

DEVELOPMENT MANAGEMENT COMMITTEE

7 FEBRUARY 2023

Present: 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

Also present: Helen Sugden, Developer
Sunita Patel, Local Resident
Mark Doohan, Developer
Will Munting, Advocate on behalf of client

Officers: Associate Director of Planning, Infrastructure and Economy
Principal Planning Officer (AC)
Principal Planning Officer (CO)
Democratic Services Officer (BR)

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.

40 APOLOGIES FOR ABSENCE

No apologies were received.

41 DISCLOSURE OF INTERESTS

Councillor Martins disclosed that he was known to the applicant on minute number (44). Councillors Jeffree and Watkin stated they were borough councillors and Councillor Watkin was also a county councillor for Park Ward, where the development referred to in minute number (43) was located.

42

MINUTES

The minutes from the meeting on 10 January 2023 were approved and signed.

43

22/01431/FUL – LAND AT 2 FARM FIELD WATFORD HERTS WD17 3DF

The Principal Planning Officer (CO) delivered his report to the committee.

The Chair thanked the officer for his report and invited Sunita Patel to speak against the development.

Sunita Patel began by introducing herself and stated that she was speaking on behalf of both her family and other interested parties. She went on to address several points. The first was in relation to sunlight and daylight indicating that residents would be affected by shadowing from the new development and that they disputed the officer's report stating that the outlook would not be significantly affected and pointed to the loss of privacy in particular to 1A Farm Field and 33 Glen Way.

Her next point related to the size and mass of the new property, stating that in each of the other plots the properties accounted for approximately 15-40% of the total area, while the new development would be 50%. Additionally the proposed house was 2.7 times larger than required by the National Dwelling Space Standards and she believed a smaller development could meet the same housing needs. Mrs Patel then relayed the objections of The Twentieth Century Society in particular their comments on the opening in to Farm Field. Her next point related to distance, she commented that the officer reported that the proposed development would maintain a 24m distance from the front of her home, however she had measured it and it would only be 21.7m, and that along Devereux Drive it varied between 27 and 34m. She believed this would have an adverse effect on their privacy.

She concluded by talking about the adverse effects on access for fire and emergency vehicles.

The Chair thanked Sunita Patel for her comments and asked the officer to clarify several points.

In relation to the loss of light the officer responded saying that the loss of light would not be significant due to the building height and the

separation maintained to neighbouring properties. It would not be of great enough impact to justify refusal of the application.

In relation to the separation distance, he stated that the measurements had been calibrated against the scale bar on the plans, which showed a separation of 24 metres to No. 1A Farm Field. In terms of privacy, the Residential Design Guide said that the front separation distance between front elevations would be determined by the street layout and the size of the front gardens. In this case, the dwelling would be set back a minimum of 8.5m from the driveway which was reasonable. Whilst the front separation distance was slightly less than the typical arrangement in the street, the proposed separation was reasonable and would not cause a significant loss of privacy to neighbours.

In relation to the two storey scale and size of the house it was in keeping with neighbouring buildings in the area. It was noted that there were examples of nearby properties that had second floor accommodation with roof dormers, which were not proposed under the current proposal.

Finally in relation to the access road the officer stated that fire safety access was a matter for consideration under the Building Regulations regime and planning should not seek to duplicate the controls of separate legislative processes. Whilst the Planning Practice Guidance stated that for 'relevant buildings' fire safety matters such as layout and access should be considered at planning stage, as the proposal was a single dwelling it was not a 'relevant building'.

The Chair thanked the officer for his input and invited the committee to ask questions.

The Chair then invited Helen Sugden to speak on behalf of the applicant.

Helen Sugden started by introducing herself and her family's connection to the area and the nearby listed building known as Sugden house, over the previous seventy years. She described how her father had divided the Farm Fields plot into four areas and the remaining one was always intended for development. The placement of both the major trees and shrubs on the boundaries were designed to keep that clear. The plans for the new development would not impose on Sugden house, and that the project was not profit driven but of high quality and would provide a quality family home. She stated she was surprised by the objections as they had changed the proposal to work with the other local residents.

Her key principles related to the development being a single house and not a group of houses or flats in the way another developer would, that it respected the local look and did not compromise the trees.

The Chair thanked her for her comments before stating that in his opinion the development met all of the requirements of the local plan and was an individually designed family home in an area of the same, and while they could debate the aesthetics, that was not the role of this committee. He then invited the committee to discuss the development.

It was noted that the aerial view made it clear it was a plot for development and was suitable for a single dwelling. The respect for biodiversity was applauded and concerns about the trees had been alleviated. They were happy that building control would look at the fire safety aspects. There was also sympathy for the local residents and the disruption they would face during the construction period but could find no planning reason to refuse it.

The Chair moved for the committee to vote on the officer's recommendation.

On being put to the committee the application was approved.

RESOLVED –

That planning permission be granted subject to the following conditions:

Conditions

1. Time Limit

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:

PL01; PL02; PL03; and, PL04.

3. Tree Protection Measures

No development shall commence until an updated Arboricultural Impact Assessment and Arboricultural Method Statement to include further design details of the proposed ground protection measures to protect trees during construction works, as indicated on the submitted Tree Protection Plan, has

been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details for the duration of construction works.

4. Materials

No development above ground level shall be carried out until full details of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

5. Detailed drawings

No development above ground level shall be carried out until detailed section drawings of the external elevations of the proposed dwelling, including walls/brick detailing, door and window reveals, cills, gable edges, parapets/eaves design and balustrades have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

6. Hard and Soft Landscaping

Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works, including:

- trees and soft landscaping to be planted (including location, species, density and planting size),
- a scheme of ecological enhancements,
- details of any changes to ground levels,
- materials for all pathways, all hard surfacing and amenity areas/paving, and,
- boundary treatments,

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. The proposed planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants which within a period of five years, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

7. Parking and Manoeuvring Area

Prior to the first occupation of the development hereby approved, surface water drainage details (including details of the construction of the hard

surface and disposal of surface water) of the parking area shall be submitted to and approved in writing by the Local Planning Authority. The parking area shall be laid out in accordance with the drawings approved under Condition 2 and constructed in accordance with the approved drainage details prior to the first occupation of the development. The parking area shall be retained at all times thereafter.

8. Electric vehicle charging

Prior to the first occupation of the development hereby approved an electric vehicle charging point shall be installed and made available for use. The electric charging infrastructure shall be retained at all times thereafter.

9. Permitted development rights removed

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no enlargements of a dwellinghouse permitted under Classes A or B or the provision of hard surfaces permitted under Class F shall be carried out or constructed without the prior written permission of the Local Planning Authority.

10. Water efficiency

The development hereby approved shall be constructed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

11. Accessible dwellings

The development hereby approved shall be constructed to The Building Regulations (2010) Access to and Use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

12. No balcony

No part of the flat roof above the single storey rear projection (comprising the living room) shall be used as a balcony or roof terrace.

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

The Principal Planning Officer (AC) delivered his report to the committee.

The Chair thanked the officer for his report and then invited William Minting to speak against the development.

Mr. Minting identified that he was representing Stephen Rose who owned 1 and 1a Lower Board Road. He thanked the officers for the report and stated that his client understood that other residents also had objections.

He continued to read a letter from Mr. Solomons from Crosfield Court. His letter made several statements. Neither Mr. Solomons nor to the best of his knowledge any other resident had been consulted in relation to the development by the developers. The new development would block out all early morning sunlight. The building would tower above Crosfield Court. The majority of the residents were elderly and many had health problems. He also wanted to know how much of the development was allocated for social housing. Furthermore he raised concerns about heavy lorries and cranes in the area given how busy the road was and that it included a regular bus route. He went on to describe the problems that already existed with flooding in the area, highlighted the lack of car parking and the recent cost of cleaning Crosfield Court that would be covered in dust by any development.

Mr. Minting concluded by stating that the development was not in line with the street look or design principles.

The Chair thanked Mr. Minting and then asked Mr. Dohan to speak on behalf of the applicant.

Mark Dohan introduced himself and gave out paper copies of a presentation that had previously been emailed to the committee for them to refer to. He stated that they had engaged with the officers and made a number of applications to bring the development forward. He said there were no technical objections just design issues. He believed the current building had no benefit, they had looked at converting the current building but were keen to guarantee quality. He indicated that the development included large family sized units that were double that required of the policy on privacy space. Mr. Dohan further stated that daylight specialists had said the building met Building Research Establishment requirements. He also made the point that the overall development was similar to a Berkeley homes development that had been approved on St. Albans Road.

The Chair thanked Mr. Dohan. He commented that the scale of the building and the setback photos disguised the overall size of the development, and on top of all the other issues he was concerned that there was no affordable housing provision and invited the committee to ask questions and debate the proposal.

The committee asked for clarification on the light situation on the neighbouring property.

The officer explained that there were several types of light testing that were used.

There was a discussion amongst the members, who overall agreed the area needed to be developed but it needed to be the right development. The lack of affordable housing, the light issues and lack of consultation were areas of concern. Mr. Solomons' letter and the input of Mr. Minting were praised.

A question was asked about the comparison with the Berkeley Homes site. This was answered by the Associate Director of Planning, Infrastructure and Economy who stated that the two were not comparable given the different areas and context. It was also an inappropriate comparison, as the Berkeley Homes development was approved under the old local plan not the current plan.

The need for high-quality, affordable homes was repeated by several members of the committee all of whom felt that this development would not meet that requirement. Finally, it was stated that it did not meet the local plan.

The Chair then invited the committee to vote on the officer's recommendation.

On being put to the committee the application was REFUSED.

RESOLVED –

that planning permission be refused for the following reasons:

1. The proposed development, by virtue of its design, scale and massing fails to successfully transition with or relate to the surrounding local context. The proposal would not contribute positively towards the character and appearance of the area conflicting with paragraphs 126, 130, 132 and 134 of the NPPF and Policies CDA2.3, QD6.1, QD6.2, QD6.3, QD6.4 and HE7.1 HE7.3 of the Watford Local Plan 2021-2038.

2. The proposed development, by virtue of the high proportion of single aspect dwellings, the poor internal daylight levels and lack of and poor quality private amenity provision fails to provide high quality accommodation for future users, contrary to paragraph 130 of the NPPF, Policies HO3.10, HO3.11 and QD6.4 of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.
3. The proposed development, by virtue of its scale and massing would cause significant loss of light, loss of outlook and sense of enclosure to neighbouring residential dwellings within Crosfield Court and on Local Board Road. Such a loss of neighbouring amenity is contrary to paragraph 130 of the NPPF, Policies CDA2.3 and CC8.5 of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.
4. A legal undertaking has not been completed to secure financial contributions towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to restrict the entitlement of the proposed dwellings to parking permits for the controlled parking zones in the vicinity of the site. Without such an undertaking in place, the development would result in additional on-street parking in an already congested area contrary to Policies ST11.1 and ST11.5 of the Watford Local Plan 2021-2038.

Chair

The Meeting started at 7.00pm
and finished at 8.30pm