

THREE RIVERS DISTRICT COUNCIL

At a meeting of the **Planning Committee** held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on Thursday 21 January 2016 from 7.30pm to 8.52pm.

Present: Councillors Chris Whately-Smith (Chairman) Chris Lloyd (Vice-Chairman), Diana Barber, Phil Brading, Marilyn Butler, Peter Getkahn, Alex Hayward, David Major, Reena Ranger and Ann Shaw OBE.

Officers: Claire Westwood, Suzanne O'Brien, Scott Volker, Daniel Monk and Sarah Haythorpe.

Also in attendance: Councillors Kemal Butt, Paula Hiscocks, Ralph Sangster and David Sansom.

Apologies for absence were received from Councillors Debbie Morris and Len Tippen.

About 20 Members of the public.

PC80/15 MINUTES

The Minutes of the Planning Committee meeting held on 10 December 2015 were confirmed as a correct record and were signed by the Chairman.

PC81/15 NOTICE OF OTHER BUSINESS

The Chairman advised that an addendum to Item 8 (15/2230/FUL - Construction of 48 residential apartments with car parking, open space, landscaping and associated works, at FORMER GAS WORKS, WHARF LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1HA for St William Homes LLP) would be considered in addition to the report already circulated with the agenda papers. The reason for the urgency was to ensure the application could be determined within the statutory period.

PC82/15 DECLARATIONS OF INTEREST

Councillor Reena Ranger declared a registerable pecuniary interest in agenda item 12 (15/2479/FUL - Variation of condition 2 (plan numbers) of planning permission 13/1963/FUL (Demolition of existing dwelling and erection of detached two-storey dwelling with additional accommodation at second floor and basement levels. Improvement of existing access and associated ancillary works) to include alterations to elevations, addition of central gable to front and addition and alteration to roof lanterns at 31 BEDFORD ROAD, MOOR PARK, HA6 2AY for Mr and Mrs Ahuja) as the applicant was related to the Councillor and left the meeting during the consideration of this item.

PC83/15 Consideration of Objections and Confirmation of Three Rivers (58 Sandy Lodge Road Moor Park Rickmansworth) Tree Preservation Order 2015

The Landscape Officer reported that the Tree Preservation order had been made as the tree was worth of retaining.

The Chairman of the Committee moved, seconded by Councillor Phil Brading, the recommendation to confirm the TPO without modification.

On being put to the Committee the motion was declared CARRIED the voting being unanimous.

RESOLVED:

That the objection is noted but that the Three Rivers (**58 Sandy Lodge Road Moor Park Rickmansworth**) Tree Preservation Order 2015 is confirmed without modification.

PC84/15 Consideration of Objections and Confirmation of Three Rivers (Highway verge at Delta Gain to the rear of Bucklands) Tree Preservation Order 2015

The Landscape Officer advised that the tree was under threat so the TPO had been made. In response to questions regarding any damage caused to the tree or its removal the Landscape Officer advised that no report or evidence had been provided. If there was any subsidence, details would need to be submitted for assessment.

Councillor Ann Shaw moved, seconded by Councillor Peter Getkahn, that the TPO be confirmed without modification.

On being put to the Committee the motion was declared CARRIED the voting being 9 For, 1 Against and 0 Abstentions.

RESOLVED:

That the objection is noted but that the Three Rivers (**Highway verge at Delta Gain to the rear of Bucklands**) Tree Preservation Order 2015 is confirmed without modification.

PC85/15 15/2230/FUL - Construction of 48 residential apartments with car parking, open space, landscaping and associated works, at FORMER GAS WORKS, WHARF LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1HA for St William Homes LLP

The Planning Officer reported the following:

Affordable Housing Update

An addendum had been previously circulated. In summary, it was accepted that the scheme was not viable at this time; however, it was recommended that the scheme should be subject to a review mechanism. The suggested 106 mechanism acknowledged that the currently accepted viability position represents a snapshot of the financial position at the time leading up to the Council's resolution and was time limited but recommends that if within 21 months from the date of the grant of this planning permission, completion of the construction of the Development was not completed up to and including first floor slab of Building B, then there be a requirement for a new updated viability appraisal to be undertaken with a view to establishing whether an affordable housing commuted sum would be viable and if so, secures its payment to the Council. This mechanism is accepted by the applicants and a Section 106 is being prepared.

As such, the recommendation at 8.1 on page 58 should be updated to read;

That the decision be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to:

- 1) the completion of a S106 Agreement/Unilateral Undertaking containing an agreed mechanism which requires an updated appraisal of financial performance to be undertaken to assess whether a commuted sum should apply to make up the under provision if the development is not completed up to and including first floor slab of Building B within 21 months from the date of the grant of planning permission. If such a sum is viable, the deed is to secure its payment to the Council and
- 2) subject to the following conditions: (conditions as set out in Committee Agenda)

An additional informative noting the S106 Agreement is also suggested;

The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

An additional recommendation (8.2) is also required to be added in the event that a Section 106 Agreement was not completed. This should read:

That in the absence of the completion of a satisfactory Section 106 Unilateral Undertaking/Agreement the APPLICATION BE DELEGATED TO THE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES TO REFUSE PLANNING PERMISSION for the following reasons:-

R1 - The proposed development fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011). The scheme is for market dwellings, no contribution has been made towards the provision of affordable housing and no satisfactory section 106 has been completed containing an agreed mechanism which requires an updated appraisal of financial performance to be undertaken to assess whether a commuted sum should apply to make up the under provision if the development is not completed up to and including first floor slab of Building B within 21 months from the date of the grant of planning permission and if such a sum is viable, secures its payment to the Council

Informatives:

I1 - In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to be acceptable.

Other Updates

- The site description (paragraph 2.2 on page 7) refers to the site being vacant with the exception of the existing PRS. This has now been removed.

C15 (Tree Protection) on page 62 to be updated. The condition requires the submission of tree protection details, however, these have been shown on submitted plan 8346/02 (Tree Protection Plan) and the Landscape Officer has confirmed that

further details are not required. The condition should therefore be amended to require that the agreed protection measures are implemented and maintained during works.

C15 Tree protection scheme

The protective measures, including fencing, shall be undertaken in accordance with the details as shown on approved plan 8346/02 (Tree Protection Plan) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Councillor Ann Shaw said this application was still unacceptable. She thanked Officers for the update on affordable housing in the addendum. The water levels and groundwater supplies services were imperative as where would the service water go and the flood plain storage. The public storm sewer was the town ditch. She knew the area well and was aware of the flooding in Talbot Road. The River Chess Wall must be protected. The 8ft close boarded fence was a very high barrier which would be harmful to the local wildlife and not very attractive. Parking was 20% too low and would impact on local parking provision. This was an important site in Rickmansworth near to the Green Belt and Conservation Area. The Committee wanted to see a development which they could be proud of. The Conservation Officer had commented it was average at best. 48 dwellings was better than 66 – but 20 was what had been included in the Local Plan. Whilst the application could not be refused on parking or flooding grounds, the blocks were too large and an overdevelopment of the site due to their scale, size, massing and design.

She moved, seconded by Councillor Peter Getkahn, that planning permission be refused due to overdevelopment, size, massing, scale, layout and bulky design

Councillor Peter Getkahn still had concerns. He believed that the area should contain a good mix of housing to provide a good environment for families. 2/3 bedroom flats needed places for children to play. 5 visitor parking spaces for 48 flats would be insufficient. Two blocks of flats was not the best use of the site.

The Planning Officer responded stating the flood risk and surface water issues had been considered by the Environment Agency and HCC Flood Risk Management Team. They had agreed that the development would be acceptable subject to a number of conditions. The close boarded fencing would be required to have 'wildlife gaps' cut out and this detail would be secured by condition. The development was in an accessible location close to the town centre and the shortfall against the parking standards would be acceptable. Mechanisms were proposed to control parking including future occupiers not being able to apply for parking permits. The scale of the development per hectare would not be out of character for the area.

Councillor Ann Shaw said she was not proposing to refuse the application on parking grounds but on the impact on the neighbours.

Councillor Phil Brading said expecting visitors to park in 5 parking spaces was a nonsense. His main concern though was around affordable housing and the lack of provision within the scheme. It would not be in the interest of Rickmansworth residents to encourage buy to let Members wanted to see local people living here. Adequate affordable housing provision was required and the current Council policy should be reviewed.

Councillor Reena Ranger agreed with the comments on parking. The boundary treatment should be a low level metal railing which would be more friendly for the local wildlife. The Chess Wall should be reviewed with regard to future flooding and the parking would not be sufficient for the number of dwellings. On the disabled parking bays they should not be made available to purchase.

The Planning Officer advised that the affordable housing comments had been noted but that the submitted viability information had been considered and demonstrated that the scheme would not be viable with affordable housing provision at this time The disabled parking bays could be managed. Condition C11 related to the parking management strategy and could be amended to require the submission of details on how the spaces would be managed.

The Chairman of the Committee noted that on Page 50 of the agenda papers it advised that any unsold bays would be available to purchase. This would create a shortfall in relation to the parking standards and he asked how this could be managed.

Councillor Marilyn Butler asked for clarification on the piling of the foundation designs detailed on Page 13 and in Condition C7.

The Planning Officer advised that the foundation method details would need to come back to the Local Authority for consultation. There were 6 disabled parking spaces. In accordance with Council Procedure Rule 35 (B), Mr Sansom-Tims spoke against the application and Mr Ellis spoke in support of the application.

Local Ward Councillors David Sansom and Paula Hiscocks made comments on the Conservation Officers views, the split of the site, flooding, provision for open space and play areas, parking being below Council standards and the viability of the affordable housing which should come back to the Committee.

Councillor Ann Shaw reiterated her reasons for refusal: over development, scale, size, massing, layout and building design. The final wording to be circulated to the Committee for approval if the decision was agreed by the Committee.

The Planning Officer said on Page 39 of the report the applicant had outlined why the proposed mix of housing had been proposed. In the site allocations document the indicative capacity was 20. If the Section 106 was not completed an additional reason for refusal would need to be added with regard to the Section 106 not being signed within the required timeframe.

On being put to the Committee the motion that planning permission be refused was CARRIED the voting being 5 For, 0 Against and 5 Abstentions.

RESOLVED:

That planning permission BE REFUSED FOR THE FOLLOWING REASON (the final wording having been agreed after the meeting):

Post meeting note: Planning permission was refused on 3 February 2016 for the following reasons:

1. The proposed development, by reason of its layout, scale, size, mass, bulk and design would result in an overdevelopment of the site to the detriment of the character and appearance of the area. This is contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies (adopted July 2013).
2. The proposed development fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011). The scheme is for market dwellings, no contribution has been made towards the provision of affordable housing and no satisfactory section 106 has been completed containing an agreed mechanism which requires an updated appraisal of financial performance to be undertaken to assess whether a commuted sum should apply to make up the under provision if the development is not completed up to and including first floor slab of Building B within 21 months from the date of the grant of planning permission and if such a sum is viable, secures its payment to the Council.

Informative:

- I1 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to be acceptable.

PC86/15 15/2231/FUL – Demolition of existing dwelling and construction of replacement dwelling and landscaping at 38 VALLEY ROAD, RICKMANSWORTH, WD3 4DS for Mr and Mrs Patel.

The Planning Officer reported that the applicant had submitted a Bat Survey.

Herts Ecology and Herts and Middlesex Wildlife Trust were both consulted and agreed with the findings of the bat survey. Herts Ecology requested that an informative regarding birds be attached to any planning permission.

Councillor Phil Brading said he had looked at the picture of the back garden and how the garden treatment was going to be. There would be a lot hard surfacing at a raised level which would become living space which was concern to the neighbours but would be covered by Condition C6.

Councillor Ann Shaw moved, seconded by the Chairman of the Committee, that subject to receipt of an acceptable Bat Survey and no new material considerations being raised that planning permission be granted subject to conditions.

On being put to the Committee the motion was declared CARRIED the voting being unanimous.

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RESOLVED:

That subject to receipt of an acceptable Bat Survey and no new material considerations being raised PLANNING PERMISISON BE GRANTED, subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: SB/AG/38/2016 Rev. 01 (Proposed Plans), SB/AG/38/2016 Rev. 01 (Existing and Proposed Streetscene), SB/AG/38/15 (Existing Plans) and SB/AG/38/15 (Landscaping Plan).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP3, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in or before the first planting season following first occupation of the dwelling and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species for a period for five years from the date that the approved scheme was completed.

Reason: This is a pre-commencement condition to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the

ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This is a pre-commencement condition to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 No development or other operation shall commence on site until a scheme (herein called the Approved Method Statement of Arboricultural Works Scheme) which indicates the construction methods to be used in order to ensure the retention and protection of tree, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the local planning authority.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.

Reason: This is a pre-commencement condition to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 No development shall take place until details of the existing and proposed site levels, including finished floor levels of all patio/terrace areas, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 The building shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number SB/AG/38/2016 Rev. 01 (Proposed Plans) and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core

Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C8 Before the first occupation of the building hereby permitted the windows in the flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C9 The hardstanding to the frontage shall not be laid until details of the disposal of surface water from the parking area and access have been submitted to and approved in writing by the Local Planning Authority. The parking area shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details and these shall be maintained as such thereafter.

Reason: To provide a satisfactory development and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C10 The approved building shall be built to the ground levels and heights as shown on the approved drawings or lower. If the indicated existing heights and levels of the neighbouring properties should prove to be erroneous, then the heights of the proposed buildings as constructed shall be no higher than the relative height difference(s) between the heights of the neighbouring properties as shown on the approved drawings and the proposed building.

Reason: To ensure that the proposed development is built to the heights relative to adjoining properties as shown on the approved drawings, or lower, in the interests of visual amenity and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C11 The development hereby permitted shall be implemented in accordance with the details of the submitted C-Plan Energy and Sustainability Statement. The approved details shall be implemented prior to the first use of the development and permanently maintained thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C12 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Class of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling.

No development of the above class shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or

abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0845 6014523

Herts & Middlesex Bat Group: www.hmbg.org.uk

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

- 15 In order to protect breeding birds, their nests, eggs and young, demolition activities should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.

PC87/15 15/2412/FUL - Single storey side and rear extensions, alteration to existing conservatory roof, addition of rooflights and internal alterations at 50 RUGBY WAY, CROXLEY GREEN, HERTFORDSHIRE, WD3 3PH for Mr Renato Messere

Councillor Phil Brading moved, seconded by Councillor Chris Lloyd, that the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that planning permission be granted subject to conditions.

On being put to the Committee the motion was declared CARRIED the voting being unanimous.

RESOLVED:-

That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PLANNING PERMISSION BE GRANTED subject to the following conditions:-

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01, PL-02 Rev A, PL-03, PL-04 Rev A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted

October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 All new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

PC88/15 15/2433/FUL - Part Retrospective: Replacement garage with pitched roof, single storey rear extension, single storey front extension, conversion of second garage to habitable accommodation and front porch (Amendment to 14/1054/FUL to include increase in footprint of the front porch, replacement windows, addition of sun tunnels and rooflights) at 10 GROVE FARM PARK, NORTHWOOD, HERTS, HA6 2BQ for Mrs Sita Bhundia.

The Planning Officer reported that paragraphs 3.9 (page 95) and 7.1.10 (page 98) the officer's report states that the replacement windows would be white UPVc framed. This was an officer error and the replacement windows are to be white aluminium framed.

In accordance with Council Procedure Rule 35 (B), Mr Peaker spoke against the application and Mrs Bhundia spoke in support of the application.

Councillor Reena Ranger said the application had created significant public interest with a number of people responding. She had concerns around the cladding, windows, roof tiles and the porch. Officers circulated at the meeting a weathered roof tile and a new roof tile for the Committee to view.

The Planning Officer advised in Paragraph 3.9 on Page 95, the front porch details were provided. The porch would not increase significantly in size to what was previously approved and would be set back 8m from the highway. It would not be prominent.

Councillor Phil Brading was not convinced by the reasons against the application which seemed to be non-existent. The roof tiles would weather in time. He moved, seconded by Councillor Ann Shaw, that the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that part retrospective planning permission be granted and has effect from the date on which the development was carried out and is subject to the following conditions:

On being put to the Committee the motion was declared CARRIED the voting being 9 For, 0 Against and 1 Abstention.

RESOLVED:-

That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: TRDC 001 (LOCATION PLAN), TRDC 002 (EXISTING FLOOR PLANS), TRDC 003 (EXISTING ELEVATIONS), TRDC 004 (PROPOSED ELEVATIONS) and TRDC 005 (PROPOSED FLOOR PLANS).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C2 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £85 per request (or £25 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- I3 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0845 6014523

Herts & Middlesex Bat Group: www.hmbg.org.uk

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

- I4 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

PC89/15 15/2479/FUL - Variation of condition 2 (plan numbers) of planning permission 13/1963/FUL (Demolition of existing dwelling and erection of detached two-storey dwelling with additional accommodation at second floor and basement levels. Improvement of existing access and associated ancillary works) to include alterations to elevations, addition of central gable to front and addition and alteration to roof lanterns at 31 BEDFORD ROAD, MOOR PARK, HA6 2AY for Mr and Mrs Ahuja

Councillor Reena Ranger left the meeting during the consideration of this application.

Councillor Ann Shaw moved, seconded by Councillor Alex Hayward, that subject to no new material considerations being raised that planning permission be granted subject to conditions the voting being 9 For, 0 Against and 0 Abstentions.

RESOLVED:-

That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions:-

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1182/ P2/ 1, 1182/ P2/ 2, 1182/ P2/ 3, 1182/P2/4

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers and to safeguard the character and appearance of the Conservation Area, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C2 All new works or making good to the retained fabric shall be finished in materials as agreed under LPA reference 15/1749/DIS.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C3 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first occupation of the building/extension hereby permitted the window(s) in the first floor flank elevations; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 The cill height of the flank rooflights, hereby permitted, shall be set 1.7m above second floor level and be permanently maintained thereafter.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The proposed building(s) shall be built to the ground levels and heights as shown on the approved drawings or lower. If the indicated existing heights and levels of the neighbouring properties should prove to be erroneous, then the heights of the proposed buildings as constructed shall be no higher than the relative height difference(s) between the heights of the neighbouring properties as shown on the approved drawings and the proposed buildings(s).

Reason: To ensure that the proposed development is built to the heights relative to adjoining properties as shown on the approved drawings, or lower, in the interests of visual amenity and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 The development hereby permitted shall be implemented in accordance with the details of the submitted C-Plan Energy and Sustainability Statement. The approved details shall be implemented prior to the first occupation of the development and permanently maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4

of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C8 No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. Any topping or lopping approved shall be carried out in accordance with BS: 3998 (2010) 'Recommendations for tree works'. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1 October to 31 March) following their loss or removal.

Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 Tree Protection Measures must be retained on site in accordance with 'Tree Protection Plan Rev A' approved pursuant to 13/1963/FUL for the duration of the works.

The protective measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned

unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

PC90/15

15/2509/FUL - Application to modify Section 106 Obligation for planning permission 12/1968/FUL (Renewal of 08/2239/FUL: Demolition of existing car showroom and workshop and redevelopment of site to create new convenience retail store, seven flats (including three affordable units) in two blocks and retail office space with associated car parking and access) to make provision for affordable housing through a financial contribution rather than on site, at 189 – 191 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3ED, for Clancy Development Limited

The Planning Officer reported that one objection had been received as summary of which was:

- Insufficient parking.
- Adverse effect on visibility for drivers.
- Increased traffic.
- Highways safety concerns.
- No need for supermarket.

The Planning Officer's response was as set out in the report, the application related only to an amendment to the Section 106 Agreement and no other aspects of the development would be changed.

Councillor Chris Lloyd asked if there was no affordable housing would there still be housing provided. The Council policy on this needed to be reconsidered.

Councillor Phil Brading said this was a different scale of development here with a small number of units. The applicant had tried to find a housing association to take over the properties. He moved, seconded by the Chairman of the Committee, the recommendation that the application to modify the Section 106 agreement be granted subject to this Heads of Terms being secured in a satisfactory form.

The Planning Officer advised that the formula for affordable housing was the amount of square footage available for habitable floor space. The issue of the review of the policy would be referred to the Policy and Resources Committee.

On being put to the Committee the motion was declared CARRIED the voting being 8 For, 1 Against and 1 Abstention.

RESOLVED

That the application to modify the Section 106 Agreement be granted subject to this Head of Term being secured in a satisfactory form.

CHAIRMAN