

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**16 JULY 2015**

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

Officers: Head of Regeneration and Development  
Interim Development Management Section Head  
Major Cases and Enforcement Manager  
Committee and Scrutiny Support Officer (RC)

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

There were no apologies for absence.

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

Councillor Bell declared that he had spoken with certain people about the application however he had not made any judgement.

### **13 MINUTES**

The minutes of the meeting held on 25 June 2015 were submitted and signed.

### **14 15/00300/FULM REMBRANDT HOUSE, WHIPPENDELL ROAD APPLICATION FOR THE PROPOSED CHANGE OF USE OF GROUND, FIRST AND SECOND FLOORS OF MIXED USE COMMERCIAL BUILDING TO PROVIDE 43 RESIDENTIAL UNITS, RETENTION OF COMMERCIAL UNITS AT LOWER GROUND FLOOR; ASSOCIATED EXTERNAL ELEVATIONAL TREATMENT TO COMPRISE REMODELLED ENTRANCES AND RECONFIGURED FENESTRATION; ASSOCIATED BIN STORES AND CYCLE PARKING.**

The Committee received a report from the Head of Regeneration and Development including the relevant planning history of the site and details of responses to the application.

The Major Cases and Enforcement Manager introduced the application, explaining to the Committee that the application site was a brownfield site which was in a predominantly residential area and there was limited demand for commercial use of the existing development.

Although 15 units of affordable housing were viable, the application only proposed 13 units due to the internal configuration of the building. To offset the

loss of the 2 units it was proposed that 6 of the 13 units be social rented. This arrangement was deemed acceptable by housing officers.

The Major Cases and Enforcement Manager highlighted that objections had been received from the Kodokan Kendo Club and Sport England which raised concern regarding noise, parking and the provision of toilets. It was noted the developer was willing to provide the kendo club with 2 toilets on the lower ground floor as they would lose the use of the toilets located on the first floor. A noise survey had been undertaken and a range of mitigation measures were proposed which could be attached to a planning permission as conditions. There would also be an opportunity for the kendo club to lease a small number of secure parking spaces however the club had no parking in their existing lease arrangements.

The Chair invited Mr Paul Budden to speak to the Committee in objection to the application.

Mr Budden, representing the Kodokan Kendo Club, highlighted the club's strong reputation in Watford as well as nationally. He informed the Committee that junior members of the club had recently taken part in a once in a lifetime trip to Japan through the club and the trip would not have been possible had they not been where they were.

He expressed concern that the development was just an opportunity for developers to make money out of the site and for the Council to obtain more council tax. He was of the opinion that the development had been pushed through by stealth and the Council was compliant. He described the marketing of the existing commercial use as non-existent and noted the changes to access had reduced the viability of carrying out B1 and B2 activities on the site.

Mr Budden warned against building a thoughtless development that would increase congestion, place further strain on local health services and become a ghetto of the future.

With reference to a letter from a solicitor representing the kendo club, Mr Budden also informed Members that the club had a legal right to toilet facilities and that the club wanted 3 toilets to be provided by the developer.

The Chair invited Mr Dan Rech to speak to the Committee in favour the application.

Mr Rech stated that a long term commercial use for the site had not materialised. As a result the site was not considered fit for the commercial market however the developer did wish to retain the existing commercial users which included the kendo club.

Mr Rech considered the three main issues raised by the objectors. He noted the noise survey which had identified mitigation measures which could be secured by the proposed conditions in the officer's report. The kendo club currently had no secured parking provision and the development created the opportunity for

the club to lease a small number of secure parking spaces. The proposed development provided 2 dedicated toilets whereas the current arrangement did not require the provision of any toilets, though there was an informal arrangement whereby the kendo club currently used toilets on the first floor.

Mr Rech also reminded the Committee of the social and affordable housing provision the development included.

The Chairman opened the debate to the Committee Members.

Councillor Bell noted the comments of the planning policy officer at pages 18-19 of the agenda. He did not believe enough advertising of the commercial property had been carried out. As a result, he was not surprised that the site had been vacant. He expressed concern that the application was the last stand before the whole site became residential. Councillor Bell suggested protection of the employment space be reintroduced as would be possible under the policy EMP7 of the draft Local Plan Part 2 which was currently undergoing a consultation process. He also noted the representations of Sport England who were trying to protect a respected sport.

The Major Cases and Enforcement Manager clarified that Sport England was not a statutory consultee but did have a remit to promote and support a range of sports. He reminded Members that discussions with the applicant had resulted in the provision of 2 toilets for the kendo club, noise mitigation measures for first floor flats and the opportunity for the kendo club to lease a small number of parking spaces. He described the kendo club's aspiration for 40 spaces as unrealistic in an urban area and noted that parking provision was not part of their lease. He also noted that there was no planning policy against residential development or for protecting sports clubs.

The Major Cases and Enforcement Manager also stated that the applicant had provided information regarding marketing of the commercial units and the Spatial Planning Manager had considered them. He noted there had been a change in policy context since 2011 and commercial use was now designated to specific areas of the Borough. Furthermore, central government encouraged more residential development on brownfield sites.

Councillor Derbyshire understood the concerns of the kendo club and realised they did not want developments changing patterns of use however things were not set in concrete. He also clarified that, contrary to the objector's comments, the generation of further council tax was not an objective of the Council. He also stated that there was not enough housing provision and the demand led to increases in rental prices. Therefore the increase in housing that the development would provide would benefit the community by increasing housing stock.

He also noted that he had read the comments from Sport England but believed the mitigation was sufficient.

Councillor Sharpe endorsed Councillor Derbyshire's comments. He reminded

Members that it was a realistic expectation that developers would want to make a profit from developments. He believed the application needed to be considered in light of planning policy and to consider whether there was any harm. He admitted that traffic was a concern however there was no objection from the Highway Authority. He also noted the development was in an area of low water pressure however Thames Water had raised no objection. He considered toilet provision for the kendo club a private matter between the club and their landlord.

Councillor Sharpe questioned what evidence had been provided to show commercial use was not possible.

The Major Cases and Enforcement Manager informed Members that the marketing had been carried out by recognised commercial agents working in the town. Despite this, the commercial units had been vacant for 2 years. The proposals also retained the listed features of the existing building. The officer highlighted that many large urban areas such as London had converted commercial buildings from the Victorian and Edwardian eras to residential use.

Councillor Johnson questioned whether the applicant might seek to use permitted development rights if the Committee rejected the application. The Major Cases and Enforcement Manager stated the applicant had explored permitted development rights but this was not possible at the present time. However, the government regularly changed the regulations to allow for greater development under permitted development rights which meant potentially that could happen in the future.

The Chair noted that although Mr Budden had raised congestion concerns the Highway Authority had raised no objections. He also believed that the kendo club could negotiate matters such as toilets and parking with their landlord.

The Chair moved the officer recommendation.

RESOLVED:

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 provisions and subject to the conditions listed below:

Section 106 Heads of Terms

- i) To secure a financial payment to the Council of:
  - a) £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 13 flats as affordable housing to comprise 6 social rented housing units (2 x 1 bed and 4 x 2 bed) and 7 affordable rented housing units (1 x studio and 6 x 2 bed), in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2013.

- 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.

### Conditions

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.
2. The development shall only be constructed in accordance with the following approved drawings, unless otherwise agreed in writing by the Local Planning Authority:  
  
A2448 001 P15, 110 P16, 111 P15, 112 P18  
A2448 200 P18, 211 P18, 212 P20, 213 P17, 214 P17, 300 P15, 400 P18
3. 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.
4. No development shall commence until the site has been registered with the Considerate Constructors Scheme and development shall be carried out in accordance with the requirements of this Scheme at all times.
5. No development shall commence until full details and samples of the materials to be used for the external surfaces of the development (including walls, roofs, windows and doors) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved materials.
6. No development shall commence until details of all vents associated with mechanical ventilation systems, boilers, etc. to be installed on the building facades have been submitted to and approved in writing by the Local Planning Authority.
7.
  - i) No development shall commence until details of the noise mitigation measures to be installed to control noise transmission to the flats at ground floor level (specifically Flats G-8, G-9 and G-10) above the kendo club at lower ground floor level have been submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures must achieve an internal noise level of 35 dB LAmax incorporating mitigation measures as set out in the report by Hoare Lea dated 29.06.15 (Revision 01).
  - ii) None of the flats at ground floor level (specifically Flats G-8, G-9 and G-10) shall be occupied until written and photographic evidence has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved mitigation measures have been installed in full and in accordance with the manufacturers instructions.

8.
  - i) No development shall commence until details of the plant to be installed in the plant room at lower ground floor level and the noise mitigation measures to be installed to control noise transmission to the flats at ground floor level (specifically Flats G-11 and G-12) above the plant room have been submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures must achieve an internal noise level of 35 dB L<sub>Amax</sub> incorporating mitigation measures as set out in the report by Hoare Lea dated 29.06.15 (Revision 01).
  - ii) None of the flats at ground floor level (specifically Flats G-11 and G-12) shall be occupied until written and photographic evidence has been submitted to and approved in writing by the Local Planning Authority to confirm that the approved mitigation measures have been installed in full and in accordance with the manufacturers instructions.
9. No development on the ground, first or second floors shall commence until two toilets have been provided at lower ground floor level for the use of the kendo club in Unit 3, as shown on approved drawing no. A2448-212 P20.
10. No dwelling shall be occupied until the refuse and re-cycling stores for the proposed dwellings and the retained commercial units at lower ground floor level, as shown on the approved drawings, have been constructed in full. Each store shall be retained as approved at all times.
11. No dwelling shall be occupied until the cycle store sufficient for 44 cycles to serve the proposed dwellings, as shown on the approved drawings, has been constructed in full. This store shall be retained as approved at all times.
12. No dwelling shall be occupied until the new road junction onto King Georges Avenue and the new access road into the site and to the lower ground level parking area, as shown in principle on the approved drawing nos. 1248\_PLN\_502 and 503 forming part of planning permission ref. 14/00991/VAR (or any subsequent amendment agreed in writing with the Local Planning Authority), have been constructed in full and made available for use.
13. No dwelling shall be occupied until the 67 car parking spaces at lower ground level, as shown on the approved drawing nos. 1248\_PLN\_502 and 503 forming part of planning permission ref. 14/00991/VAR (or any subsequent amendment agreed in writing with the Local Planning Authority), have been provided in full and made available for use. Of these spaces, 57 shall be allocated for the residential occupiers and their visitors and 10 shall be allocated for the commercial occupiers and their visitors, unless otherwise agreed in writing by the Local Planning Authority. This parking accommodation shall be permanently retained and shall not be used for any other purpose than the parking of vehicles of occupants of the development or visitors to the site.

14. No dwelling shall be occupied until the damaged frieze over the central entrance on Whippendell Road has been restored.
15. No dwelling shall be occupied until details of the communal terrestrial television aerial and satellite dish have been submitted to and approved in writing by the Local Planning Authority.
16. For the avoidance of doubt, no communications development permitted by Class B or Class C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be undertaken on the building.
17. No CCTV or external lighting shall be installed on the building until details have been submitted to and approved in writing by the Local Planning Authority. The CCTV and lighting shall only be installed in accordance with the approved details.

### Informatives

1. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure 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.

In the event that no Section 106 planning obligation is completed by 24<sup>th</sup> July 2015 in respect of the Heads of Terms set out above, the Head of Regeneration and Development be authorised to refuse planning permission for this application for the following reasons:

1. The proposal fails to make provision for affordable housing and as such is contrary to Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
2. The proposal fails to make appropriate provision to restrict on-street parking in the surrounding Controlled Parking Zone and as such is contrary to saved Policy T24 of the Watford District Plan 2000.
3. The proposal fails to make provision for fire hydrants to serve the development and as such is contrary to Policy INF1 of the Watford Local

Plan Core Strategy 2006-31 and saved Policy H10 of the Watford District Plan 2000.

Chair

The Meeting started at 7.30 pm  
and finished at 8.10 pm