

## DEVELOPMENT MANAGEMENT COMMITTEE

2 November 2016

Present: Councillor R Martins (Chair)  
Councillor S Johnson (Vice-Chair)  
Councillors D Barks, S Bashir, N Bell, A Joynes, J Maestas, A Rindl  
and I Sharpe

Also present: Councillor Stephen Cavinder, Councillor Karen Collett and  
Councillor Glen Saffery

Officers: Head of Development Management  
Development Management Team Leader

### 30 **Apologies for absence/Committee membership**

There was a change of membership for this meeting: Councillor Rindl replaced Councillor Watkin.

### 31 **Disclosure of interests (if any)**

There were none.

### 32 **Minutes**

The minutes of the meeting held on 12 October 2016 were submitted and signed.

### 33 **16/01200/FUL - 127-129 High Road, Watford**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader introduced the item, explaining that the application was for the creation of new boundary to garden of two existing semi-detached houses and the erection of two new three bedroom semi-detached houses with off-street car parking.

Attention was drawn to the update sheet, which included some amended application drawings and an amended condition.

The Chair invited David Moore, a local resident, to speak against the application. Mr Moore expressed residents' concerns about the application, which they considered to be a back garden development being shoe-horned around the two locally listed Victorian cottages.

Mr Moore continued that residents objected to the proposed development on a number of grounds. These were that the scale of the development was out of proportion with the surrounding properties, was an overdevelopment of the site, would take away light and privacy from existing dwellings and would have a negative environmental impact with the loss of trees and green space.

In addition, Mr Moore expressed widespread dismay amongst residents about local traffic conditions, which would be exacerbated by the proposed development. Leavesden Green School generated a significant number of car movements – a number set to increase with the expansion of the school over the next 18 months. Chapel Close had a dangerous blind bend; visibility would be further impaired by the development.

The Chair invited Woodside Ward Councillor Karen Collett to speak to the committee. Councillor Collett highlighted the unique nature of the so-called Denbigh Cottages, which were a significant local feature and should be protected.

Objecting to the proposed application, Councillor Collett questioned whether this type of back garden development was appropriate. The effect would be harmful to the local area, overlooking immediate neighbours and reducing their light and privacy. In addition, it would reduce parking spaces in an already congested area and exacerbate a dangerous stretch of road in Chapel Close.

In a further comment, Councillor Collett questioned the private garden space provided in the proposed development, which fell short of the requirements of the Residential Design Guide.

In a clarification, the Development Management Team Leader stated that, although the application site formed part of a rear garden, it could not be truly termed a back garden development site because it had a frontage to, and access from, Chapel Close.

Referring to the design of the proposed houses, the Development Management Team Leader advised that the new houses should be seen in the context of

Chapel Close. The design of the houses had sought to complement the architectural style of these properties, rather than those on High Road.

The Development Team Leader also clarified that the Council was not obliged to impose all conditions set by the Highways Authority in its assessment of the application.

The Chair invited comments from the committee.

The committee acknowledged the presumption in favour of sustainable development in the National Planning Policy Framework, however considered that there were some material objections to the application under consideration. In particular, they were concerned about the size of gardens in the proposed houses and the impact this would have on the amenity of future occupiers, and about their design.

Committee members suggested that the properties, although described as three-bedroom, were really intended as four bedroom properties. They comprised large houses, with accommodation spread over three levels, including in the roof space. As a result, whilst the committee accepted that the internal floor space more than met minimum requirements, both failed to meet the minimum standards for private garden areas set out in the Residential Design Guide.

The committee acknowledged that there was some variation in the size of private gardens in surrounding properties in Chapel Close and that the Residential Design Guide was intended to underpin and inform decision making. However the shortfall needed to be viewed in the context of a densely populated area with little access to other green space locally.

In addition, the committee had concerns about the design of the proposed properties, the character and appearance of which they felt was out of keeping with the surrounding area. The building line was considered too close to the road.

The Chair invited Councillor Sharpe to propose a motion to refuse the application.

Councillor Sharpe proposed that the application be refused on the grounds that the gardens would be of substandard size and would therefore fail to comply with the Residential Design Guide, paragraph 7.3.22, and Policy UD1 of the Watford Local Plan Core Strategy. As a result, the application would fail to provide an adequate level of amenity for future occupants. In addition, the design would fail to harmonise appropriately with the character and appearance of the existing street scene and would have a harmful impact on the character

and appearance of the area in accordance with Policy UD1 of the Watford Local Plan Core Strategy.

RESOLVED –

That planning permission be refused on the grounds that:

- The proposed gardens would be of substandard size and would therefore fail to comply with the Residential Design Guide, paragraph 7.3.22, and Policy UD1 of the Watford Local Plan Core Strategy 2006-31. As a result, the application would fail to provide an adequate level of amenity for future occupants.
- The design would fail to harmonise appropriately with the character and appearance of the existing street scene and would have a harmful impact on the character and appearance of the area, contrary to Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

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#### **16/01046/FULM - 7-15 Bridle Path, Watford**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader introduced the item. He explained that the application proposed the demolition of the existing buildings and the erection of a part five storey, part eight storey, part nine storey 124 bedroom hotel, including ancillary café/restaurant and bar facility and associated landscaping and access.

The Chair invited Herold Brady, a local businessman, to speak against the application. Mr Brady stated that he had purchased the neighbouring Apex House 18 months ago and now employed some 70 staff, with plans for expanding his workforce in the near future.

Mr Brady expressed concerns about the loss of light to Apex House that would result from the hotel development and the detrimental impact this would have on working conditions for his staff.

He also questioned whether the proposed development sought to use land belonging to Apex House.

The Chair invited James Bompas, from the planning and development consultants Icen, to speak in support of the application. Mr Bompas explained

that an increasing number of people were visiting Watford for a variety of reasons and there was a shortage of suitable hotel accommodation.

This application was from a reputable hotel chain and represented an efficient use of a difficult brownfield site. The site was in a highly sustainable location, with excellent wider connections.

The hotel would bring immediate construction, as well as longer term hospitality, jobs.

Detailed and constructive discussions had been held with planners during the pre-application stage. As a result, no significant objections had been raised by the statutory consultees.

In response to a query from the Chair, the Head of Development Management advised that as all of the surrounding properties were in commercial use, the levels of outlook, privacy and natural light were not considered as important as for residential properties. Windows in Apex House would suffer a loss of outlook and natural light as a result of the proposal. However it was not reasonable for these to be maintained at the expense of prejudicing the development of the application site.

The Chair invited comments from the committee.

The committee broadly welcomed the proposed hotel development in the context that it was important to maintain and support a successful and vibrant local economy. The site was awkward and, as a consequence, had not been regenerated previously.

Some members of the committee questioned the hotel chain's rationale to site a hotel in this location, however the Head of Development Management advised that this was a commercial decision for the company and not something that should be given any weight by the committee in its deliberations.

Of general concern to the committee, was the impact on the setting of the grade II listed building, Benskin House. There followed a longer discussion about the comments raised by the Urban Design and Conservation Manager in the committee report and clarification was sought on the extent to which these comments should be taken into account. After consideration, the committee agreed that it was important to balance the benefits of the development to the wider economy against the potential harm to the heritage asset.

A further concern was raised about the comments of the Crime Prevention Design Advisor and it was agreed to add a condition on this issue.

The Chair moved the officer recommendation.

RESOLVED –

That planning permission be granted subject to the following conditions:

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:-

PL-01A, 02A, 03A, 04A, 05A, 06A, 07A, 08, 09

3. No construction works shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows and doors) have been submitted to and approved in writing by the Local Planning Authority.
4. No construction works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - i) details of the window reveals;
  - ii) details of the patterned brickwork on the north and south elevations;

The development shall only be implemented in accordance with the approved materials.

5. No impact piling shall take place until a piling method statement (detailing the depth and 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 must be undertaken in accordance with the terms of the approved piling method statement.
6. No demolition or construction works shall commence until a detailed scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) a preliminary risk assessment (PRA) which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site;
  - ii) where the PRA in (i) above identifies the need for further investigation, a site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
  - iii) where a site investigation scheme referred to in (ii) above is required, the results of the site investigation and risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  - iv) where a remediation strategy referred to in (iii) above is required, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.  
No changes to these components shall be undertaken without the written approval of the Local Planning Authority. All works shall be carried out in accordance with the approved details.
7. Where a remediation strategy has been approved pursuant to Condition 3, no construction works shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved. .

8. 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.
  
9. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Innervision Design Ltd dated October 2016,, the following mitigation measures detailed within the drainage assessment:
  1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  2. Undertake the drainage to include green roofs, permeable paving and attenuation tank.
  3. Implement appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer at 6l/s.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
  2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.



11. No construction works shall commence until a detailed scheme for the provision of mains water services to serve the development, including, where necessary, fire hydrants, has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved mains water scheme has been provided in full.
12. The development shall not be occupied until a final Travel Plan, based upon the submitted Travel Plan by RGP (Ref. RLR/WHIT/16/3182/TP02, dated July 2016), has been submitted to and approved in writing by the Local Planning.
13. The development shall not be occupied until a detailed soft landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing 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.
14. The development shall not be occupied until a detailed hard landscaping scheme for all the land within the site, including details of all site boundary treatments, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.
15. The development shall not be occupied until the refuse and recycling bin store, as shown on approved drawing no. PL-02A, has been constructed and made available for use. These facilities shall be retained as approved at all times.
16. The development shall not be occupied until the following works, as shown in principle on approved drawing no. PL-01A, have been laid out and constructed in full:
  - i) The closure of the existing access at the eastern end of the site and the reinstatement of the footpath.
  - ii) The closure of the existing access at the western end of the site and the formation of the servicing lay-by.
17. No plant or equipment shall be sited on the external elevations of the building unless details of the plant or equipment have been submitted to

and approved in writing by the Local Planning Authority. The details shall include size, appearance, siting and technical specifications relating to noise and odour control as appropriate.

18. No occupation of the building shall take place until a scheme for crime prevention and site security has been submitted to and approved in writing by the Local Planning Authority and the approved measures implemented in full. The approved measures shall be retained at all times.

### Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

[https://www.watford.gov.uk/info/20010/your\\_environment/188/neighbor\\_complaints\\_%E2%80%93\\_construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_complaints_%E2%80%93_construction_noise).

2. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email (semeta.bloomfield@watford.gov.uk).

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. All new developments granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on [streetnamenumbers@watford.gov.uk](mailto:streetnamenumbers@watford.gov.uk) or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
4. 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. The Council also gave advice on the proposal and sought amendments during the application process.

## 35 **15/00856/FULM - 27 Woodford Road**

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader introduced the item, explaining that the application concerned the demolition of the existing trade union hall and social club and the redevelopment of the site to provide 38 residential units with associated landscaping, cycle and car parking.

The Chair invited Alun Evans, a planning consultant, to speak in support of the application. Mr Evans explained that this was an application for new housing to meet identified need in a highly accessible, prominent location on previously developed land.

Mr Evans continued that the application represented significant co-operative working between the developer and the council's housing and planning teams. The application had been considered for almost a year and the current proposal

included a substantial cash sum in lieu of affordable housing. This would benefit a partnership agreed between the council and the Watford Community Housing Trust to meet housing need across the borough.

The site originally formed part of a wider scheme which allowed the development of the adjacent building for a large scale office development on the corner of Clarendon Road.

The Chair invited comments from the committee.

The committee welcomed the transition design in this gateway site which brought together the large scale office buildings in Clarendon Road and residential properties in Woodford Road. It was considered an improvement on the existing building.

However, committee members expressed disappointment that the proposed application did not deliver the council's 35% affordable housing objective. It was noted that only in exceptional circumstances should a lower level of provision be considered through the submission of a development viability assessment. The committee accepted that the housing environment had changed significantly over recent years, with government policy allowing greater weight to be given to developers' viability concerns. This was likely to continue to be an issue for future applications.

Although the cash lump sum in lieu of affordable housing, together with the claw-back for up to £200,000, was considerable, committee members highlighted the buoyant local housing market, which would impact on the number of dwellings which could be afforded.

The Chair moved the officer recommendation.

That, pursuant to a planning obligation under s.106 of the Town and Country Planning Act 1990 having been completed to secure the following Heads of Terms, planning permission be granted subject to the conditions listed below:

#### Section 106 Heads of Terms

- i) To secure a financial contribution of £1,000,000 towards the provision of affordable housing in the Borough of Watford (with a 50/50 payment split) and with a claw-back arrangement for up to £200,000.
- ii) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 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.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

5768 001P

5768 (20)-100C, 101C, 102C, 103C, 104C, 105C

5768 402 P3, 403 P3

3. No construction works shall commence until a scheme to manage surface water run-off, based upon the report by Turner Jomas and Associates (Ref. P9210J691 dated September 2015), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the following:
  - i) Confirmation from Thames Water for connection to their surface water system at the proposed discharge rate.
  - ii) Detailed surface water run-off and volume calculations for 1:100 year (+40% CC) are required within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+40% CC).
  - iii) Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - iv) Implementing appropriate SuDS measures as shown on drawing 100 P1 Drainage Strategy Drawing including permeable paving and green roofs.
  - v) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
4. No construction works shall commence until a detailed noise mitigation scheme (based upon the Noise Impact Assessment by KR Associates, Ref.

KR04904, dated December 2015), to protect the future occupiers from noise from traffic on Woodford Road, the railway line and the plant and equipment enclosure associated with the office building at 58, Clarendon Road, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the internal noise levels set out in British Standard 8233: 2014.

5. No construction works shall commence until full details and samples of the materials to be used for the external surfaces of the building (including walls, roofs, windows, doors, balconies) have been submitted to and approved in writing by the Local Planning Authority.
6. No dwelling shall be occupied until a detailed soft landscaping scheme for all the land within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include new tree and shrub planting to replace trees to be lost. The approved landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing 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.
7. No dwelling shall be occupied until a detailed hard landscaping scheme for all the land within the site, including details of all site boundary treatments, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.
8. No dwelling shall be occupied until the refuse and recycling store and the cycle store to serve the dwellings, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times.
9. No dwelling shall be occupied until the new access junction on Woodford Road, as shown in principle on approved drawing no. 5768 (20)-100C, has been laid out and constructed in full and the existing access junction on Woodford Road has been removed and the footpath reinstated.
10. No dwelling shall be occupied until details of a communal terrestrial television aerial(s) and satellite dish(es) have been submitted to and approved in writing by the Local Planning Authority.

11. 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.

#### Informatives

1. You are advised of the need to comply with the provisions of The Control of Pollution Act 1974, The Health & Safety at Work Act 1974, The Clean Air Act 1993 and The Environmental Protection Act 1990.

In order to minimise impact of noise, any works associated with the development which are audible at the site boundary should be restricted to the following hours:

- Monday to Friday 8am to 6pm
- Saturdays 8am to 1pm
- Noisy work is prohibited on Sundays and bank holidays

Instructions should be given to ensure that vehicles and plant entering and leaving the site comply with the stated hours of work.

Further details for both the applicant and those potentially affected by construction noise can be found on the Council's website at:

[https://www.watford.gov.uk/info/20010/your\\_environment/188/neighbor\\_complaints\\_%E2%80%93 construction\\_noise](https://www.watford.gov.uk/info/20010/your_environment/188/neighbor_complaints_%E2%80%93 construction_noise).

2. This development may be considered a chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended). The charge is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development.

A person or party must assume liability to pay the levy using the assumption of liability form 1 which should be sent to the CIL Officer, Regeneration and Development, Watford Borough Council, Town Hall, Watford, WD17 3EX or via email ([semeta.bloomfield@watford.gov.uk](mailto:semeta.bloomfield@watford.gov.uk)).

If nobody assumes liability to pay the levy this will default to the land owner. A Liability Notice will be issued in due course. Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal or pay in instalments and may also incur fines/surcharges.

3. This planning permission is accompanied by a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure a financial payment towards the provision of affordable housing in the Borough and to exclude the development from the local controlled parking zone.
4. All new units granted planning permission and to be constructed require naming or numbering under the Public Health Act 1925. You must contact Watford Borough Council Street Naming and Numbering department as early as possible prior to commencement on [streetnamenumbers@watford.gov.uk](mailto:streetnamenumbers@watford.gov.uk) or 01923 278458. A numbering notification will be issued by the council, following which Royal Mail will assign a postcode which will make up the official address. It is also the responsibility of the developer to inform Street Naming and Numbering when properties are ready for occupancy.
5. 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. The Council also gave advice on the proposal and sought amendments during the application process.

Chair

The Meeting started at 7.30 pm  
and finished at 9.45 pm