



DEVELOPMENT MANAGEMENT COMMITTEE

4 October 2022

7.00 pm

Room 201 & 202, Annexe, Town Hall, Watford

Contact

Barry Rennick <u>democraticservices@watford.gov.uk</u> 01923 278373

For further information about attending meetings please visit the council's <u>website</u>.

Publication date: 26 September 2022

Committee Membership

Councillor P Jeffree (Chair) Councillor R Martins (Vice-Chair) Councillors N Bell, J Pattinson, A Saffery, G Saffery, R Smith, S Trebar and M Watkin

Agenda

<u> Part A – Open to the Public</u>

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.
- 1. Apologies for absence
- 2. Disclosure of interests
- 3. Minutes

The <u>minutes</u> of the meeting held on 6 September 2022 to be submitted and signed.

- 4. 22/00916/ADV 94-98 St Albans Road (Pages 6 15)
- 5. 22/00893/FUL Unit 1 26 Benskin Road WD18 0HW (Pages 16 24)

Introduction

Please note that the officer report is a summary of the issues including representations made and consultation responses. Full details of the applications, plans submitted, supporting information and documents, representations made, consultation responses and correspondence can be found on the council's web based <u>Public Access system</u> using the application reference or address.

Specific policy considerations for each application are detailed within the individual reports. The background papers and policy framework listed below have been relied upon in the preparation of the reports in this agenda.

Background papers

- The current planning applications under consideration and correspondence related to that application.
- All relevant third party representations and consultation replies received.

Policy Framework

• The Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance listed below:

Local Planning Documents

Local Development Documents provide the framework for making planning decisions. These can be found on the Council's <u>website</u> and include:

- the existing Local Plan which consists of the Core Strategy, saved policies in the Watford District Plan 2000 and Proposals Map); and
- Supplementary Planning Documents.

County Planning Documents

The Hertfordshire Waste Local Plan and Minerals Local Plan prepared by Hertfordshire County Council are material considerations alongside the Watford Local Plan. These documents can be found on the county council's <u>website</u>.

National Planning Documents

Key legislation can be found using this weblink, including:

- Growth and Infrastructure Act (2013)
- Housing and Planning Act (2016)

- Localism Act (2011) and subsequent amendments
- Planning Act (2008) and subsequent amendments
- Planning and Compulsory Planning Act (2004) and subsequent amendments
- Town and Country Planning Act (1990) and subsequent amendments
- Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequent amendments.

National guidance can be found on the government service and information <u>website</u>, including:

- National Planning Policy Framework (revised February 2019) and supporting Technical Guidance
- Planning Practice Guidance (PPG) (web based)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (which will be referred to in the individual reports as necessary)

Section 106 Planning obligations and Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted where relevant. Section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants.

Human Rights implications

The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

Committee date	Tuesday, 4 October 2022	
Application reference	22/00916/ADV - 94-98 St Albans Road	
Site address		
Proposal	Consent to install branded stair core banners (banners	
	around the slip form of stair cores - maximum 2 stair cores	
	at any one time) and branded signage to gantry hoarding	
	along St Albans Road in association with construction and	
	marketing activities at the Eight Gardens development.	
Applicant	Berkeley Homes North East London Ltd	
Agent	None	
Type of Application	Advertisement consent	
Reason for	Number of objections	
committee Item		
Target decision date	15 September 2022 (extended to 07 October 2022 by	
	agreement)	
Statutory publicity	Site notices	
Case officer	Paul Baxter, paul.baxter@watford.gov.uk	
Ward	Callowland	

1. Recommendation

That advertisement consent be granted subject to conditions, as set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the eastern side of St Albans Road immediately to the north of the main railway line and originally comprised a retail park with 2 retail warehouse buildings, occupied by The Range, TK Maxx and Office World, and a car wash associated with the Esso petrol station on the St Albans Road frontage. The Range building and car wash have recently been demolished. The site is accessed solely from Penn Road which bisects the site from west to east. A large proportion of the site is occupied by surface level car parking serving the retail warehouses.
- 2.2 The site is rectangular in shape and has an area of 2.56 hectares. It is bordered along its western boundary by St Albans Road which rises to the south as it passes over the railway line. St Albans Road (A412) is a major distributor road into Watford from the north and carries high traffic flows throughout the day. On the opposite side of St Albans Road is the Bedford Street 'triangle' site, part of which has recently been developed to provide 149 dwellings in 4 buildings up to 11 storeys in height (known as 'Watford Cross'). To the south

and east the site is bordered by land owned by Network Rail used as surface level car parking serving Watford Junction Station, situated a short distance to the south-east. Adjoining the site to the north is the Hille Business Centre comprising various commercial and industrial buildings.

2.3 The site is not located within a conservation area, however, the Bedford Street 'triangle' site to the west and the residential area to the south-west fall within the Nascot Conservation Area. The site contains no listed or locally listed buildings although there is a listed building on the opposite side of St Albans Road to the west (the Grade II listed Old Station House, the original Watford Station building) within the Bedford Street 'triangle' site. A number of locally listed buildings are sited close to the west and north of the site.

3. Summary of the proposal

3.1 Proposal

- 3.2 Advertisement consent is sought to install branded stair core banners (banners around the slip form of stair cores - maximum 2 stair cores at any one time) and branded signage to gantry hoarding along St Albans Road. The application relates only to the southern part of the site (to the south of Penn Road) that is currently under construction.
- 3.3 The stair core banners will measure 9m wide by 4m deep and will be displayed at the top of the stair/lift cores of the towers, with one banner on each elevation. They will be non-illuminated. The phasing of the construction means that they will be displayed on two towers at a time. The first phase is Blocks S1 and S2 adjacent to St Albans Road. They will be displayed until July 2027.
- 3.4 The gantry is required to extend over the public footway on St Albans Road alongside the site in order to provide safe pedestrian access during the construction of Blocks S1 and S2. The gantry hoarding will measure 138m long by 5.8m high. The proposed signage on the hoarding will be very similar to that already approved for the existing hoarding along the St Albans Road site boundary. It will be illuminated by an LED strip along the top edge (approx. 250cd/m²). The hoarding will be in place for a period of 2 years.

3.5 Conclusion

The proposed signage will be displayed for temporary periods only during the phased construction works. It is not considered that the signage will have any harmful impacts on the amenity of the local area or on highway safety. The application is therefore recommended for approval.

4. Relevant policies

- 4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.
- 4.2 The relevant legislation for the determination of advertisement applications is the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). These Regulations at Part 1 Regulation 3, provide that the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.
- 4.3 National Planning Practice Guidance states that the local planning authority should assess advertisements with reference to their effect on amenity and public safety only and that unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals.

5. Relevant site history/background information

5.1 19/00507/FULM - Hybrid planning application: comprising detailed planning application for the demolition of existing buildings and erection of 1,214 residential units (Use Class C3) and 2,050sqm GEA of flexible commercial floorspace (Class A1, A2, A3, A4, A5, B1, D1, D2), a new energy centre (sui generis) and associated car and cycle parking, landscaping including a new square and highway works including alterations to the existing access road. Outline planning application (all matters reserved except access) for the erection of a 2 form entry primary school and nursery (Use Class D1) of up to 2,910sqm GEA of floorspace, associated car parking and landscaping. Planning permission was granted on 25 November 2020 following the completion of a Section 106 legal agreement.

21/00094/NONMAT - Non-material amendment to planning permission 19/00507/FULM for the introduction of a secondary stair in the 'shoulder' section of Buildings S1 and S2, allocation and adjustment of plant rooms and service areas, amendments to the residential mix resulting from the stair insertion and amendments to the external facade resulting from the stair insertion. Approved 23 February 2021.

21/00954/NONMAT - Non material amendment to planning permission 19/00507/FULM for changes to external details, internal alterations at roof and ground level of Buildings S1 and S2 to facilitate introduction air source heat pumps. Approved 29 June 2021.

21/01575/VARM - Variation of Condition 2 (approved drawings), to amend the design of 4 buildings located south of Penn Road comprising Phase 1B, buildings S3 and S6 and Phase 1C, buildings S4 and S5, to create 53 additional dwellings, of planning permission 19/00507/FULM granted for - Hybrid planning application: comprising detailed planning application for the demolition of existing buildings and erection of Use Class C3 residential units and flexible commercial floorspace (Class E), public house and bar (sui generis), takeaway (sui generis), a new energy centre (sui generis) and associated car and cycle parking, landscaping including a new square and highway works including alterations to the existing access road. Outline planning application (all matters reserved except access) for the erection of a 2 form entry primary school (Class F) and nursery (Class E), associated car parking and landscaping (description as amended under planning ref. 21/01525/NONMAT). Planning permission granted on 10 June 2022.

22/00236/ADV - Consent to display eight non-illuminated pennant flags and one illuminated V-board (amended description). Consent granted 14 April 2022.

22/00237/ADV - Consent to display internally illuminated signage on hoarding on St Albans Road and Penn Road with the inclusion of two internally illuminated light boxes on St Albans Road. Signage and hoarding proposed in association with construction and marketing activities at 94-98 St Albans Road. Consent granted 29 March 2022.

22/00913/ADV - Consent to display Installation of 2 no. fascia signs comprising frosted lettering, 2 no. internally illuminated totem signs, 3 no. signs comprised of 3D illuminated letters, 2 no. panels comprised of a 3D development logo and 1 no. internally illuminated light box. Consent granted 02 September 2022.

6. Main considerations

6.1 The main issues to be considered in the determination of these applications are:

- (a) Impact on public amenity(b) Impact on public safety
- 6.2 (a) Impact on public amenity

Paragraph 3(2)(a) of the Regulations states that 'factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic architectural, cultural or similar interest'. The application site comprises a recently commenced large scale redevelopment to provide a mixed-use development, as set out in the planning history. The southern part of the site will contain 6 towers up to 28 storeys in height. Construction of the southern part of the site is scheduled to be completed in spring 2028.

- 6.3 The stair core banners will be displayed on two towers at a time during the period up to July 2027. They will be visible on the towers until such time as the external scaffolding/sheeting required for the construction of the external elevations of the towers rises up to the top of the towers. They will form part of the marketing of the site. The stair cores will be formed of poured concrete and in themselves will be large and unattractive features, partially covered by scaffolding and sheeting, until the external façades have been constructed. The proposed banners will marginally improve their appearance, as well as giving greater visibility to the site, during construction. In this context, it is not considered that the banners would cause any harm to the amenity of the site, nearby heritage assets or the wider area.
- 6.4 The gantry over the public footpath on St Albans Road is required for safety reasons during the construction of Blocks S1 and S2. It will be required for a period of 2 years from March 2023 until March 2025. These gantries are a common site in high density urban areas and can be installed as permitted development in relation to construction works, subject to the approval of the Highway Authority. It will measure 138m long by 5.8m high. The side of the gantry facing the road is to be clad in advertisements very similar to those approved on the site boundary hoarding, advertising the current development. In this context, it is not considered that this gantry hoarding will cause any harm to the streetscene or wider area.
- 6.5 (b) Impact on public safety

Paragraph 3(2)(b) of the Regulations states that factors relevant to public safety include; (i) person using any highway, (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; (iii) whether the display of the advertisement in question is likely to

hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

6.6 Herts County Council as the Highway Authority have raised no objections to the stair core banners or the gantry hoarding on the grounds of highway safety.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Consultee	Comments
Herts County Council Highway	No objection subject to a condition on
Authority	illumination and standard informatives.

7.2 Internal Consultees

None.

7.3 Interested parties

Letters were sent to 10 properties in the surrounding area. Site notices were also placed outside the site on St Albans Road. Responses have been received from 5 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Advertising at lower levels	Noted.
acceptable.	
Banners on stair cores	In the context of the large scale
unacceptable, unnecessary and	construction site and the appearance of the
an eyesore. Increase visibility.	stair cores, formed in raw concrete, it is not
Unsightly. Only for commercial	considered the stair core banners would
purposes.	cause harm.

8. Recommendation

That advertisement consent be granted subject to the following conditions:

Conditions

1. The stair core banners hereby approved shall only be displayed on a maximum of two stair cores at any one time. The banners shall only be displayed until July 2027 and no display shall take place after this date.

Reason: To accord with the application and having regard to the temporary nature of the advertisements.

 The advertisements on the gantry hoarding shall only be displayed between the period of 1st March 2023 and 31st March 2025 and no advertisements shall be displayed outside of this time period.

Reason: To accord with the application and having regard to the temporary nature of the advertisements.

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

Site location plan Gantry Planning Pack

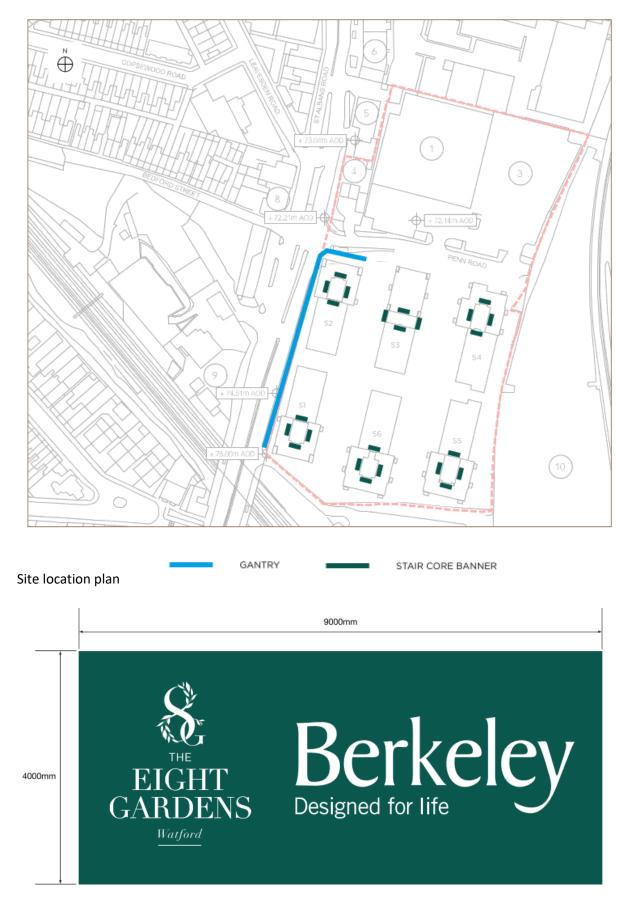
Reason: For the avoidance of doubt and in the interests of proper planning.

 The illuminated signage on the gantry hoarding shall not exceed a luminance level of 250cd/m².

Reason: To accord with the application and in the interest of public safety, in accordance with Policies 5, 17 and 21 of the Hertfordshire Local Transport Plan (adopted 2018).

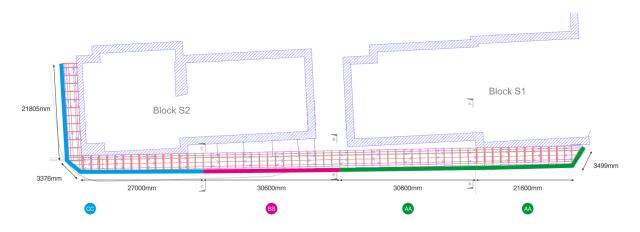
Informatives

- 1. Highways Projecting signs
- 2. Highways Extent of highway
- 3. Highways Obstruction of highway
- 4. Highways Scaffold licence

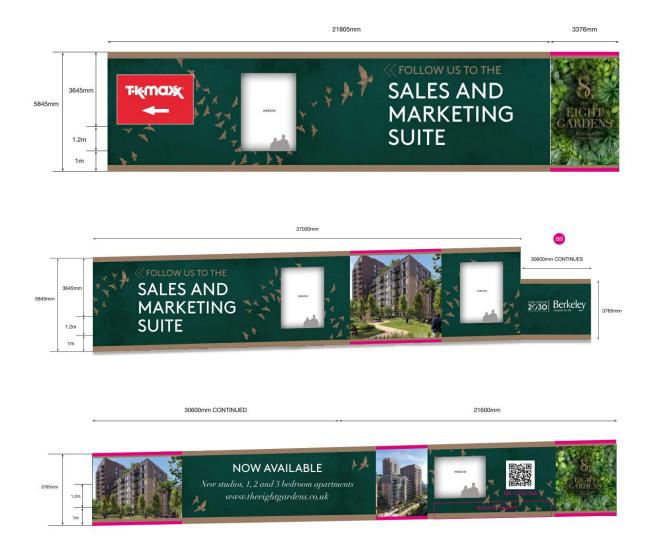


Stair core banner

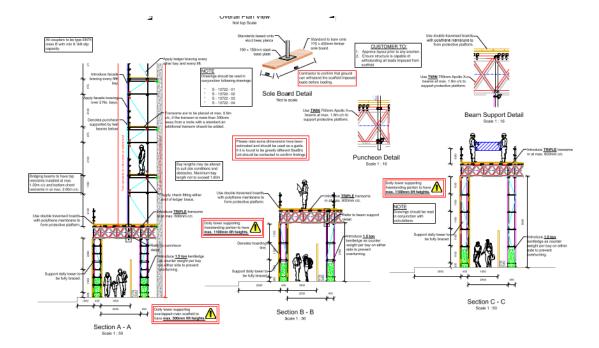
ST ALBANS RD AND PENN ROAD - GANTRY



Gantry location on St Albans Road



Gantry hoarding advertisements



Gantry details

Committee date	Tuesday, 4 October 2022	
Application reference	22/00893/FUL - Unit 1 26 Benskin Road WD18 0HW	
Site address		
Proposal	Change of use from Class E to B2 - Retrospective application for	
	the flat roof double garage Installation of a recirculating reflow	
	extract system in kitchen	
Applicant	MELO BAKERY (2)	
Agent	Mr Thomas Lai Hands Design Graphics Ltd	
Type of Application	Full Planning Permission	
Reason for committee	Number of Objections	
Item		
Target decision date	5 October 2022	
Statutory publicity	Neighbour Letters	
Case officer	Sam Oguz, sam.oguz@watford.gov.uk	
Ward	Vicarage	

1. Recommendation

1.1 That the application be granted conditional planning permission as set out in Section 8 of this report.

2. Site and surroundings

- 2.1 The application site has recently been converted to a commercial bakery (Use Class B2) and the application is seeking retrospective permission for this. The site was previously not utilised for a number of years, whilst nearby buildings were converted into flats. The previous workshop was under the Use Class B1, however, since the recent changes to the Use Classes Order, the site is now classified as Class E. The site itself is a single storey building with two newly built garages adjacent to the main building. The site is accessed from Benskin Road from an established entrance. To the north and west of the site are two large warehouses which are accessed off Chester Road. To the east is the residential development of 26 Benskin Road. To the south are properties and rear garden areas of a number of properties on Benskin Road.
- 2.2 The site is not in a conservation area nor does it affect the setting of a listed building.

3. Summary of the proposal

3.1 **Proposal**

The proposed scheme can be split into three elements. Firstly, is a retrospective change of use from Class E to Class B2. This is required as the new use as a commercial bakery does not accord with the criteria for a Class E use within a residential area due to impacts on amenity. The second aspect is the erection of a double garage in front of the main building. This is finished in materials to match the external appearance of the bakery. Thirdly, the proposal also includes an internal recirculating reflow extract system for the kitchen. This will contain odours and noise

from the ovens within the building using a sophisticated reflow system. It will result in the removal of the existing flue, with no external extraction required.

3.3 Conclusion

The proposed scheme is for retrospective permission to change the use and includes other development. The double garage has been shown to be a reinstatement on the site and is deemed acceptable. The internal recirculating reflow extract system has received a positive consultation response from Environmental Health and will result in a development with far less impact on nearby residential amenity. The change of use is required as a commercial bakery would fall within Use Class B2 but given the mitigating extraction system, the impacts have been reduced. On this basis, it is considered that the proposal is acceptable and should be granted conditional planning permission, as set out in Section 8 of the report.

4. Relevant policies

4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

- 5.1 The site was previously a light industrial use as per permissions 02/00833/COU and 93/00033/LUC which reference the B1 Use Class for the site. As this Use Class has been revoked, the site is now Use Class E. a
- 5.2 This application follows on from a recent application which referenced the bakery. The application 21/01686/FUL was refused on the impact to neighbours as a result of the flue, creating unreasonable disturbance to nearby properties.

6. Main considerations

- 6.1 The main issues to be considered in the determination of these applications are:
 - (a) Principle of development;
 - (b) Scale, design and impact on the character and appearance of the area
 - (c) Impact on neighbour amenity
 - (d) Traffic, highways and parking impacts.

6.2 (a) Principle of development

Whilst the property is located in a predominantly residential area, Use Class E does afford a number of different business operations to be conducted at this site without the need for a change of use. Previous applications have established that the Class E use is not appropriate for this bakery, as mitigation is required to prevent impacts to nearby properties. Given this piece of land has historically been used as a workshop

it has suitable access from Benskin Road. The addition of the double garage and internal extraction system are both works which will support the business.

- 6.3 It is considered that the principle of allowing the proposed use would be acceptable and does not warrant refusal, subject to the mitigation of any adverse impacts. It is also noted that other uses which fall within Use Class B2 would not be suitable for this site, therefore, Condition 3 restricts the site to a commercial bakery.
- 6.4 (b) Scale, design and impact on the character and appearance of the area The change of use element of this application would result in no change in the character and appearance of the property. The erection of a double garage adjacent to the main commercial building is subordinate to the main building and is not easily visible from the streetscene. The internal extraction system will be fully internal within the main kitchen area and will not be visible from outside the building. The new system will result in the removal of the existing flue, which has not been granted permission. On this basis, the proposal will have no significant impacts on the character and appearance of the area and is acceptable in terms of scale and design.
- 6.5 An additional factor to consider is that there are many similar commercial uses in this part of Watford, in between residential dwellings. These are historic uses and can be seen across West Watford. Reinstating a commercial use to one of these sites will be supporting a local business and employment within the town.
- 6.5 (c) Impact on neighbour amenity

Due to the sensitivity of the site, it is important to ensure that neighbouring amenity is protected. As per the Environmental Health comments, the internal extraction system will be fully contained within the main kitchen. As well as removing the existing flue, all odours and noise from the baking ovens will be contained by the system and result in a significant level of mitigation to noise and odour impacts. This is now considered to be at an acceptable level.

- 6.6 The proposed double garage will be used for storage of materials and is built in an underutilised area of land. This will result in no impact on the amenity of neighbouring properties.
- 6.7 With the existing Use Class E, the site could change to a number of different uses within this class. Currently, there are no time restrictions on the site. However, due to the new Use Class being proposed and the siting of nearby residential dwellings, the hours of operation will be restricted as per Condition 4 in Section 8 of the report. This has been agreed by the applicant and the hours will be restricted to 8am-6pm, Monday-Friday. This will protect the amenity of surrounding dwellings.
- 6.8 (d) Traffic, highways and parking impacts.The site has an existing paved area to the front which can be used for pick-ups and drop-offs. It is away from the main highway of Benskin Road and will not impact on

the parking within the area. The entrance has existed there for many years and is suitable to serve the site.

7. Consultation responses received

7.1 Internal Consultees

Environmental Health – WBC:

"There is no external plant with this application so it's reasonable to assume the environmental noise and odour fumes is non-existent.

From the brochure I can see that its modern air filtration system for commercial kitchens, and it explains the process in a reasonable, cooking odour are recirculated back in to the enclosed internal unit for filtration. The unit is stated to be used internally and therefore there is no obvious adverse environmental impact."

7.2 Interested parties

Letters were sent to 14 properties in the surrounding area. Responses have been received from 9 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Noise disruption	The noise emitted from the property and flue should be reduced significantly with the extract reflow system. The site also has an historic use for commercial purposes.
Odour disruption	Odour from the kitchen will be mitigated by the introduction of the reflow system.
Issues in regard to the extractor fan	The existing extractor fan has been implemented without planning permission, previous applications aiming to mitigate this system have been refused. The new proposal should provide a far better experience for those living nearby.
Traffic and parking issues	Please see Section 6.8 of the report
Potential for rodent infestation	This is not a planning consideration and would be dealt with by Environmental Health
Allowing a commercial use on this site	As mentioned, the site has an historic existing Class E Use and changing to Class B2 is acceptable in principle subject to mitigation to reduce the impact on neighbours. This site could be changed to a number of different uses under Class E without any application.

8. Recommendation

That planning permission be granted subject to the following conditions:

1. The existing external flue shall be removed and the recirculating reflow extract system shall be installed, as per drawing number 010722-E, within two months of the date of the decision. It shall be retained at all times.

Reason: To ensure the operation of the kitchen does not give rise to noise or odour disturbance to nearby existing and future residential occupiers.

- 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:
 - Drawing Number: 010722-A
 - Drawing Number: 010722-B
 - Drawing Number: 010722-C
 - Drawing Number: 010722-D
 - Drawing Number: 010722-E

Reason: For the avoidance of doubt and the interests of proper planning.

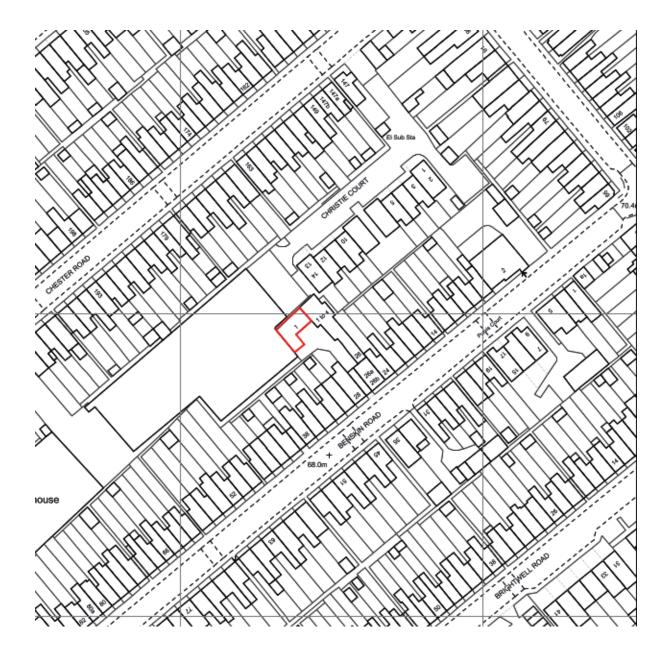
3. The use of the building shall only be as a commercial bakery and for no other use within Use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure any other use has suitable mitigation for noise, odours and industrial activity in order to protect the amenity of adjoining residential properties.

4. No commercial activity shall be carried out at the property outside of the hours of 0800 to 1800 on Mondays to Fridays and at no time on weekends.

Reason: To protect the amenity of adjacent residential uses in accordance Policy SE22 of Watford's District Plan 2000.

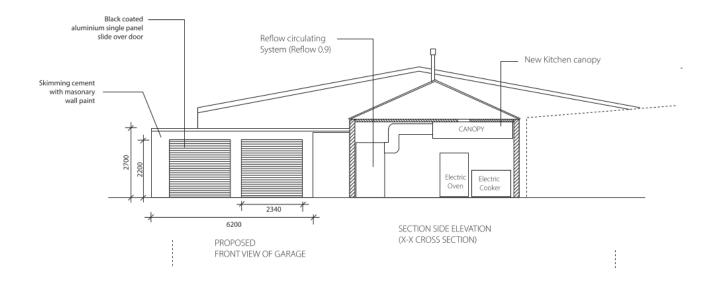
Site Location Plan

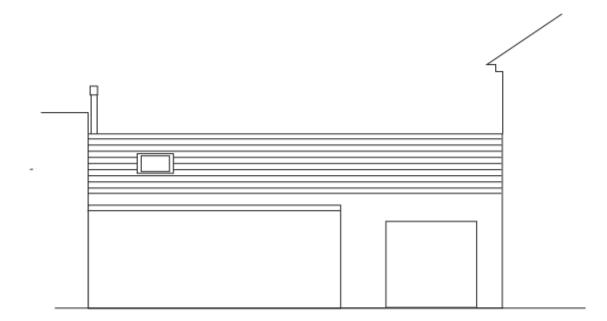


Google Maps



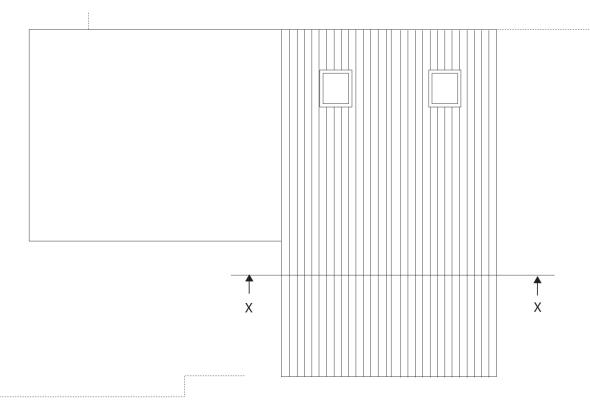
Proposed Elevations





PROPOSED EXISTING FRONT ELEVATION (SOUTH SIDE)

Proposed Roof Plan



Proposed Floor Plan

