

DEVELOPMENT MANAGEMENT COMMITTEE

13 MAY 2020

Present: Councillor P Jeffree (Chair)
Councillor S Johnson (Vice-Chair)
Councillors N Bell, K Collett, F Ezeifedi, M Mills, J Pattinson,
I Sharpe, K Hastrick and Cty Cllr Giles-Medhurst

Also present:

Officers: Group Head of Place Shaping
Head of Development Management
Development Management Team Leader
Democratic Services Manager
Democratic Services Officer

68 CONDUCT OF THE MEETING

Prior to the start of the meeting agenda, the Chair explained the procedure for the virtual meeting and the method he would employ to ensure the voting was accurately completed. The Chair also ensured that all participants were introduced

69 APOLOGIES FOR ABSENCE

There was a change of membership for this meeting; Councillor Hastrick replaced Councillor Watkin.

70 DISCLOSURE OF INTERESTS

Councillor Pattinson disclosed that her partner's cousin was employed by the applicant for agenda item 425 - 445 St Albans Road. However, he had not been involved in with the application.

The Chair disclosed that he had visited the Monmouth Road site and had spoken briefly with Mr Tom Harper, who was addressing the committee on this application. The Chair added that he had not offered any views on the application.

Councillor Bell disclosed that he had also spoken with Mr Harper on the telephone, but had not expressed any views on the application.

71 **MINUTES**

The committee agreed the minutes and would be signed once members and officers returned to the Town Hall.

72 **19/01471/FULM - 9-19, MONMOUTH ROAD**

The Chair introduced the item to the committee, explaining that he felt this development had to face two ways; towards the commercial buildings in Clarendon Road and the town centre and also towards the residential houses within Monmouth Road. He felt that the stepping up from the modest three storeys at one end, rising to five, then seven storeys achieved that.

The Development Management Team Leader summarised his report to the meeting, including the relevant planning history of the site. He also made reference to the update sheet. This had been supplied to all participants prior to the meeting.

The Chair invited Mr Tom Harper, of the Watford Central Town Residents' Association, to speak.

Mr Harper stated that, in his opinion, the development was poor quality and not in keeping with the residential houses in the area. The Victorian houses in Monmouth Road, were two storey, red brick and the proposed development was up to seven storeys with an entirely different palate of materials and colours. He specifically mentioned the aluminium cladding as jarring.

He continued that the application was suggesting that the building needed to relate to the taller commercial buildings towards Clarendon Road. But he was firmly of the opinion that this was the wrong approach; the building was in Monmouth Road and therefore needed to relate to the buildings in that road and not the office blocks.

Mr Harper mentioned that the Planning Officer originally expressed the opinion that the development was unsuitable to the area. He went on to say that this development would breach the minimum required distances to its neighbouring buildings (paragraph 124 of the National Planning Policy Framework). He also pointed out that the only vehicular access to the proposed development was a single lane residential road, that the proposal was excessively dense with 271 buildings per hectare and offered little affordable housing.

The Chair thanked Mr Harper and highlighted two particular points that he had raised: the officer's change of opinion regarding the development and that the scheme infringed minimum distances to neighbouring buildings. He invited the Development Management Team Leader to comment on those matters.

The Development Management Team Leader explained that the initial opinion that the scheme was unsuitable was some two years ago and for a very different design to the one before the committee. He added that the pre-application process is often lengthy and it was common for recommendations to change, when significantly modified designs are submitted.

The Development Management Team Leader then explained the shortfall in the privacy distance to Fisk House, which was fully discussed in the officer's report.

The Chair then invited Richard Henley of HGH Consulting to address the committee.

Mr Henley introduced the proposal, explaining how the design process had been developed in collaboration with the officers, resulting in a high quality scheme. Monmouth Road was dramatically altered in the 1960s, when the ring road was built, making it into an urban edge road. He added that whilst design was a subjective issue, the NPPF was clear regarding maximising the number of dwellings. The design stepped from two to five and then seven storeys, as it neared the ring road and the more commercial area.

Mr Henley stated that this was a high quality setting and envisaged to be car free, except for two disabled bays. This scheme was expected to generate no additional cars than the existing houses and was a highly sustainable scheme for the post-Covid world.

He closed his address by stating that this was a well-articulated and proportionate scheme, with an appropriate palate of materials and on planning grounds was an entirely suitable development.

The Chair then invited Councillor Stephen Bolton, ward councillor for Central ward, to address the committee.

Councillor Bolton stated that whilst he understood the need for housing, he had serious concerns about this design. The target for affordable housing was 35% or in this case 19 to 20 units, but because of the viability report, this scheme was providing just three units, which was a very low offer for a development of this size.

He went on to speak about precedent, explaining that the scheme would change far more than the buildings it replaced. It would change Monmouth Road and set a precedent for further unsuitable developments in the surrounding roads. He disagreed with the concept of the linear development to the ring road and suggested that the ring road cut off this area of family homes from the commercial area of the town centre.

The Chair thanked Councillor Bolton and asked the Development Management Team Leader to comment on the issue of precedent. He pointed out that the applicant had already justified the taller building and that, whilst other applications may follow, each would be considered on their own merit. One site did not mean more such developments on the basis of precedent.

County Councillor Stephen Giles-Medhurst then addressed the committee.

He reasoned that the development was wrong on size and scale and pointed out that taking paragraph 130 of the NPPF into account, the application should be refused if the committee felt that it failed to improve the character of the area.

The County Councillor added that whilst he understood the need for housing, a smaller development might have sat better with existing buildings. This scheme should relate to the houses within the road, not the high-rise developments in the commercial area of Clarendon Road. He concluded that the scheme was deficient in communal areas and children's spaces; this problem was exacerbated as there was no park nearby. The nearest park was Cassiobury Park, which was some distance and there were busy dual-carriageways between the two locations.

The Chair pointed out that the update sheet, paragraph 6, covered the issues the County Councillor had raised about the amenity space. This space was also supplemented by private balconies. In higher density developments, compromises sometimes had to be made.

The Chair then summed up his views on the application for the committee and commended the application to the committee. He then invited comments and questions from the committee members.

Councillor Johnson commented that he was still ambivalent about the application.

Councillor Hastrick sought clarification on whether this was a brownfield site. The Development Management Team Leader explained that the gardens were not, but the area where the houses were built would be brownfield.

Councillor Collett stated that she was not against the design, but felt the scheme, as proposed in Monmouth Road, would change the character and set a precedent. She criticised the lack of affordable housing.

Councillor Sharpe acknowledged the need for housing in Watford, but felt the style was undistinguished and over bulky for the area. He commented that if the scale was reduced it might have had more support.

Councillor Bell felt the design was poor for the area and would both destroy the character of Monmouth Road and set a precedent. He also criticised the lack of affordable housing.

Councillor Pattinson commented that smaller blocks would help to make the scheme more suitable. She also expressed concern about the lack of communal space, when some of the units were clearly targeted at families and the nearest park was some distance away. She was also worried about the proximity of the busy ring road to the communal space and whether there was any possibility of a child being able to access the ring road.

The Interim Head of Planning and Building Control was asked to address the committee on the likelihood of an appeal and costs, should the vote be to refuse the application. He commented that the application would not have been put before the committee if it was not considered acceptable, so there was a considerable risk of an appeal. The Interim Head of Planning and Building Control was unable to provide any details on the likelihood of costs being awarded, without hearing the full reasons for refusal. He counselled the committee to ensure that they should give very clear reasons for refusal and why the design was not suitable.

The Chair stated that whilst he could understand the committee's opinions, he could not see any clear policy reasons for refusal. He asked the committee for their reasoning.

The committee expressed the view that the height, bulk and scale were contrary to the character of Monmouth Road. Possible wording for any refusal could be found in the NPPF, paragraphs 122, 127 and 130 and Policy UD1 of the Core Strategy.

Councillor Sharpe then made a motion to refuse the application on the basis that the excessive height, bulk and scale of the buildings would cause unacceptable harm to the character of Monmouth Road and the surrounding area and as such was not in accordance with paragraphs 122, 127 and 130 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

In accordance with Standing Committee Procedure Rules, paragraph 4.2, Councillor Peter Jeffree requested that it be recorded in the minutes how Members cast their votes.

Those Members Voting For the Motion :

Cllr Bell

Cllr Collett

Cllr Ezeifedi

Cllr Mills

Cllr Pattinson

Cllr Sharpe

Cllr Hastrick

Those members voting against the motion:

Cllr Johnson- against.

Cllr Jeffree (Chair) - against.

RESOLVED –

That the motion is carried and planning permission be refused, on the basis that the excessive height, bulk and scale of the buildings would cause unacceptable harm to the character of Monmouth Road and the surrounding area and as such was not in accordance with paragraphs 122, 127 and 130 of the NPPF and Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

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20/00037/FULM - 425 - 445 ST ALBANS ROAD

The Development Management Team Leader summarised his report to the meeting, including the relevant planning history of the site.

The Chair invited Mr Don Messenger of DP9, the agent for London Square to address the meeting. Mr Messenger introduced the design and his client, London Square, an established developer committed to building this development, despite the current recession.

The approach from the outset had been to align this scheme with local and national policy. Working closely with the council and in consultation with residents via two local public exhibitions, achieving an overall attendance of over 600 people.

He commented that affordable housing was a priority, but also a challenge for developers and the viability study had resulted in there being none in this development. However, the developers had committed to make a commuted

sum payment of £500,000 to the council to allow them to commission their own development of affordable housing.

The Chair then invited Councillor Richard Smith, councillor for Leggatts ward, to address the committee.

Councillor Smith explained that he had spoken with local residents and the developers, but felt that this was not the right scheme for this area, which really needed three-bed units. He expressed surprise that there were no three bed units as he felt family style units would be appropriate, especially with a school nearby.

He added that the overall height and the blocking of light, lack of communal areas coupled with the likelihood of traffic issues in an already busy area, made it an unsuitable development.

The Chair commented that he felt the scale was resolved well, but that there was not the right mix of accommodation.

There followed a discussion where the committee expressed their disapproval about the lack of affordable housing within the application; the lack of space in the units for small families and the lack of car parking spaces.

The Development Management Team Leader commented that all units met the internal space standards and this was addressed in his report from paragraph 6.10 onwards. Forty-six of the units were two bed, four person units. Whilst the surrounding area was predominantly three bedroom houses with gardens, most young families could not afford such a property, but needed to start with a smaller apartment, such as was offered here.

Councillor Bell expressed his opinion regarding the 'huge size' of the development.

It was pointed out that the scheme was policy compliant, despite the high density of dwellings and lack of affordable housing. Councillor Johnson expressed his concern that the developer had no requirement to agree to a late stage review.

Councillor Sharpe commented that whilst he deplored the lack of affordable housing, the scheme was entirely policy compliant and therefore there were no grounds to refuse.

Councillor Bell proposed a motion to refuse the application, based on the large scale of the building not matching the surrounding area.

In accordance with Standing Committee Procedure Rules, paragraph 4.2, Councillor Peter Jeffree requested that it be recorded in the minutes how Members cast their votes.

Those Members Voting For the Motion :

Cllr Bell.

Cllr Ezeifedi.

Cllr Mills.

Those members voting against the motion:

Cllr Collett.

Cllr Johnson.

Cllr Pattinson.

Cllr Sharpe.

Cllr Hastrick.

Cllr Jeffree (Chair).

Accordingly the motion was refused.

The Chair then proposed a vote to approve the application in accordance with the officer's recommendation and the update sheet.

Those members voting for the motion:

Cllr Johnson.

Cllr Collett.

Cllr Pattinson.

Cllr Sharpe.

Cllr Hastrick.

Cllr Jeffree (Chair).

Those members voting against the motion:

Cllr Bell - against.

Cllr Ezeifedi - against.

Cllr Mills - against.

RESOLVED –

That planning permission be granted subject to the completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 to secure the planning obligations listed below and the following conditions:

Section 106 Heads of Terms

- i) To secure a financial payment to the Council of £500,000 towards the provision of affordable housing in the Borough of Watford.

ii) A financial contribution of £6,000 to Hertfordshire County Council for monitoring of the Travel Plan for the 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:-

1592-P-001 P1

1592-P-100 P8

1592-P-300 P5, 301 P5, 302 P2, 303 P3, 304 P5, 305 P5

1592-P-310 P5, 311 P4, 312 P2, 313 P3, 314 P5, 315 P5

1592-P-400 P2, 401 P1

3. No demolition of the existing buildings or construction of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

a. Construction vehicle numbers, type, routing;

b. Access arrangements to the site;

c. Traffic management requirements

d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);

e. Siting and details of wheel washing facilities;

f. Cleaning of site entrances, site tracks and the adjacent public highway;

g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

h. Provision of sufficient on-site parking prior to commencement of construction activities;

i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

4. No demolition of the existing buildings or construction of the development shall commence until a detailed scheme to deal with the risks associated with the potential contamination of the site and the known underground fuel storage tanks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

i) a preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;

- ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii) the results of the site investigation and risk assessment referred to in (ii) above 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) 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 in (iii) 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.

5. No occupation of the development shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy (see Condition 3) 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.

6. 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.

7. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Barnard and Associates Ltd (job number 19174, Report ref. 19174-REPORT01-FRA, revision P, dated February 2020), the revised drawings numbered 19174-15 P5 and 19174-16 P4, and the revised Micro Drainage calculations dated 24/04/2020:

- i) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.0 l/s during the 1 in 100 year event plus 40% of climate change event.
- ii) Providing storage 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 providing a minimum of 144m³ (or such storage volume agreed with the LLFA) of total storage volume in underground tank.
- iii) Discharge of surface water from the private drain into the Thames Water sewer network.

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.

8. No construction works (excluding demolition works) shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) Final detailed post development modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period including a +40% allowance for climate change. This should include the final version of the proposed drainage strategy.
- ii) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- iii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

9. No piling or other foundation designs using penetrative methods shall take place until a method statement (detailing the depth and type of piling and/or foundations to be undertaken and the methodology by which such piling/foundations will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, measures to prevent harm to groundwater resources and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

10. No construction works above ground level (excluding demolition works) shall commence until a noise mitigation scheme for each of the residential dwellings requiring acoustic double glazing, based upon the recommendations of the Acoustics Report (Report 70064957-AC1 dated December 2019) by WSP, has been submitted to and approved by the Local Planning Authority. The scheme shall include the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

11. No construction works above ground level (excluding demolition works) shall commence until details of the ventilation system for each of the residential dwellings requiring acoustic double glazing, based upon the recommendations of the Acoustics Report (Report 70064957-AC1 dated December 2019) by WSP, has been submitted to and approved in writing by the Local Planning Authority. The system must be capable of providing background and rapid ventilation for cooling with the windows of the respective dwellings remaining closed. The

system must not compromise the sound insulation of the façades. No dwelling shall be occupied until the approved ventilation system has been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

12. No construction works above ground level (excluding demolition 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. These should be based upon the details given in the Design and Access Statement (Revision P2 dated 10th January 2020) by Stanford Eatwell Architecture. The development shall only be constructed in the approved materials.

13. No dwelling shall be occupied until a detailed hard and 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 hard landscaping scheme shall be carried out in full prior to the occupation of the development. The approved soft landscaping scheme shall be carried out in full 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. No dwelling shall be occupied until details of the 4 external cycle stores to serve the dwellings have been submitted to and approved in writing by the Local Planning Authority. The cycle stores shall provide 16 secure cycle spaces. These facilities shall be retained as approved at all times and shall be used for no other purpose.

15. No dwelling shall be occupied until the internal bin and cycle stores to serve the dwellings, as shown on the approved drawings, have been constructed and made available for use. The cycle stores shall utilise two-tier bike racks by Bike Dock Solutions or similar to provide 56 secure cycle spaces. These facilities shall be retained as approved at all times and shall be used for no other purpose.

16. No dwelling shall be occupied until the following works within the site and the public highway have been completed in full, as shown in principle on the approved drawings:

- i) the formation of a new vehicular access junction to St Albans Road to serve the development;
- i) the closing up of the redundant existing vehicular access junctions and the reinstatement of the footpaths;
- ii) the formation of a new servicing bay within the public highway outside the site.

17. No construction works above ground level shall commence until a scheme for a minimum of 6 active and 6 passive electric charging points for on-site vehicles has been submitted to and approved in writing by the Local Planning Authority. The electric charging infrastructure and charging points shall be

installed in accordance with the approved scheme prior to the first occupation of the development.

18. No dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, based upon the Travel Plan within Appendix H of the Transport Statement by WSP (Ref. 70064957 dated January 2020). The approved plan shall be implemented in full.

19. No dwelling shall be occupied in the respective blocks until details of a communal terrestrial television aerial(s) and satellite dish(es) for the block have been submitted to and approved in writing by the Local Planning Authority.

20. No external lighting shall be installed on the building or within the site until a detailed external lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority and the lighting scheme has been installed in accordance with the approved details.

21. The vehicular access gates to the undercroft access road shall open into the site only and shall not open outward over the public highway and shall be sited a minimum distance of 5.5m from the highway kerb.

22. For the avoidance of doubt, no communications development permitted by Classes A, B or C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be undertaken on any of the buildings hereby approved.

Informatives

1. IN907 Consideration of the proposal in a positive and proactive manner.
2. IN910 Building Regulations.
3. IN911 Party Wall Act.
4. IN912 Hours of construction.
5. IN913 CIL Liability.
6. IN909 Street naming and numbering.
7. IN914 Section 106 Agreement/Undertaking.
8. IN915 - Highway Works - HCC agreement required.

Chair

The Meeting started at 7.00 pm
and finished at 9.30 pm