with the approved details.

Reason: In the interests of the health of the future occupiers of the site and to prevent pollution of controlled waters (the site is within Source Protection Zonen2), in accordance with Policies SE24 and SE28 of the Watford District Plan 2000.

4. The surface water drainage scheme shall be carried out in accordance with the details shown on drawing no. PS1373/31 (Pure Structures). There shall be no infiltration of surface water drainage into the ground other than with the express written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater in accordance with Policy SD1 of the Watford Local Plan Core Strategy 2006-31.

5. No development shall commence until details of the proposed external materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the site and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

6. No part of the development shall be occupied until the provision of cycle shelters has been undertaken in accordance with the following details:

Drawing nos. 1886 AG(0-) 01 B and 14 C2 (EWA)  
Paving/Planting/Fencing/Site Furniture Specification (EWA)

Reason: In the interests of the visual appearance of the site, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

7. No part of the development shall be occupied until the hard landscaping scheme has been undertaken in accordance with the following details:

Drawing nos. 1886 AG(0-) 01 B and 14 C2 (EWA)  
Paving/Planting/Fencing/Site Furniture Specification (EWA)

Reason: In the interests of the visual appearance of the site, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

8. No part of the development shall be occupied 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.

Reason: In the interests of the visual appearance of the site, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

9. No part of the development shall be occupied until the following works within the public highway have been completed in full, as shown in principle on drawing no. 2376-GA-001A (WSP):

- i) the upgrade of the uncontrolled pedestrian crossing point on Radlett Road (90m to north of the junction with Colonial Way);
- ii) the upgrade of the uncontrolled pedestrian crossing point on the southern arm of the roundabout at the junction with Colonial Way;
- iii) a new Zebra crossing on Colonial Way;
- iv) new uncontrolled crossing points on Rhodes Way;

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

10. No part of the development shall be occupied until the existing vehicular junction on Colonial Way has been closed off and the adjacent footway and kerb reinstated.

Reason: To ensure safe and adequate vehicular and pedestrian access to the development and in the interests of highway safety, in accordance with Policy T4 of the Watford Local Plan Core Strategy 2006-31.

11. No part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by the Local Planning Authority. The approved Plan shall be implemented at all times during the occupation of the building.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

### 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 consultation, design and implementation of a scheme for parking restrictions on part of Radlett Road and on the residential roads to the north of the site.

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 2015.

Chair

The Meeting started at 7.30 pm  
and finished at 8.00 pm