

THREE RIVERS DISTRICT COUNCIL

At a meeting of the **Planning Committee** held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on Thursday 17 November 2016 from 7.30pm to 9.40pm.

Present: Councillors Chris Whately-Smith (Chairman), Diana Barber, Phil Brading, Marilyn Butler, Peter Getkahn, Alex Hayward, Stephen King, Chris Lloyd (entered the meeting at 7.34pm), David Major, Debbie Morris, Reena Ranger and Ann Shaw OBE.

Officers: Joanna Bowyer, Claire Westwood, Rob Morgan, Terence Flynn, Helen Wailing.

Also in attendance: Councillors Paula Hiscocks and Stephen Giles-Medhurst and Parish Councillors Jean Bowman and Raj Khiroya.

About 20 members of the public.

PC69/16 MINUTES

The Minutes of the Planning Committee meeting held on 20 October 2016 were confirmed as a correct record and were signed by the Chairman.

PC70/16 NOTICE OF OTHER BUSINESS

There was none.

PC71/16 DECLARATIONS OF INTEREST

Councillor David Major declared a registrable non-pecuniary interest in agenda item 12 as a Member of the Parish Council Planning Committee (as detailed under item 4 on the agenda) but would be entitled to stay and vote as he:

- has an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits at Committee

PC72/16 Consideration of Objections and Confirmation of Three Rivers (34 Abbots Road, Abbots Langley No.2) Tree Preservation Order 2016

The Landscape Officer confirmed that there had not been any further contact with the residents of 34 Abbots Road since the letter of 22 September 2016.

Councillor Chris Whately-Smith, seconded by Councillor Phil Brading, moved that the objection be noted but that the Three Rivers (34 Abbots Road, Abbots Langley No.2) Tree Preservation Order 2016 be confirmed subject to modification to correct the title on the plan by adding 'No.2' to the name of the order.

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 (34 Abbots Road, Abbots Langley No.2) Tree Preservation Order 2016 is confirmed subject to modification to correct the title on the plan by adding 'No.2' to the name of the order.

PC73/16 Consideration of Tree Works Application 16/2302/TPO

The Landscape Officer reported that Herts Highways had now adopted the whole of the embankment and that there was a great need for the footpath.

Councillor Ann Shaw asked if there would be any management arrangement for these trees when they were very young. The Landscape Officer said that he would look for a specific planting method with irrigation pipes as an advisory / informative.

Councillor Phil Brading, seconded by Councillor Chris Whately-Smith, moved that the Committee grant consent for 16/2302/TPO to allow the removal of two Lime trees.

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

RESOLVED:

That the Committee grant consent for 16/2302/TPO to allow the removal of two Lime trees.

PC74/16 16/1995/FUL – Erection of a timber framed outbuilding in the rear garden at CARTREF 24 SHIRE LANE, CHORLEYWOOD, WD3 5NP for Dr Daniel Strother

Councillor Ann Shaw said she had concerns over the height of the building and queried the proposed use.

Councillor Phil Brading queried what height would be a permitted development.

In response to points raised the Officers advised that:

- Officers had recommended a condition that the building remain incidental to the enjoyment of the main house.
- The height limit for permitted development would be 2.5m (4m if over 2m away from the boundary). The height of the proposed building was 5.5m.

In accordance with Council Procedure Rule 35 (B), Mr Mahon-Daly spoke against the application and Dr Daniel Strother spoke in favour of the application.

Councillor Chris Whately-Smith said that he had concern over the height of the building, which would be detrimental to the visual amenity of the area and which would be visible from public vantage points.

Councillor Marilyn Butler said that she had enormous sympathy with the applicant, as her husband was a triple amputee and she knew how much equipment was required and storage space for this. However she was not convinced of the merit of having a mezzanine floor and felt that it would have been better to have a larger footprint building all on ground level.

Councillor Phil Brading said that there were a lot of very large permitted development buildings. He supported what Councillor Butler had said. He understood the rationale behind building upwards so a building was less sprawling, but given the space available, a lower profile with a bigger footprint would have been better.

Councillor Peter Getkahn said that the use of the building was not relevant, unless it was going to be for residential use. The proposed building was too high.

Councillor Chris Whately-Smith moved, seconded by Councillor Marilyn Butler, that PLANNING PERMISSION BE REFUSED, on the grounds that the scale and height of the building would be uncharacteristic and prominent, which would be harmful to the area.

On being put to the Committee the motion was declared CARRIED the voting being 11 For, 0 Against and 1 Abstention.

RESOLVED:

That PLANNING PERMISSION BE REFUSED, on the grounds that the scale and height of the building would be uncharacteristic and prominent, which would be harmful to the area (the exact form of wording having been agreed after the meeting).

Reason for refusal:

The proposed development by reason of the excessive height and scale of the proposed outbuilding would result in an uncharacteristic and prominent form of development, which would be readily visible from public vantage points and would be detrimental to the visual amenities of the area. The development would be contrary to 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).

Informative:

The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and the Local Planning Authority engaged in discussions during the course of the application, no amendments were submitted by the applicant. The proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

PC75/16 16/2017/FUL – Single and two storey front and side extensions and linking of part converted garage to dwelling at 36 PARKFIELD, CHORLEYWOOD, RICKMANSWORTH, WD3 5AZ, for Mrs S Agar

The Planning Officer reported that Hertfordshire Ecology had commented on the application advising that the submitted bat survey identified a need for further survey work, however this could only be undertaken between May and September. In the absence of this further survey, details of 'worst-case' mitigation measures would be required to identify measures to avoid impact on protected species.

The applicant was working to provide this information which was anticipated the following week.

Officers therefore proposed that the recommendation was updated to delegate the decision to the Director of Community Services. Subject to receipt of satisfactory mitigation details, the recommendation was to grant permission with

an update to condition C6 on page 28 to refer to works being carried out in accordance with this further information.

In the absence of satisfactory mitigation details, the recommendation was to refuse permission on the basis that it had not been demonstrated that the development would not result in harm to biodiversity.

In accordance with Council Procedure Rule 35 (B), Dr Duvvury spoke against the application.

It was noted that the Landscape Officer had recommended that a condition be added to ensure that the frontage tree was protected during construction works. It was also noted that the proposed window of the bathroom would be obscure-glazed.

The house was not in a Conservation Area.

Councillor Phil Brading referred to the roof form for the proposed house and asked if the original pitched roof had been altered. The Planning Officer said there would be an alteration to the southern flank where there was an existing dormer.

Councillor Phil Brading noted that the trees would be much closer to the frontage of the house, and that in time there could be requests for work on the trees. Were the trees protected? The Planning Officer confirmed that the trees were protected.

Councillor Reena Ranger referred to the scale and mass of the proposed building and asked about the increase in size of the existing building. Would the proposals be in keeping with the street scene? The Planning Officer said there were no figures on a percentage increase but the development was estimated to result in an approximate 40% increase. A number of properties in the area had had alterations, and there were variations in the style of buildings. Officers' view was that the proposed design would not be out of character. There would be no difference to the width of the building.

Councillor Alex Hayward asked if there were any issues in building in front of the building line. The Planning Officer said that this was considered acceptable in this case by officers for reasons as set out in the report.

Councillor Peter Getkahn moved, seconded by Councillor Debbie Morris, that the decision be delegated to the Director of Community Services, that subject to receipt of satisfactory mitigation details in regard to a further bat survey, and subject to conditions, that planning permission be granted with an update to condition C6 on page 28 to refer to works being carried out in accordance with this further information.

In the absence of satisfactory mitigation details, the recommendation was to refuse permission on the basis that it had not been demonstrated that the development would not result in harm to biodiversity.

On being put to the Committee the motion was declared CARRIED the voting being 9 For, 1 Against and 2 Abstentions.

RESOLVED:

That the decision be delegated to the Director of Community Services, that subject to receipt of satisfactory mitigation details in regard to a further bat

survey, and subject to conditions, that planning permission be granted with an update to condition C6 on page 28 to refer to works being carried out in accordance with this further information.

In the absence of satisfactory mitigation details, the recommendation was to refuse permission on the basis that it had not been demonstrated that the development would not result in harm to biodiversity.

Post meeting note:

The Director of Community Services made the following decision:

RESOLVED:

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: 201601/LP/01, 201601/PL/01, 201601/PL/02 Rev.E, 201601/PL/03 Rev. A and 201601/PL/04 Rev.A.

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).

C3 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).

C4 Before the first occupation of the extension hereby permitted the first floor window on the north eastern flank elevation of the two storey front extension and the first floor window on the south western flank elevation of the roof extension shall be fitted with purpose made obscured glazing and the windows shall be top level opening only at 1.7m above the floor level of the rooms in which the windows are 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 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 plans and particulars shall be prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction'

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, 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: 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 Prior to the commencement of the development, follow-up dusk emergence / dawn re-entry surveys should be undertaken during May - September (inclusive) to determine whether bats are roosting and, should this be the case, the outline mitigation strategy should be modified as appropriate based on the results and then be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: This is a pre-commencement condition to ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

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.

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 development 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).

PC76/16 16/2040/AOD – Approval of Details: Details pursuant to Condition 18 of hybrid planning permission 16/0005/FUL comprising layout, scale, appearance and landscaping for Phase 1B (Station Approach), at STATION APPROACH, SOUTH OXHEY, HERTFORDSHIRE for Countryside Properties PLC

The Planning Officer reported that the Highways Officer had no objection.

The Chairman confirmed that he would allow speaking at this meeting on the issues report, and again at determination at a future meeting.

Councillor Chris Lloyd referred to the comments from the Police (Paragraph 4.1.10 of the report). The Planning Officer commented as follows:

- Point 1 re: low wall at rear of parking services – this would now be a kerb.
- Point 2 re: height of roof of building at rear of Unit 19 – officers considered the height to be sufficient to stop anyone trying to climb onto the roof.
- Point 3 re: public realm seating – there would not be any backrests on the seats.
- Point 4 re: CCTV – there was no intention to have stand-alone CCTV, however, the proposed lighting columns are capable of supporting CCTV.

Councillor Ann Shaw asked about usability of the site for the public, and about the raised angular grass mounds. The Planning Officer said the usability was heavily-focused on making the site more pedestrian-friendly.

The grass mounds had been proposed by the landscape designer, to add height and interest and to ensure visibility from the Prestwick Road frontage, particularly given the sloping nature of the site.

Councillor Debbie Morris said there was no proposal for a dedicated drop-off area. The loading bays were likely to be used during peak hours. This could lead to potential conflict between car drivers and delivery vehicles.

She was concerned about the reduction in the taxi stand and that there was a proposal for the taxis to use the loading bays.

In regard to lighting (page 47) – it was essential that there was lighting in the station approach area before the first train in the morning and after the last train at night.

The Planning Officer responded as follows:

- The comments about loading bays and drop-off points would be noted and discussed with the applicant.
- In regard to the taxi rank, it was not currently proposed that taxis would share the loading bay space, but the rank would reduce in size from 6 to 3 spaces. Officers would discuss these concerns with the applicant.
- Lighting – Design Guideline 9 stated that lighting should be co-ordinated with the Council. Conditions would be required to be discharged, and the points raised had been noted and would be taken into consideration by officers when determining any future discharge of condition application.

Councillor Phil Brading said people still travelled to the station by car, and short-stay access was needed for drop-off and pick-up.

In regard to taxi spaces, it seemed that taxis were well-used in South Oxhey.

The Planning Officer clarified that the proposal was for three taxi rank spaces, plus three short-stay parking bays and 2 disabled spaces.

Councillor Stephen King confirmed that the taxis were well-used in South Oxhey, and that such a reduction in the taxi rank would not be beneficial. The taxis were contracted (by the Council) to be at the station before the first train in the morning and after the last train at night. Currently there were between six and eight taxis on the rank there at any time.

Councillor Stephen King said he had previously leased a shop from the Council in Station Approach, South Oxhey, and that there had already been a problem at that time in regard to buses and vehicles using the area at the same time.

Councillor Chris Whately-Smith suggested that there could be a restriction in size for vehicles that were making deliveries.

Councillor Peter Getkahn said the proposed café had been well-designed. The grassy knolls provided good architectural screening.

Councillor Phil Brading said the proposed retail units seemed to be quite small, without any external space for storage. Where would the bins be stored? The current proposed provision was not adequate, especially with increased recycling being encouraged.

The Planning Officer said there would be space for bins to serve each Block.

Councillor Debbie Morris referred to provision for a bicycle shelter, and asked if there was one there already, how many bikes it accommodated, and how many more a future shelter would accommodate. The Planning Officer said there was an existing cycle shelter and that she would check how many bicycles it accommodated.

Councillor Stephen King suggested that the current shelter accommodated six bicycles. Councillor Morris said the new one should be built to accommodate many more than that.

Councillor Chris Whately-Smith referred to the car park at the rear of the site and said that management of the traffic there needed to be considered.

In accordance with Council Procedure Rule 35 (B) (e), Mr D King, who had registered to speak in favour of the application, stated that he did not wish to take up his right to speak on the agenda item and would defer his right to do so until the meeting at which the determination of the application would be considered.

Councillor Chris Whately-Smith, duly seconded, moved that Members should note that there was no recommendation for approval or refusal at this stage in the consideration of the application, and consequently, that the Committee noted this report, and made comments with regard to the material planning issues raised by the application, as noted in the minutes.

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

RESOLVED:

- That Members noted that there was no recommendation for approval or refusal at this stage in the consideration of the application, and
- That consequently, the Committee noted this report, and made comments with regard to the material planning issues raised by the application, as noted in the minutes.

PC77/16 16/2062/FUL – Erection of two storey detached dwelling and alterations to access and landscaping at Land Rear of 17 & 19 West Way, Rickmansworth, WD3 7EH for Mr & Mrs Heeks and Mr & Mrs O’Mahony

The Planning Officer reported that an email had been sent directly to Members of the Committee from local residents and three further comments had been received by officers from local residents which raised the following objections:

- Overdevelopment on a small plot.
- Only minor changes to the overall size and roof height had been made which fall short of any real consideration to local residents, the character of the area or levels of privacy and amenity which would set a damaging precedent.
- Surprised at officer recommendation given the large amount of neighbour objections.
- Impact on highway safety and potential risks had not been fully considered with a number of serious traffic incidents occurring in Watford recently.
- Questioned competency of officers.
- Questioned application process regarding amendments.

Officers commented that in relation to amended plans;

- Revised plans had been submitted to address concerns raised with the application and, as was usual process, because the amendments made reductions to the initially proposed development, were not subject to formal re-notification. However comments received on the initial proposals were set out at section 5 of the report and those further comments had been detailed earlier in this update.
- The application was recommended for approval for the reasons set out within the committee report, however, a decision had not been made as the application was being considered that night by the Committee.
- Where comments were submitted via letter or email, these needed to be logged and scanned and there could be a delay in making these available online. However all comments had been considered.

- Notification of Committee meetings could only be sent out once the agenda was confirmed the week before, once it was known whether an application was to be considered by the Committee.

In relation to highway safety;

- The Highway Authority had provided further comments stating that the parking area should be kept clear to enable a vehicle to turn and emerge from the site in a forward gear and in a safe manner. The garage should also be kept available for parking at all times.
- Additional conditions were therefore recommended in the interests of highway safety requiring:
 - (1) Full details, to be submitted prior to the commencement of development, of the space to be provided within the site for vehicles to park and turn so that they may enter and leave the site in a forward gear and
 - (2) The garage to be maintained available for vehicle parking at all times.

Councillor Reena Ranger read from Policy CP12 of the Core Strategy about design and development. Did this application conserve and enhance the quality of the area, or would it change the quality of the area?

She also read from Policy DM1 of the Development Management Policies LDD and asked what was being done about backland development and inappropriate tandem development. The Planning Officer said that impact on the character of the area was detailed in Paragraph 8.2.8 of the report. Officers did not consider that the plot depth or size would be significantly short of the wider context of the site.

The design was in keeping with other properties in Moneyhill Road. The application was not considered to be tandem or backland development.

Councillor Debbie Morris said that if the application was approved, the garden sizes would be much shorter than the other gardens in the area. The Planning Officer said there were different sized plots in the area.

Councillor Alex Hayward referred to paragraph 8.2.8 and said the majority of the plots in the area were much larger, so the proposals would change the scene of the properties. The Planning Officer said that each application was assessed on its individual merits. Officers did not consider this application to result in detrimental harm.

Councillor Paula Hiscocks spoke as a Ward Member and said the following:

- She did not agree with the recommendation in the report.
- The application contravened the Core Strategy as this land had not been previously developed and this was not an appropriate infill.
- In reference to Policy DM1, this application would not protect and enhance the character of the area.
- The gardens for nos 17 and 19 would be less than half the size of the other plots.
- The proposals would change the character of the area.
- Properties in West Way would be overlooked by this property.
- No.19 would look at a brick wall with a bathroom window.
- She disagreed that there would not be overlooking to the garden of no. 27 due to the curve in the road.
- She was very concerned about losing 3-4 on-street parking bays, due to existing parking capacity being very full in Rickmansworth. This was a major consideration.

In accordance with Council Procedure Rule 35 (B), Ms R Jordon spoke against the application, and Mrs A Heeks spoke in favour of the application.

Councillor Debbie Morris said the application turned on how the character of an area was defined. In Paragraph 8.2.8 of the report, the officer had defined the character of properties in the area as generally benefitting from long plots with rear gardens measuring around 40m in length along this part of Money Hill Road and 30m in length along this part of West Way. She considered that the character of an area should be defined by the general, rather than by exceptions.

Councillor Ann Shaw said that this was not backland development, but was a brownfield site. There was a whole range of different properties in those roads. The Planning Officer said the site did not fall within the definition of previously-developed land or brownfield land. The plot would be shorter but such difference was not considered to be necessarily harmful to the character of the area.

Councillor Phil Brading said that the question of the location and character of the area was subjective and very difficult. Garden length was not necessarily a main feature of the character of this area and street scene was more important. In regard to access on the bend, it was surprising that a more robust response had not been received from HCC Highways. He was of the opinion that in the absence of a highways objection it would be difficult to substantiate a reason for refusal on highways grounds.

Councillor Alex Hayward referred to Paragraph 8.2.10 which stated that the DMP LDD required a minimum flank to boundary separation distance of 1.2m at first floor level, and asked how far from the boundary the single storey element would be. The Planning Officer said the 1.2m referred to the first floor and above. The single storey would project closer – a minimum of 2.2m from the boundary.

Councillor Alex Hayward asked how they would ensure that the garage was available for parking of vehicles (a Highways recommendation). The Planning Officer said if the garage was converted to habitable accommodation, enforcement action could be taken.

Councillor Chris Whately-Smith asked about the size of the garage and said that cars were larger now. The Planning Officer said the garage would be 2.7m x 6m.

Councillor Reena Ranger moved that the application should be refused, for the following reasons:

- Layout and design and density of building
- Would result in overdevelopment
- Highways issues
- Overlooking to neighbours and for future occupiers
- Loss of character

Councillor Chris Whately-Smith said that there would not be overlooking to no. 27.

It would also be very difficult to enforce a requirement for vehicles to reverse into the plots.

Councillor Diana Barber said the main objection was the overdevelopment of the area. It was totally unnecessary development.

Councillor Lloyd asked if the garage met the current standards. The Planning Officer confirmed that it did.

Councillor Chris Whately-Smith said a condition could be imposed re: removal of permitted development rights.

Councillor Reena Ranger, seconded by Councillor Alex Hayward, moved that the application be refused on the grounds of design, density and layout resulting in overdevelopment detrimental to the character of the area.

Councillor Chris Lloyd said that he was sympathetic to the motion but that he would like officer comments – they needed strong grounds for any refusal.

Councillor Ann Shaw said that none of the reasons given by Councillor Ranger for moving refusal could be defended at an appeal.

Councillor Hayward said the issue for her was that in essence this was backland development and was inappropriate.

Councillor Morris said that in relation to her previous comments, it might be worth testing the point of how the character of an area was defined.

The Planning Officer advised that the application was recommended for approval for reasons as set out within the report.

The Planning Officer noted that there had been a recent appeal decision for 18 Gallows Hill Lane in which the Inspector had said that character took in the wider area, not just the area close to the site.

In response to Councillor Reena Ranger's move to refuse planning permission the Planning Officer advised that in the absence of an objection from the Highway Authority a reason for refusal on highways grounds would not be defensible and officers did not consider that the proposal would result in unacceptable overlooking.

Councillor Ranger, seconded by Councillor Alex Hayward confirmed that she removed her suggestion to refuse planning permission on these grounds but maintained that permission be refused on grounds that due to the layout, design and density the proposal would be overdevelopment resulting in harm to the character and appearance of the area.

On being put to the Committee the motion was declared CARRIED, the voting being 6 For, 2 Against and 4 Abstentions.

RESOLVED:

That the application be refused on grounds of design, density and layout resulting in overdevelopment detrimental to the character of the area (the exact form of wording having been agreed after the meeting).

Reason for refusal:

The proposed development by reason of its design, density and layout would result in an overdevelopment of the site to the detriment of the character of the surrounding area which would be contrary to 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).

Informative:

The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and the Local Planning Authority discussed the scheme during the course of the application, the proposed development, as amended, fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

PC78/16 16/2076/OUT Outline Application: Erection of up to 107 new residential dwellings (appearance, landscaping and layout reserved), at LAND AT FAIRWAYS FARM, INCLUDING 67 AND 69 BUCKNALLS LANE, BUCKNALLS LANE, GARSTON, WATFORD, HERTS, WD25 9NE for Bucknalls Development Ltd.

The Planning Officer reported that while scale had initially been applied for, this would now be considered as a reserved matter and would be assessed as part of a future application, should outline permission be granted.

43 comments had now been received on the application raising issues as summarised at Section 4.2 of the report on page 75, and including a response on behalf of Ward Councillors which commented that:

- The application was premature and there should not be development prior to 2026.
- There was already congestion on Bucknalls Lane at peak hours which would be exacerbated.
- A new access onto the A405 should be explored.
- Development would be contrary to County policy that no development of 300 units should have just one road access as Bucknalls Lane already served 500 dwellings and the BRE site.
- Parking in Bucknalls Lane would be lost to accommodate access for the development.
- The new road would be too close to the junction of Bucknalls Close and Lemonfield Drive causing congestion.
- Walking and cycling distances referred to in the application were estimates and there would be high reliance on cars.
- No pedestrian crossings were proposed and any crossings would impact on parking along Bucknalls Lane.
- No account had been taken of development at BRE site.
- There would be an unacceptable impact on 65 Bucknalls Lane.

The Highways Officer had raised an objection to the application and copies of the comments had been circulated by email to Committee Members. In summary, the Highways Officer advised that while the positioning of the access and ability of a vehicle to access the adjacent highway were considered adequate, the submitted capacity analysis did not take account of traffic generation from the BRE site which had outline planning permission for development and did not acknowledge the number of properties served by Bucknalls Lane and the lack of an alternative access to the surrounding highway in the event of an emergency. The Highway authority considered that development should deliver improvements to the junction of Bucknalls Lane with the A405 in order to mitigate additional traffic and to facilitate pedestrian and cyclist crossing.

The County Council Minerals and Waste team had objected to the application, raising concerns that dwellings would be set within 100m of the Waterdale

Waste Transfer Station and Household Waste Recycling Centre which was a safeguarded site for waste uses. They had commented that residential development of the site should not jeopardise future use or development of the waste site, and had also raised concerns over the appropriateness of the monitoring data submitted with the application to consider impacts on future residents in relation to noise and odour.

The Planning Policy department had objected to the application on the grounds that the Council had a 9 year supply of land for housing and the early release of the site would be contrary to Core Strategy Policy CP2 and Policy SA1 of the Site Allocations document. An increase in the proportion of 3 bedroom properties and fewer 2 bedroom properties was also suggested in accordance with housing requirements identified in the Strategic Housing Market Assessment. Planning Policy had also advised that insufficient information had been submitted to demonstrate that there would be provision of affordable housing in accordance with Core Strategy Policy CP4.

The Highways Agency had raised no objection to the application subject to conditions regarding construction methods and drainage.

All responses received to the application would be included within subsequent reports with analysis of the points raised, including in relation to the timing of the site being brought forward for development.

The Chairman confirmed that he would allow speaking at this meeting on the issues report, and again at determination at a future meeting.

Councillor Chris Whately-Smith stated a concern that there was only one access onto Bucknalls Lane and access from the A405 should be considered.

Councillor Phil Brading raised the question of prematurity – this site was in the Council's Site Allocations Document for 9-10 years' time. It was not appropriate for a planning application to be brought forward ahead of time. He also asked if this site was green belt land until it was released for housing, and if so, would the proposed dwellings be on green belt land?

Councillor Chris Whately-Smith noted that if this matter came back to the Committee for determination, it was for a decision on the access, not on the reserved matters.

The Planning Officer said the following:

- They could not invalidate the application because it had been submitted prior to the allocated phasing for development.
- The site had been removed from the green belt from the date that the Site Allocations document had been adopted in November 2014.

Councillor Diana Barber said that the application seemed to be about land speculation and should be opposed.

Councillor Debbie Morris referred to private amenity space (paragraph 7.7.4 of the Report) and said that the indicative amenity space standards should be fully met, rather than predominantly met, as stated.

She also referred to parking shortfalls and said that the parking standards should be met in full on the site.

The Planning Officer said the application was an outline application. The principle of development and the indicative details were all issues which needed to be considered at this stage. The site was in the Local Plan with an indicative

capacity of 100 dwellings. This application was for seven more dwellings than stated in the Local Plan.

Councillor Chris Whately-Smith said that Bucknalls Lane had problems already in regard to parking.

Councillor Reena Ranger referred to paragraph 3.4 which stated that parking would predominantly be road side parking. She said that if residents had visitors, they would have to park down the main access road to the site, which would hinder access.

Councillor Peter Getkahn made the following points:

- Very cramped-in development, and the building size might be very small.
- Need for garages so that cars could be parked off the road.
- Amenity space issues – children would be playing near a busy road.
- Design of estate – not a community feeling.

Councillor Chris Lloyd referred to Paragraphs 7.9.4 and 7.9.5 of the report and said that in regard to the housing units, there would be two parking spaces short, and in regard to the flats there would be 15 parking spaces short. So a total of 17 spaces short of what was required. Too many properties were proposed for the site. It was very important that the right number of parking spaces were available.

Councillor Chris Whately-Smith asked about the distance to the waste site. The Planning Officer said the proposal was for the distance between the dwellings and the waste site to be about 55m, 45m less than recommended by the County Council.

Councillor Phil Brading referred to housing density and the figure of 100 dwellings stated in the Site Allocations Document. The proposed development would be an overdevelopment, with not enough parking spaces. It was unacceptable to have overflow parking in the access road or in Bucknalls Lane. The proposed layout for the site was dreary and unimaginative, with no suggestion of community.

The proximity to the waste site should raise concerns, as the Environment Agency could take action against the County Council once the homes had been built.

Councillor Stephen Giles-Medhurst handed in a petition against the application, and spoke as a Ward Councillor. He said the following:

- A previous planning application for the site had been refused due to traffic concerns.
- The junction onto the A405 from Bucknalls Lane currently served 500 properties.
- A document produced by the County Council stated that not more than 300 dwellings should be served by a single point of access to a larger network.
- If the development went ahead from 2026 onwards, access to the A405 should be from behind the golf course.
- The BRE site increased traffic generation with access from Bucknalls Lane.
- The nearest primary school to the site did not have the capacity for the additional children who would need school places.
- Waterdale Waste Site had been identified for further expansion. There were already odour problems in Bucknalls Lane.
- The indicative journey times stated in the report were not accurate, e.g. the distance from the site to the nearest Post Office.

Councillor Peter Getkahn said that he endorsed everything which Councillor Giles-Medhurst had said. There was no proposal for commercial properties on the site, e.g. a corner shop or café to enhance the community. There was also no proposed provision for bus stops or public transport.

In accordance with Council Procedure Rule 35 (B), Mr Fox spoke against the application.

Councillor Peter Getkahn noted a concern about access onto the site for fire and emergency vehicles.

Councillor Chris Whately-Smith, duly seconded, moved that Members should note that there was no recommendation for approval or refusal at this stage in the consideration of the application, and consequently, that the Committee noted this report, and made comments with regard to the material planning issues raised by the application, as noted in the minutes.

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

RESOLVED:

- That Members noted that there was no recommendation for approval or refusal at this stage in the consideration of the application, and
- That consequently, the Committee noted this report, and made comments with regard to the material planning issues raised by the application, as noted in the minutes.

CHAIRMAN