

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**8 JANUARY 2020**

Present: Councillor P Jeffree (Chair)  
Councillor S Johnson (Vice-Chair)  
Councillors N Bell, K Collett, F Ezeifedi, K Hastrick, M Mills,  
I Sharpe and M Watkin

Also present: Councillor Mark Hofman and Councillor Peter Kloss

Officers: Head of Development Management  
Interim Group Head of Place Shaping  
Senior Democratic Services Officer  
Development Management Team Leader  
Principal Planning Officer

### **39 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **40 DISCLOSURE OF INTERESTS**

The Chair advised that he had spoken with the objectors to application 19/00639/FULH (29 Orchard Drive) regarding procedural and technical matters, but had not expressed an opinion on the merits of the development.

### **41 MINUTES**

The minutes of the meeting held on 16 December 2019 were submitted and signed.

### **42 19/01053/FUL 21 HARE CRESCENT**

The committee received the report of the Interim Head of Development Management, including the relevant planning history of the site.

The Development Management Team Leader introduced the report, explaining that the application proposed the demolition of the existing dwelling house and garage, and erection of two 3-bedroom houses with associated external works and landscaping.

The Chair moved the officer's recommendation.

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. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:

2072/3B Site Location Plan

2072/10 Proposed plans and elevations

2072/1 Existing plans and elevations

3. No part of the development shall be occupied until full details of hard and soft landscaping scheme have 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 the 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.
4. No external facing materials shall be installed on the approved dwellings until full details and samples of all the materials to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority.
5. Prior to occupation of the new dwellings, the vehicular cross-overs and car parking spaces shall be installed in full in accordance with approved drawing nos. 2072/3B and 2072/10.
6. Before being brought in to use the new parking areas and the access road hereby approved shall be surfaced in durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge on to the highway.

7. The first floor windows in the north and south side elevation (as shown on the proposed plan and elevation of approved drawing no. 2072/10) shall be installed and retained with obscure-glazing, and shall be non-opening other than in parts of the windows which are more than 1.7 metres above the internal floor level of the room in which the window is installed.
8. Prior to the occupation of the dwellings hereby approved, full details of refuse, recycling and cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The storage facilities shall be retained at all times thereafter.
9. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (and any order revoking and re-enacting that order) no additional ground or first floor windows or doors shall be inserted in the north side elevation or the south side elevation of the dwellings hereby permitted.

#### Informatives

1. IN907 Consideration of proposal in a positive and proactive manner
2. IN910 Building Regulations
3. IN912 Hours of Construction
4. IN903 Demolition
5. IN911 Party Wall Act
6. IN913 Community Infrastructure Levy Liability
7. Highway informatives

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#### **19/00832/FULH 151 QUEENS ROAD**

The committee received the report of the Interim Head of Development Management, including the relevant planning history of the site.

The Principal Planner (AR) introduced the report and explained that the application was for the erection of a two storey rear extension and loft conversion with rear dormer, rear skylight, front skylight and internal alterations.

Attention was drawn to the update sheet which included information about an additional representation and a summary of an enforcement investigation which had commenced since publication of the report.

The Chair invited Jonathan Leffman to speak to the committee. Speaking on behalf of tenants and neighbours in the adjacent property, Mr Leffman summarised his concerns which had also been outlined in a letter sent to the committee in advance of the meeting. These included dust, noise and disruption

during building works, but also the lack of party wall agreement with the applicant. Mr Leffman sought help from the committee to ensure that correct procedure was followed.

In response to a query from the Chair, the Head of Development Management advised that the Party Wall Act 1996 was separate legislation from that governing local authority planning. Matters relating to a party wall agreement fell outside the jurisdiction of the council and could not therefore be influenced by the committee.

Members of the committee expressed sympathy with the speaker for the manner in which the applicant was progressing his development. However the role of the committee was to consider whether the submitted plans were acceptable according to the relevant planning legislation. It was noted that the applicant was required to comply with the submitted plans otherwise enforcement action could be taken.

The Chair moved the officer's recommendation.

RESOLVED –

That conditional 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. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:  
Site Location Plan 1:1250  
DB393-01 Rev B  
DB393-03 Rev J
3. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

Informatives

1. IN907 Consideration of proposal in a positive and proactive manner
2. IN910 Building Regulations
3. IN911 Party Wall Act
4. IN912 Hours of Construction

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#### **19/00639/FULH 29 ORCHARD DRIVE**

The committee received the report of the Interim Head of Development Management, including the relevant planning history of the site.

The Principal Planner (AR) introduced the report explaining that the application proposed the erection of a rear and side extension (amended plans dated 31.10.19).

Attention was drawn to the update sheet which included details of an additional representation, corrections to the report and a further condition.

The Chair invited Emma Manser, the adjoining neighbour, to speak to the committee. Circulating a printed dossier summarising material previously circulated to members, Mrs Manser outlined a number of inaccuracies and concerns with the proposed extension plans. These chiefly concerned incorrect elevations, breaches to the 45 degree rule and a loss of privacy from the proposed raised terrace, the ground levels for which were not accurately recorded. The extension would have a significant impact on light and impact. Mrs Manser suggested that a compromise solution had been reached in a similar property elsewhere on the Cassiobury estate.

The Chair invited Sarah Dookhun, the applicant, to speak to the committee. Ms Dookhun explained that similar extensions had been carried out on other properties on the street. The plans were compliant with the council's guidelines and had been amended on the advice of officers in order to mitigate any impacts on the neighbouring property. It was considered that the resultant plans would not significantly impact the neighbour's light and outlook. Ms Dookhun confirmed that they would comply fully with any additional conditions added by officers.

The Chair invited Park Ward Councillor Peter Kloss to speak to the committee. Councillor Kloss regretted the lack of collaboration between the neighbours which had resulted in this case coming before the committee. The applicants had taken advice from officers and amended their plans, however these remained inaccurate and were poorly labelled. Whilst the 45 degree rule had been breached in this application, the proposals could not be considered unusual. Councillor Kloss noted that the patio proposals did not form part of the application under consideration.

Before seeking comments from the committee, the Chair underlined the importance of applicants submitting accurate plans with actual dimensions. He also reiterated the benefit of neighbours in dispute maintaining constructive dialogue.

The Chair drew attention to a late representation from Cassiobury Residents Association which discussed a number of points previously raised by the speakers and covered in the officer's report. However the representation included the suggestion that the flank wall be painted white to ameliorate any impacts on light levels to the neighbouring property.

The Chair reminded committee members that the so-called 45 degree rule provided guidance rather than direction on acceptable and unacceptable impacts for daylight and sunlight levels.

Members of the committee argued that a larger development, with greater impacts on light levels, would have been possible under permitted development rights. It was the wrap around element of the application which required planning permission. The plans, although somewhat inaccurate, showed that the negative impacts on the levels of daylight and sunlight to the neighbouring property would be marginal and were within acceptable tolerances.

The Chair moved the officer's recommendation subject to an additional condition.

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. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building.
3. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority: Drawing nos.

019-\_122 REVG-001 LOCATION LAYOUT

019-\_122 REVG-002 SITE LAYOUT

019-\_122 REVG-100 EXISTING GROUND FLOOR

019-\_122 REVG-115 PROPOSED ROOF PLAN

019-\_122 REVG-105 EXISTING ROOF PLAN  
019-\_122 REVG-003A BLOCK PLAN LAYOUT  
019-\_122 REVH-110C PROPOSED GROUND FLOOR  
019-\_122 REVH-300 EXISTING REAR ELEVATION  
019-\_122 REVH-301 EXISTING SIDE ELEVATION  
019-\_122 REVH-302 EXISTING FRONT ELEVATION  
019-\_122 REVH-310A PROPOSED REAR ELEVATION  
019-\_122 REVH-311C PROPOSED SIDE ELEVATION  
019-\_122 REVH-312A PROPOSED FRONT ELEVATION  
019-\_122 REVH-313 PROPOSED PARTY ELEVATION

4. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (and any order revoking and re-enacting that order) no additional ground floor windows or doors shall be inserted in the north-western side elevation or the north-eastern side elevation of the extensions hereby permitted.
5. Notwithstanding the approved plans, no permission is granted for any raised terrace/patio adjacent to the rear extension.
6. No development work shall commence until surveyed plans showing the existing house and ground levels and the proposed extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the plans approved by this condition.

#### Informatives

1. IN907 Positive and proactive handling of application.
2. IN910 Building Regulations
3. IN911 Party Wall Act
4. IN912 Hours of Construction
5. Officer's report

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#### **19/00835/FULM 99 ST ALBANS ROAD**

The committee received the report of the Interim Head of Development Management, including the relevant planning history of the site.

The Principal Planner (OO) introduced the report. He advised that the application involved the demolition of the existing building and associated boundary walls, change of use and subsequent redevelopment of the site with a mixed use scheme, including 21 flats.

Attention was drawn to the update sheet which included a number of amendments to the officer's report and to condition 2.

The Chair invited Alex McGregor-Mason from the Nascot Residents Association (NRA) to speak to the committee. Mr Mason argued that the developer could not demonstrate that the loss of the heritage asset outweighed the public benefit of retaining the former bank building. The views of local residents had not been sought. The NRA considered the scale of the development was not needed following recent approvals for a number of tall buildings close to the application site, was unwanted and would exacerbate local congestion.

The Chair invited David Marshallsay, the agent, to speak to the committee. Mr Marshallsay disputed the reasons for refusal, particularly in regard to the provision of affordable housing. Following the committee's decision to refuse a previous application for the site (subsequently allowed on appeal), the developer had engaged in productive pre-application discussions with officers on a new building design.

Mr Marshallsay questioned the reasons for using an independent heritage consultant following constructive dialogue with the council's Urban Design and Conservation Manager. He considered that the site lent itself to a new high quality, well designed development which would both provide a gateway to, and respect the character of, the Nascot conservation area.

The Chair invited Nascot Ward Councillor Mark Hofman to speak to the committee. Councillor Hofman welcomed the officer's comments which supported local views. The former bank was part of the town's history and identity and had features in common with other Art Deco buildings in the nearby civic core conservation area.

Councillor Hofman stated that the proposed building was out of scale with the surrounding buildings and with the conservation area. Granting planning permission would set a dangerous precedent and add to the oversupply of flats in the town.

The Chair asked committee members to consider the true value of the heritage asset and evaluate this against the relative merits of the proposed development on this prominent site.

In response to a query from the Chair, the Head of Development Management confirmed that an independent heritage consultant had been employed in response to work capacity pressures. Place Service had carried out a full review, including a site visit.

Some members of the committee considered that the benefits of retaining the former bank were limited. The façade had minimal appeal and looked tired. It was important to progress the development of this important site in the town. They also questioned the reasons for refusal in the officer's report.

Other members argued that whilst locally listed buildings were not to be protected at all costs, any redevelopment of the site should be on a domestic scale in keeping with the Nascot conservation area. Watford Borough Council put a strong emphasis on conservation and this policy was reflected in the officer's recommendation. The proposed scheme did not compensate for the loss of a locally listed building.

The Chair moved the officer's recommendation.

RESOLVED –

That planning permission be refused for the following reasons:

1. The proposal, due to the loss of the locally listed building and impact on the Nascot Conservation Area, fails to appropriately preserve or enhance the character and appearance of the Nascot Conservation Area and non-designated heritage asset. Furthermore, there is not enough evidence to demonstrate how the benefits of this proposal outweigh the harm or loss of the non-designated heritage asset and the designated heritage area. It would therefore be contrary to Policies SS1, UD1 and UD2 of the Core Strategy and paragraphs 127, 130, 131, 189, 193, 196 and 197 of the National Planning Policy Framework. In accordance with paragraph 11 (d) (ii) of the Framework, the adverse impacts would significantly and demonstrably outweigh the benefits of the development.
2. No s106 agreement has been completed to secure a viability review upon completion of the development, contrary to Policy HS3 and Chapter 5 of the National Planning Policy Framework.
3. It is necessary to exclude the proposed development from the local controlled parking zone in order to ensure that future residents will not be entitled to resident parking permits, thereby preventing any additional on-street parking demand on the surrounding roads. No s106 agreement has been completed to secure this. As such, the proposal is contrary to 'saved' Policies T24 and T26 of the Watford District Plan 2000.

Chair

The Meeting started at 7.00 pm

and finished at 8.55 pm