

## **DEVELOPMENT MANAGEMENT COMMITTEE**

**6 JANUARY 2021**

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

Also present:

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

### **Conduct of the meeting**

The committee will take items in the following order:

1. All items where people wish to speak and have registered with Democratic Services.
2. Any remaining items the committee agrees can be determined without further debate.
3. Those applications which the committee wishes to discuss in detail.

#### **44 APOLOGIES FOR ABSENCE**

There was a change of membership for this meeting, with Councillor Mills being replaced by Councillor Ezeifedi.

#### **45 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

#### **46 MINUTES**

The minutes for the meeting on 2 December 2020 were approved, and would be signed at the next non-virtual meeting.

**20/00663/FULM - CASSIOBURY HOUSE, 11 - 19 STATION ROAD,**

The Chair introduced the item to the committee and invited the Principal Planning Officer (AC) to present his report. It was noted that there was an update to the officer's report, covering the following matters and attached to these minutes (Appendix 1).

- Amendment to report- Average Daylight Factor substituted for No Sky Line.
- Amendments to Section 106 Heads of Terms.
- Amendments to conditions – drawings, cycle parking, materials, obscured glazing.

The Principal Planning Officer presented the application as set out in his report.

The Chair thanked the Principal Planning Officer for his report and invited Mr Myles Sinclair to address the committee.

Mr Sinclair pointed out that the local residents were overwhelmingly against this development, which was completely out of scale, compared to the surrounding Victorian houses. He then went on to detail various angles of view, referencing the Skyline document. Mr Sinclair was also critical of the visuals that were used in the report, citing the use of wide angle lenses, which made buildings look smaller and further away. He felt that the lack of a 3D model emphasised the poor visuals.

Mr Sinclair went on to state that the loss of the street trees would be devastating to the local residents and that the impact on the two nearby heritage sites was as yet, unknown.

Mr Sinclair challenged the assertion that the loss of daylight was acceptable, when it was entirely unacceptable to the residents, with up to a 53% loss of light.

He went on to address the issues caused by the proposed change of use from office space to a hotel, pointing out the potential for light and noise pollution from the 24/7 operation of a hotel. He also expressed his surprise that there had been no assessment of the effects of the taller building on the micro-climate.

He concluded with saying that a more suitable and worthy application should be submitted.

The Chair thanked Mr Sinclair for his comments and highlighted three key points:

- The 45-degree angle referred to in the Skyline document

- The loss of trees and the associated financial contribution
- The lack of micro-climate report.

The Principal Planning Officer commented that the Skyline document was guidance only and if it was applied rigidly to every development in Watford, it would effectively stop development. He added that in certain areas the angle might be increased and this site was within the special policy area.

Regarding the loss of the three trees, these were currently in concrete planters and so would always be compromised in their size and lifespan. The £3,000 equated to the planting of three trees to replace these. The plan was to site these in Station Road, not Westland Road. The addition of trees in Westland Road might further reduce daylight.

The Principal Planning Officer commented that there was considered to be no requirement for a micro-climate report in this case and it was considered unlikely that the provision of the proposed building would have an unacceptable effect on the micro-climate, such as wind-tunnelling.

The Chair thanked the Principal Planning Officer for his assistance and then invited Ms Amy Jones, of Tellon Capital to address the committee.

Ms Jones introduced herself and her company, with a brief summary of the work they had completed. She described the high specification office accommodation and 168 bed hotel that was being proposed. She highlighted that this application supported the Local Plan and had evolved through extended pre-application cooperation and had been amended post-application to take account of recommendations from the Watford Place Shaping Panel. These changes included various enhancements and a reduction in massing.

Ms Jones explained that a detailed light assessment had been completed and this indicated that there would be only a minor loss of light to a very few windows, which as a result of house extensions, were very close to the boundary. The retained light levels were very similar to other areas of Watford.

Ms Jones went on to say that the building would be constructed to be highly sustainable, giving a number of examples. The development had been reviewed at the Place Shaping Panel and designed to comply with relevant planning policy, to support the development of Watford and to be sensitive to the neighbours.

The Chair thanked Ms Jones and after receiving the agreement of the committee, invited the Ward Councillor for Central Ward, Stephen Bolton, to address the committee.

Councillor Bolton commented that whilst he understood the need for development, he did question the need for extra office space. He commented that the change of use to a hotel would have an impact on the residents. The comparison with the nearby TK Maxx building was not valid as it was considerably further away from the houses than the proposed development. The provision of a hotel changed the relationship with the houses. A hotel operated 365 days a year, 24 hours a day, whereas offices tended to be daytime and only weekdays. This was very likely to lead to more noise, from such sources as disposal of glassware, cars and bin collection, particularly as the bin store was close to houses.

Councillor Bolton then spoke about the six trees proposed along the rear boundary and pointed out that these offered little in the way of noise or light attenuation. The Councillor concluded by challenging the assertion that the two heritage sites in the vicinity would be improved and asked for the application to be refused.

In response to a request by the Chair, the Principal Planning Officer explained that the proposed hotel had no opening windows, being climate controlled and the use as a hotel was not considered materially different to offices. Parking was in the basement, so this would not be an issue. He acknowledged the possibility that the bins might be a source of noise.

The Chair asked if there could be a planning condition to control the disposal of glass etc., but the Principal Planning Officer replied that it would be better if this fell to licensing or environmental health to manage.

The Chair then invited County Councillor Stephen Giles-Medhurst to address the committee.

The County Councillor commented that he could see no valid reason for the excessive height and scale of the proposed building and that it would cause harm to local residents. He added that the area was not residential and pointed out that there were three rear exits from the building.

He expressed his opinion that the effect on habitable rooms to reduce the light by 50% was galling and unacceptable. If the building line had been kept back from the road edge, this might have been more acceptable and pointed out the dark alleyway effect to house number 4.

The County Councillor then addressed the issue of the loading bay and stated that this needed to be restricted to daytime only.

He concluded that if this development was amended to a reduced height and/or not 24 hour usage, then it would have caused less upset to the residents.

The Chair commented that there was a Core Strategy policy which strove to improve Watford as a regional centre for job growth and this application was in line with that policy. In a borough as small as Watford, it was impossible to develop without some harm to neighbouring homes. He added that this application had his support, as it had an excellent design and had been through the Watford Place Shaping Panel.

The Chair accepted that the downside would be a loss of some daylight, but the proposed development was to the north of the dwellings so sunlight would be unaffected. The limited impact was an appropriate trade-off to the benefit of the whole town.

The Chair commented that whilst he approved of the use of brick, he felt that the choice of grey brick was poor and he welcomed that brick samples would need to be approved by the local planning authority. He then invited comments from the committee.

Councillor Bell expressed his thanks to residents for all the work they had done over the past 18 months, to challenge this application. He asked about the results of the meeting with the Mayor and also the Place Shaping Panel and expressed his opinion that the effects of this development on the nearby houses would be overwhelming, so he was minded to refuse.

The Chair advised Cllr Bell that the Place Shaping Panel recommendations were nearly all taken on board.

The Interim Head of Planning and Building Control commented that the meeting with the Mayor had occurred prior to his arrival at Watford, but he confirmed the Place Shaping Panel recommendations were all accepted with the exception of the suggestion for ground level parking being changed to outside seating, which would have potentially caused more noise.

Councillor Collet expressed her thought that the lack of light to the family homes would permanently spoil them and she was appalled at the loss of the trees.

Councillor Watkin explained that he liked the building and its design and was not concerned about any potential impact to the heritage buildings opposite, his main concern was the impact on the houses on Westland Road. He considered the building to be too big and too dominating.

The Interim Head of Planning and Building Control addressed a number of points.

- The special policy area promoted high density use.
- The percentage decrease in daylight seemed high, but the issue was whether the resulting daylight levels were acceptable in planning terms?
- Canterbury Road was to the south of the development, so no loss of direct sunlight, it was only the impact on daylight that needed to be considered. Daylight to windows could be assessed using the Vertical Sky Component (VSC)
- Noticeable loss of light did not necessarily equate to unacceptable loss in planning terms and there were numerous appeal judgements that supported this.
- If 15% VSC was maintained, then the window was likely to be relatively well lit. There were 46 windows to the rear of Canterbury Road and 90% would retain at least 15% VSC.
- House numbers 7, 9 and 15 already had poor light to some windows due to existing projections to the rear of these properties.
- Junction Court has 40 windows and 12 would be just below the 15% light limit. But 3 of those were secondary windows to rooms and so only 9 windows were actually affected.
- Officers feel that the result would be noticeable, but not unacceptable in planning terms.

Councillor Smith commented that this application did make sense in this area, although if this was solely a residential area, then it would be a different issue. He mentioned issues of noise, but accepted this was a special policy area.

Councillor Johnson commented that the council had set up the Place Shaping Panel to look at major applications such as this and it might be viewed negatively should this committee disregard the opinion of the Panel.

Councillor Sharpe commented how planning had changed to an acceptance of higher and denser developments. He added that development often had a negative impact on neighbours and that no one had the right to a view.

Councillor Pattinson commented that from the Station Road side, that development looked great, but from the opposite side it was oppressive. Whilst it was right for Station Road, it was not right for the residents.

The Chair invited a motion to refuse, but this was not taken up, so he put the motion to the committee 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 in Section 8 of the officer's report and taking into account the

terms contained within the update sheet, attached as an appendix to these minutes and available on the council's website.

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

**Those members voting for the motion:**

Councillors Jeffree, Johnson, Pattinson, Sharpe and Smith

**Those members voting against the motion:**

Councillors Bell, Collett, Ezeifedi and Watkin

**Those members abstaining:**

None

The motion was declared to be **CARRIED** with five votes for and four against.

**RESOLVED –**

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 payment to Hertfordshire County Council of £6,000 for the long term monitoring of the proposed Travel Plan for the site.
- ii) To secure a financial payment to Watford Borough Council of £3,000 for the provision of trees in public spaces.

Conditions

1. Three Years

The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

2. Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- Drawing No: 17259-0200. Revision: P-00
- Drawing No: 17259-0300. Revision: P-02
- Drawing No: 17259-0301. Revision: P-00
- Drawing No: 17259-0302. Revision: P-00
- Drawing No: 17259-0303. Revision: P-00
- Drawing No: 17259-0304. Revision: P-00
- Drawing No: 17259-0305. Revision: P-00
- Drawing No: 17259-0306. Revision: P-00
- Drawing No: 17259-0307. Revision: P-00
- Drawing No: 17259-0308. Revision: P-00
- Drawing No: 17259-0309. Revision: P-00
- Drawing No: 17259-0310. Revision: P-03
- Drawing No: 17259-0311. Revision: P-03
- Drawing No: 17259-0312. Revision: P-02
- Drawing No: 17259-0313. Revision: P-02
- Drawing No: 17259-0315. Revision: P-01
- Drawing No: 17259-0316. Revision: P-02
- Drawing No: 17259-0317. Revision: P-02
- Drawing No: 17259-0318. Revision: P-02
- Drawing No: 17259-0319. Revision: P-02
- Drawing No: 17259-0320. Revision: P-01
- Drawing No: 17259-0321. Revision: P-02
- Drawing No: 17259-0322. Revision: P-02
- Drawing No: 17259-0323. Revision: P-02
- Drawing No: 17259-0324. Revision: P-02
- Drawing No: 17259-0340. Revision: P-03
- Drawing No: 17259-0341. Revision: P-03
- Drawing No: 17259-0342. Revision: P-00
- Drawing No: 17259-0351. Revision: P-04
- Drawing No: 17259-0352. Revision: P-03
- Drawing No: 17259-0371. Revision: P-03
- Framework Travel Plan by Transport Planning Associates. Dated: June 2020
- Transport Statement by Transport Planning Associates. Dated: June 2020
- Technical Note by Transport Planning Associates. Dated: August 2020
- Energy and Sustainability Report by Hoare Lea. Dated: 7 May 2020
- Environmental Noise Assessment by Hoare Lea. Dated: 6 May 2020

3. Flood Risk

No development works shall commence until the details of a surface water drainage scheme for the site have been submitted to and approved in writing by the Local Planning Authority.

Justification for pre-commencement: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy SD2 of the Watford Local Plan Core Strategy and Chapter 14 of the National Planning Policy Framework.

4. Hard Landscaping

No part of the building shall be occupied until a detailed hard landscaping scheme for the site, including site boundary treatments, paving and external lighting 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. The detailed scheme shall be based upon drawing number: 17259-0311. Revision: P-03.

5. Soft Landscaping

No part of the building shall be occupied until a detailed soft landscaping scheme for the site and a landscape management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon drawing number: 17259-0311. Revision: P-03. The approved soft 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.

6. Loading Bay

No part of the building shall be occupied until the loading bay as shown on drawing number: 17259-0311. Revision: P-03 has been constructed and made available for use. This loading bay shall be retained as approved at all times.

7. No part of the building shall be occupied until the refuse and recycling facilities shown on drawing number: 17259-0311. Revision: P-03 have been

constructed and made available for use. These facilities shall be retained as approved at all times.

8. Cycle Facilities

a. The office part of the development shall not be occupied until the basement cycle parking facilities shown on drawing number: 17259-0310. Revision: P-03 have been constructed and made available for use.

b. The hotel part of the development shall not be occupied until the ground floor cycle parking facilities shown on drawing number: 17259-0311. Revision: P-03 have been constructed and made available for use. These facilities shall be retained as approved at all times.

9. No part of the development shall be occupied until a detailed Travel Plan, based upon the Hertfordshire County Council document Framework Travel Plan submitted and 'Hertfordshire Green Travel Plan Guidance', has been submitted to and approved in writing by the Local Planning. The travel plan shall then be implemented in accordance with the approved scheme thereafter.

10. Detailed Drawings

No external facing materials shall be installed on the building until detailed design drawings of all external surfaces including brick detailing, window reveals and enclosures at roof level have been submitted to and approved in writing by the Local Planning Authority.

11. Materials

No external facing materials shall be installed on the building until:

a. full details of the materials to be used for all the external surfaces, including the terrace and plant enclosures at roof level, have been submitted to and approved in writing by the Local Planning Authority; and

b. sample panels shall be constructed on site to show the typical facades including brickwork, render, window frames and glazing made available for inspection and approved in writing by the Local Planning Authority.

12. Impact Piling

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.

13. Office Use

The office units depicted at levels 1 to 7 on the approved plans shall be used for offices and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

14. Obscured Glazing

The windows shown to be installed with obscured glazing on Drawing No: 17259-0342. Revision: P-00 shall be obscure glazed. The obscured glazing should be retained in perpetuity.

15. Plant Equipment

No plant or equipment that generates sound shall be installed to the development until full details and specifications of the equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of the plant/equipment carried out by a suitably qualified and competent acoustic consultant to consider the potential impact on existing and future residents adjacent to the site. The details shall also include a specification of what design criteria need to be included in the specification of the plant and its mounting on the building, to minimise any potential disturbance. The assessment shall include any other appropriate noise mitigation measures. All plant and equipment shall be installed as approved and no plant or equipment shall be brought into operation until any approved mitigation measures have been installed.

Informatives

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability
7. IN915 – Highway Works – HCC agreement required

48

**20/01156/OUTM LAND TO THE REAR OF YE CORNER WATFORD WD19 4BS**

The Chair introduced the item to the committee and invited the Principal Planning Officer (AR) to present her report. The Principal Planning Officer explained her report.

The Chair thanked the Principal Planning Officer for her report and invited Mr Mike Legate of Makana Group to address the committee.

Mr Legate introduced himself and expressed his concerns with the report. He pointed out that the application was for four storeys where there were already four storeys. He explained how the orientation of the blocks had been altered to allow balconies on all properties. Timber was not allowed to be used in cladding, but all balconies had been glazed to allow maximum light into the properties. He commented that there was a commercial block nearby that had planning permission to increase its height.

The Chair thanked Mr Legate, commenting that he saw no significant changes from the previously refused application and invited comments from the committee.

There being no comments, the Chair then proposed a vote that planning permission be rejected.

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

**Those members voting for the motion:**

Councillors Bell, Collett, Jeffree, Johnson, Ezeifedi, Pattinson, Sharpe, Smith and Watkin

**Those members voting against the motion:**

None

The motion was declared to be CARRIED unanimously.

RESOLVED –

That planning permission be refused for the following reasons:

1. The proposal is not considered to be of high design quality. By reason of its height, scale and massing the proposed development would adversely affect the character of the neighbouring residential area and setting of heritage assets. The building lacks appropriate fenestration, articulation and detailing. Within the site, the building would create an oppressive and hostile environment for future occupiers with poor access arrangements to dwellings and poor natural surveillance and activity. As such the development would be of poor design, harmful to the character and appearance of the surrounding area and is not in accordance with

paragraphs 122, 127 and 130 of the NPPF and Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

2. The proposed development makes no provision for affordable housing and shared ownership housing. The application has failed to provide any justification for the lack of affordable housing provision on the basis of viability or any other grounds. Consequently, the proposal is not in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31 and is contrary to paragraphs 62 and 64 of the NPPF in relation to affordable housing provision.
3. By virtue of the position, height, bulk, layout and fenestration of the building, the development would unacceptably harm the amenities of the neighbouring occupiers, contrary to guidance in the Residential Design Guide 2016 and Policies SS1 and UD1 of the Watford Local Plan Part 1 Core Strategy 2006-31.
4. The development would fail to create high quality dwellings for future occupiers. A noise assessment (in accordance with relevant British standards) has not been submitted to detail potential mitigation measures meaning that future occupiers of the development would experience noise disturbance and poor air quality. By virtue of the ground level changes within the site and the layout, height and orientation of the development, some windows and dwellings will experience poor light and outlook. A Sunlight and daylight assessment (carried out in accordance with BRE publication entitled 'Site Layout Planning for Daylight and Sunlight; A guide to good practice') has not been submitted to demonstrate suitable light is achieved. The development layout would also fail to allow for sufficient amenity space for the dwellings as included in section 7.3.23 of the Residential Design Guide. As such, the development would fail to provide satisfactory residential accommodation for future occupiers. It does not therefore constitute a high quality or sustainable development and is contrary to guidance of the Residential Design Guide 2016 and Policies SS1 and UD1 of the Watford Local Plan Part 1 Core Strategy 2006-31.
5. The application has not been accompanied by any details of surface water drainage and fails to demonstrate that the development would not increase flood risk elsewhere, reduce flood risk overall and give priority to the use of sustainable drainage methods. For this reason, the application fails to comply with Policies SD1 and SD2 of the Watford Local Plan Core Strategy 2006-31, the National Planning Policy Framework (NPPF) and the advice contained within the Planning Practice Guidance (PPG).

6. The application has not been accompanied by a Preliminary Risk Assessment or Phase 1 Desk Study. The application has therefore not supplied adequate information to demonstrate that risk posed to groundwater can be satisfactorily managed and the development is unacceptable in accordance with the NPPF and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.
7. This application has not been accompanied by a Transport Assessment to detail the transport, parking and highway matters. The development has therefore failed to provide an updated assessment of the transport impacts in respect of the development, the amended footprint for turning or current highway circumstances. It has therefore failed to demonstrate that the narrow access and site parking arrangements are acceptable in respect of Highway impact and is contrary to policies T24 and T26 of the Watford District Plan 2000.

Chair

The Meeting started at 7.00 pm  
and finished at 9.00 pm