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## **PLANNING COMMITTEE**

### **MINUTES**

of the Planning Committee held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on 17 January 2019 from 7.30pm to 9.26pm.

Councillors present:

Chris Lloyd (Vice-Chairman in the Chair)  
Nelmes)  
Sara Bedford  
David Major  
Debbie Morris  
Reena Ranger

Matthew Bedford (Substitute for Sarah  
Marilyn Butler  
Steve Drury  
Peter Getkahn  
Diana Barber

Also in attendance: Councillors Joanna Clemens, Heather Kenison, Abbots Langley Parish Councillor Owen Roe and Batchworth Community Councillor Francois Neckar.

Officers: Matthew Roberts, Adam Ralton, Scott Volker, Julie Hughes and Sarah Haythorpe.

#### **COUNCILLOR CHRIS LLOYD IN THE CHAIR**

#### **PC 127/18 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Sarah Nelmes with Councillor Matthew Bedford as the named substitute and Councillor Stephen King.

#### **PC 128/18 MINUTES**

The Minutes of the Planning Committee meeting held on 13 December 2018 were confirmed as a correct record and signed by the Chairman.

#### **PC 129/18 NOTICE OF OTHER BUSINESS**

None.

#### **PC 130/18 DECLARATIONS OF INTEREST**

Councillor David Major declared a non-pecuniary interest in agenda items 6 and 16, as a Member of the Abbots Langley Parish Council Planning Committee 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

Councillor Chris Lloyd read out the following statement to the Committee:

“All Members are reminded that they should come to meetings with an open mind and be able to demonstrate that they are open minded. You should only come to your decision after due consideration of all the information provided, whether by planning officers in the introduction, by applicants/agents, by objectors or by fellow Councillors. The Committee Report in itself is not the sole piece of information to be considered. Prepared speeches to be read out are not a good idea. They might suggest that you have already firmly made up your mind about an application before hearing any additional information provided on the night and they will not take account of information provided on the night. You must always avoid giving the impression of having firmly made up your mind in advance no matter that you might be pre-disposed to a view.”

**PC 131/18 Consideration of objections and confirmation of the Three Rivers (THE OLD BUTCHERS SHOP, THE GREEN, SARRATT) Tree Preservation Order (TPO) 2018 TPO892.**

The Principal Landscape Officer reported that the TPO had been deferred at the November meeting last year. Since the meeting a tree survey and drainage report had been submitted but this additional information had not changed the Officer recommendation. The Committee needed to make a decision tonight otherwise the TPO would lapse. If the TPO was confirmed the owner would still be able to make an application under the TPO legislation to have work carried out to the tree.

Councillor Marilyn Butler advised that the tree was visible from the Green in the Conservation Area and was an important tree and the TPO should be kept on it.

Councillor Reena Ranger referred to the drainage report and the plastic drains and whether the new drains and trench would be resistant to the tree roots in the future? The Principal Landscape Officer advised that it should be a lot more resistant. The problem historically with the clay drains was the pipes themselves were much shorter and may have more frequent joints which the tree roots could penetrate. With the plastic drains that was not something that would happen but obviously it would need to be a new plastic drain.

Councillor Marilyn Butler moved, seconded by Councillor Diana Barber, that the Tree Preservation Order be confirmed without modification.

On being put to the Committee the motion was declared CARRIED by the Vice-Chairman in the Chair the voting being 8 For, 0 Against and 2 Abstentions.

RESOLVED:

Option 1, to confirm the Order without modification.

**PC 132/18 18/1034/OUT: Outline Application: Demolition of existing college building and redevelopment for a residential development of up to 65 flats [Appearance, Landscaping, Layout and Scale reserved] at WEST HERTS COLLEGE, HOME PARK MILL LINK ROAD, STATION ROAD, KINGS LANGLEY, HERTFORDSHIRE, WD4 8LZ**

The Planning Officer advised Officers were recommending including an additional condition to require details of the cycle parking stands to be submitted to the LPAs for approval. There was a request within that condition to provide details to incorporate an increase in the number of cycle parking stands which had been identified in this application.

Councillor Sara Bedford said her remarks were unlikely to be a surprise. A second review was carried out on the viability on the basis of the affordable

housing. She still maintained it was a disgrace that a building belonging to an organisation such as West Herts College who were refusing to provide any affordable housing to the community on the basis that they would not make enough money if they did. This was backed up by the Government which allowed you to get away with this by bringing in rules on planning that do not allow us to refuse on the basis that they were not providing any affordable housing which they should do.

Councillor Sara Bedford said she found it very difficult to support the application although realised there were no reasonable grounds to refuse it. She thanked the Planning Officer for organising a second assessment of the viability to be carried out which in some ways was helpful and in some ways was no more helpful than the first one. Right at the top of the application it stated that "That Outline Planning Permission be granted following the completion of a Section 106 Agreement in respect of an Affordable Housing Review Mechanism" but it did not state this in the conditions. The Planning Officer confirmed that it was not a condition of the approval but outline planning permission would only be granted if the Section 106 agreement was entered into. The recommendation at Paragraph 8.1 could be amended to read "That Outline Planning Permission be granted following the completion of a Section 106 Agreement in respect of an Affordable Housing Review Mechanism." Councillor Sara Bedford confirmed she was happy for that amendment to be made. She reiterated that this application was letting down the local people who would not be able to buy or rent a property on the open market.

Councillor Steve Drury echoed the comments made by the Parish Council on the Council policy on parking. This application fell well short of what the Council actually advocated. The Planning Officer stated that the assessment of the parking was set out in the report which confirmed there was a shortfall but having regard to the area and the assessment at the neighbouring property there was no opportunity, as far as officers were concerned, for overspill parking to have an adverse impact on highway safety. Officers did not consider there was any demonstrable harm which they could reasonably be confident of defending on appeal.

Councillor Steve Drury said Members knew there would be more cars than the parking spaces to be provided so where would they park, on the Link Road. The Planning Officer stated that there were parking restrictions on the Link Road and it would not be possible to park there legally.

Councillor Reena Ranger said on the parking, there had to be a cumulative effect on the parking pressures considering that the report stated there was a shortage of parking next door at Pinnacle House. There were traffic orders which prevented on-street parking and the only logical conclusion would be that the application be amended to provide adequate parking.

Councillor Matthew Bedford advised that there was nowhere else within a half mile radius of the site for anyone to park because it was either double yellow lines or residential parking zones. So as long as the LPA enforce the existing restrictions people would simply not be able to park.

Councillor Reena Ranger said in other areas where you were not meant to park people did park and that was why we had antisocial parking.

Councillor Debbie Morris asked whether there would be the possibility of Officers negotiating on a reduced number of units and therefore the parking provision could come closer to our standards.

Councillor Sara Bedford said although the parking was sub-standard the people who buy or rent these properties would do so as it was extremely close to Kings Langley station. She struggled to see anywhere where you would be able to park within 600 yards. The fact that people may park on double yellow lines or in the residential parking zones was not going to help at an appeal. We would unfortunately lose as this was not an issue in terms of highways safety. On most of the roads around there you would not be able park because Home Park Link Road was extremely narrow with double yellow lines and the A4251 (old A41) was the link road to Junction 20 of the M25. You would certainly not park a car along there if you wanted to come back and find it in one piece. The opportunity to park was very limited unless you park in the station car park which was £6 a day. She reiterated that she could not see how the parking would stand up on appeal along with the provision for affordable housing which was a fault of the planning system.

In accordance with Council Procedure Rule 35(b) Dacorum Borough Councillor Aaron Anderson spoke against the application.

Councillor Debbie Morris asked if the outline application could be refused on parking grounds. If the Committee did grant permission for 65 units and then received the detailed application could they refuse it on the basis we wanted fewer units and more parking although we had given permission for up to 65 units? The Planning Officer advised that in terms of the principle of refusing the outline application on parking grounds it was the Officer's understanding that it could be legitimate grounds but the problem was the lack of information and it would be hard to demonstrate without having the parking layout and exact numbers to see if it was harmful. If the Council were to be given a parking layout or a number of units of a particular size then there would be an opportunity to refuse it.

Councillor Debbie Morris asked if the applicant could come back and say they had permission for 65 units and if there was inadequate parking did it not matter as outline planning permission was there albeit without the detail. The Planning Officer advised that the Committee were not approving the layout of the parking. The Committee were approving in principle whether the number of parking spaces would be acceptable but it had not been demonstrated that the number of parking spaces could fit and could be laid out on the site. If the details came in and there was fewer parking spaces because they did not fit then that could be considered as being a reason for refusal.

Councillor Reena Ranger asked if it would be prudent to defer the application to receive more information on the layout of the parking.

Councillor Sara Bedford said the applicant had given the Committee the information for which they were seeking outline permission for. We cannot ask them to submit details unless we can prove that the detail was core to approving this application. She could not see any grounds to refuse it.

Councillor Diana Barber asked if the applicant could reduce the number of units to maybe 40. The Planning Officer said the Committee needed to determine what was in front of them tonight. If Members wanted to refuse the application then they could or deferral was an option but this was what the applicant was asking for. If the application was deferred it could change or the applicant could lodge an appeal for non-determination.

Councillor Steve Drury said he was happy to move the application, seconded by Councillor Peter Getkahn. The Committee ought to make it clear to the applicant

that when they come back with the details we were not happy with the parking situation and it would need to be addressed.

Councillor Chris Lloyd said the points raised by Councillor Sara Bedford on affordability should also be addressed by the applicant.

The Planning Officer confirmed the motion being considered by the Committee as follows:

“That the application be approved in accordance with officer recommendation but specifically only following the completion of a Section 106 agreement to secure an Affordable Housing Review Mechanism and one new Condition added requiring details of cycle parking to be submitted for the LPAs approval and an additional Informative to be added encouraging the provision of additional car parking spaces as part of a future application and that any future application be referred to the Committee.”

On being put to the Committee the motion was declared CARRIED by the Vice- Chairman in the Chair the voting being 9 For, 0 Against and 1 Abstention.

RESOLVED:

That OUTLINE PLANNING PERMISSION BE GRANTED only following the completion of a Section 106 agreement to secure an Affordable Housing Review Mechanism and subject to the conditions and informatives set out in the officer report with an additional new condition requiring details of cycle parking to be submitted for the LPAs approval and an additional Informative encouraging the provision of additional car parking spaces as part of a future application. The additional condition and informative to read as follows:

Condition:

Prior to the commencement of any development works above ground floor slab level, details of the proposed type and location of cycle stands shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate an increase in the number of parking stands identified in the application to ensure that all residents are afforded the opportunity to cycle to and from the site. The stands shall thereafter be provided in accordance with the approved details prior to the first occupation of the development and permanently retained for that use thereafter.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment and the highway network, 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).

Informative:

The applicant is encouraged to increase the level of parking provision within the site as part of any future formal planning application or reserved matters application.

**PC 133/18 18/1381/FUL – Demolition of existing building and redevelopment to provide a total of 9 self-contained apartments within a three storey building including accommodation in roof space and basement car parking, a revised vehicular access, landscaping and associated development at 36 EASTBURY AVENUE, NORTHWOOD, HA6 3LN**

The Planning Officer reported that following Legal advice, Officers recommend that a late stage review mechanism secured by Section 106 agreement would be most appropriate so as to ensure the scheme would be a policy compliant one that can be recommended for approval. Failing that, the application should be recommended for refusal.

Councillor Debbie Morris said the application had been to Committee several times. She welcomed the fact that the number of flats had been reduced thereby ensuring more adequate parking provision. She was happy with the amended scheme and moved the recommendation with the Officer amendment, seconded by Councillor Reena Ranger.

On being put to the Committee the Motion was declared CARRIED by the Vice- Chairman in the Chair the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set out in the Officer recommendation and subject first to the completion of a Section 106 agreement to secure an affordable housing late stage review mechanism.

**PC 134/18 18/2112/FUL: Construction of a single storey front extension and two storey side extension at 1 BELFAIRS GREEN, SOUTH OXHEY, WATFORD, WD19 6YQ**

There were no further updates.

In accordance with Council Procedure Rule 35(b) Ms Cieslar spoke in support of the application.

Councillor Debbie Morris said she was taken by surprise by the speakers comment that they would be prepared to reduce the scheme by half a metre when it was deferred to seek further amendments. Did Officers have any comments on this? The Planning Officer reiterated the update in the report which was the Officers current viewpoint.

Councillor Matthew Bedford said the application was specifically deferred for discussions with the applicant and asked if these discussions took place? Was the offer of the reduction of half a metre previously made or had it only been made this evening? The Planning Officer stated that discussions took place and there was no offer to reduce the scheme until this evening.

Councillor Reena Ranger said having looked on the local planning portal and the pictures of No.44 Heysham Drive, she still had concerns although she did not know which angles they had been taken from. Perhaps half a metre would go some way to allaying some concerns. Could the application be deferred again to have those discussions with the applicant?

Councillor Matthew Bedford said he had been on the verge of recommending refusal at the last meeting. He proposed refusal on the grounds of the parking because the existing parking was already inadequate and an extra bedroom made the existing parking situation considerably worse. He did not think the site could accommodate a house with an extra bedroom.

Councillor Debbie Morris was happy to second the proposal to refuse the application but suggested an additional reason for refusal due to the impact on the neighbour's amenity and the bulk and overbearing nature of the proposal. Councillor Matthew Bedford was happy with that additional reason

for refusal.

The Planning Officer said if the Committee were minded to refuse the application and in the event that the application was appealed the Council's grounds for refusal would solely be based on the minutes of this meeting.

Councillor Sara Bedford said she did not attend the last Planning Committee meeting but surely the minutes of that meeting when the application was deferred for further discussions could also be used at an appeal. She referred to the photographs circulated tonight at the meeting by the applicant which showed two different houses with different orientation to this house. This would be a completely different extension and in a completely different position and this did not make it any more acceptable. This was already an area of dense housing at different angles to each other and some slight overlooking and crowding which you would expect on an estate of this type. The extension would make it far worse and she thought it would be un-neighbourly, the impact on the neighbour would be quite large, it would be quite bulky in that location and it would impact on the street scene on the corner.

Councillor Peter Getkahn asked about No.46 on the other side of the application site and whether it had been extended in anyway? The Planning Officer said they did not think it had.

Councillor Matthew Bedford thought maybe the front porch had been extended. The Planning Officer advised that the side and the rear had not been extended but they could not tell if the garage was original. There was a lot of examples of garages which would imply there was similar structures around but the bulk of the house did not look to have been extended.

Councillor Debbie Morris referred to Paragraphs 7.2.3, 7.2.1 and 7.6.2 in the report which acknowledged that the proposed extension would be visible and would close the gap at first floor level which hardly existed. There would be some loss of light later in the day to the neighbour as a result of the development although she noted the Officer said it was not significant but it was acknowledged it would exist. Finally it was acknowledged that the spacing on the boundary with No.42 which existed would be lost so she thought these points should be highlighted as supporting the points made by the objector at the last meeting.

Councillor Matthew Bedford reiterated that at Paragraph 7.6.2 there was an existing shortfall in parking and that adding an extra bedroom increased the shortfall by a further space which due to the limited parking in this small cul-de-sac was quite significant.

Councillor Debbie Morris said in the context of the parking generally in that vicinity there was already a lot of pressure and not just in the cul-de-sac but in the roads immediately adjoining as well.

The Planning Officer said if the application was refused officers would circulate the reasons for refusal just for Members to confirm that officers had captured everything they advised that the two reasons were on:

1. Inadequate parking
2. Adverse impact on amenities of the neighbour

On being put to the Committee the motion to Refuse the application was declared CARRIED by the Vice-Chairman in the Chair the voting being 9 For, 0 Against and 1 Abstention.

RESOLVED:

That the application be REFUSED for the following reasons:

- R1 The proposed two storey side extension by reason of its excessive width, the limited plot size, its proximity to the boundary and its siting relative to no.46 Heysham Drive would result in an overbearing and visually obtrusive unneighbourly form of development which would be detrimental to the amenities of the occupants of this neighbouring dwelling. The development would therefore be unacceptable and contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R2 The proposed two storey side extension would result in the creation of a four bedroom dwelling and would fail to provide the necessary additional car parking spaces to serve the dwelling. This would result in increased demand for on street car parking in an already congested and pressured area to the detriment of existing residents and the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

**PC 135/18 18/2116/FUL: Proposed part first floor, part two storey side extension, extension to rear dormer, alterations to existing rear projection and use of roof as a balcony, front porch canopy, alterations to fenestration and construction of swimming pool at CALLIPERS COTTAGE, PENMANS GREEN, SARRATT, WD4 9AY**

Councillor Marilyn Butler said she was always concerned about any extra building in the Green Belt but in this case she felt the design would be an improvement over what was there. The house next door had already been extended extensively and not tastefully. She felt it was important to use flint to improve the character and nature of the extension and it really needed modernising and upgrading.

Councillor Reena Ranger said having been on the site visit she would agree with Councillor Butler that the proposed scheme was far more in keeping with its surroundings and would do the original house far more justice than the current extension which did not.

Councillor Chris Lloyd asked Members to clarify what the special circumstances were as the property was in the Green Belt. He knew the Committee wished to protect the Green Belt so why did they think there was special circumstances on this occasion?

Councillor Marilyn Butler said looking at the photographs of the house next door which was very close and heavily extended and she felt this justified the extension at Callipers Cottage.

The Planning Officer stated that it was really important to emphasise that each application had to be determined on its own merits. Members had to look at what was being proposed on this site, bearing in mind that the existing extension was not proposed to be demolished as part of this application.

Councillor Matthew Bedford said unfortunately he did not think the Committee could justify special circumstances on the grounds that the house next door in

the past had been given permission or had managed to be extended enormously. Unfortunately he was not at the site visit but Members had said that the application would improve the property. If that was the case that could form part of the special circumstances. He would just like to understand how if the existing extension was actually remaining.

Councillor Marilyn Butler asked if there were some pictures of the plans and the elevations. The side extension would be a better built extension with dormers which would improve the design and she felt was an improvement.

Councillor Peter Getkahn referred to the fact that the original building had a flat roof and this new extension would make it more sustainable and less likely to fall into dilapidation and thus enhancing the area and enhancing the Green Belt.

The Planning Officer stated that if that was the viewpoint Members took he would ask this to be expanded on. Ultimately, Officers had explained their viewpoint in the report. It was in the Green Belt and we had to be consistent with the decisions being made. He asked Members to be really clear why this application was acceptable and what made it sustainable.

Councillor Chris Lloyd said when the Committee went on the site visit they saw one wall which currently had flint on it. He was now seeing flint reflected on the opposite end and asked if that was correct? The Planning Officer confirmed this was correct and that flint would be used on both the existing end wall and the new end wall.

Councillor Chris Lloyd said having flint within the Chilterns which was a significant building material was a relevant factor. If Members wanted to approve the application was there anything else to say on the building materials. The Planning Officers said that the drawings stated that the materials would match the existing building so if this application was to be approved they would anticipate there would need to be a condition requiring that to happen.

Councillor Chris Lloyd asked about the existing extension which would not be removed would there be anything the Committee could request on the materials to improve its appearance. The Planning Officer said the drawings showed it would be clad in timber but could not insist on it being changed in size as that was not part of this proposal.

Councillor Chris Lloyd noted that how it looked now would change because of the materials being used therefore it would have a different look.

Councillor Sara Bedford said she was moving towards approval of the application. The problem she came back to was that very early on when she became a Member of the Committee the then Director of Planning told her three words which were very helpful in this situation and those words were "where's the harm". If you look at the five purposes of the Green Belt she could not see how any of those were being effected by allowing this to go ahead. It would not cause urban sprawl, it would not encroach upon the countryside to any great degree, it would not affect any of the special character, would not result in neighbouring towns coalescing into each other and nor would it be encouraging urban regeneration by making someone go and regenerate a property somewhere else. She was struggling to see a situation where not allowing this would support any of the five purposes of the Green Belt. She did not believe the application site was in the Chilterns AOB.

Councillor Reena Ranger made reference to Policy CP11 which stated that

the Council should encourage appropriate positive use of the Green Belt to encourage greater and improved environmental quality. She felt this scheme did that by using materials more in keeping and had been more sympathetically developed which would improve the greater environmental quality. It did not go against any of the five aims to protect the Green Belt and in contrast it would preserve the setting and character of this historic town as detailed in Policy DM2 and would enhance the character and appearance of where it sits.

The Planning Officer said that the Officer recommendation was based on the impact on the Green Belt. Paragraph 145 of the National Planning Policy Framework (NPPF) stated that LPAs should have regard to the construction of new buildings and whether they are inappropriate. There were exceptions to this, one of which was an extension or alteration of a building which did not result in disproportionate additions. The Officer's view was it was inappropriate development which would therefore be harmful to the Green Belt which was given substantial weight. If Members decided that was not the case it needed to be made clear why. As the Officer had already stated there needed to be sufficient or significant material considerations which could be considered as very special circumstances which could outweigh the harm to the Green Belt.

Councillor Sara Bedford said she did not believe we had a limit on the percentage addition which was allowed which we used to have. Without a

numeric amount she questioned whether disproportionate was a quantitative or qualitative measurement. Something could be within quite a small amount and could look huge or something could be quite large but be in keeping with the building. Therefore to get hung up about the actual square foot of the floor area was not the way she would hope we would be going in this Authority.

Councillor Chris Lloyd said he believed there was a special circumstance. He had listened to what other Members of the Committee had said and it was important that those points were made.

Councillor Marilyn Butler moved that Planning Permission be Granted subject to conditions.

Councillor Steve Drury said in Paragraph 7.2.1 it said that Policy CP1 of the Core Strategy stated that in seeking a high standard of design the Council would expect the development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. He believed that the context of this building did just that.

Councillor Chris Lloyd said the design in his view did make it a very special circumstance and on that basis and on the comments he had heard he was happy to support Councillor Butler's proposal.

On being put to the Committee the motion was declared CARRIED by the Vice-Chairman in the Chair the voting being 9 For, 0 Against and 1 Abstention.

RESOLVED:

That PLANNING PERMISSION BE GRANTED in accordance with the Officer recommendation in the report.

**PC 136/18 18/2118/RSP – Part Retrospective: Two storey side and rear extension, part single part two storey front extension including creation of gable and increase in height, conversion of garage to habitable space and loft conversion including extension to roof and rear dormer, insertion of rooflights and new external materials at 20 CHESTNUT AVENUE, RICKMANSWORTH, WD3 4HB. .**

The Planning Officer reported that the minutes from the last meeting in December required:

- Firstly for officers to enter discussion with the applicant on the choice of roof tiles however the applicant did not want to make any changes.
- Secondly to include additional conditions restricting use as a family dwelling only (Condition 3) and condition removing permitted development rights in relation to extensions and outbuildings (Condition 8).
- Finally a site visit was requested to check the build correlated with plans submitted. The plans appear to be as built in accordance although it was noted that there is a minor discrepancy between the height of the two storey side and rear extension between the elevation and section drawings of 300mm. The section drawing is correct. If Members are minded to approve, officers will require the applicant to ensure that the plans match before issuing a formal decision.

It was noted that the highest part of the house which relates to the two storey front gable is consistent with what was approved and currently proposed.

Going back to the suggested conditions, officers recommend the following:

- Removal of the time limit condition as works have already commenced.
- C1 – In accordance with the plans
- C2 – Materials to match
- C3 – Use of the dwellinghouse as a single family dwelling
- C4 – Removal of external lights within the two storey gable unless further details are submitted and approved
- C5 – Changes to rooflights
- C6 – Obscure glazing to first floor flank ensuite bathroom
- C7 – Obscure glazing and restrictor to first floor windows serving bedrooms
- C8 – Removal of P.D. rights in relation to Class A extensions, Class E outbuildings and small HMOs

In accordance with Council Procedure Rule 35(b) Ms Maistry spoke in support of the application.

Councillor Sara Bedford asked for some clarity as none of the conditions that were being brought in affected the permission granted under 18/1058/FUL. Could the Council retrospectively add extra conditions when works carried out under that permission still continued unless it affected the current application? The Planning Officer said this was being treated as a new permission so obviously there were slight changes from what was previously permitted. The conditions set out by the Officer took on the points raised by Members in the minutes at the last Committee meeting which were not imposed on the previous permission.

Councillor Sara Bedford said the applicant could continue to build on the existing permission if they wanted to without this permission and did not need to seek the part retrospective permission to make changes. The Planning Officer said if this permission was refused then the applicant would have the fall-back position of relying on that application.

Councillor Chris Lloyd said his understanding was the main reason for deferring was on the roof tiles as mentioned in the Officers introduction.

Councillor Matthew Bedford said as clarified by Officers the tiles were not part of the application and could be changed by the owner or the occupier without permission. The Planning Officer confirmed this was correct and it would be very difficult to justify refusal.

Councillor Chris Lloyd said he did not like the roof tiles.

Councillor Peter Getkahn asked for clarification that this was not in the Conservation Area and no restrictions were in place on the colour of the roof tiles. The Planning Officer confirmed this was correct and it was not a listed building.

Councillor Debbie Morris believed this was also mentioned at the last meeting but as the current membership of this Committee were not all there last time.

She sought confirmation that there was a house opposite with grey roof tiles. The Planning Officer confirmed this was correct.

Councillor Reena Ranger referred to the minutes of the last meeting and asked for clarification on what had been granted and what was retrospective. The Planning Officer said the current application was the same proposals but with the addition of the windows, reduction in the height and size of the extension and the removal of some windows and internal alterations.

Local Ward Councillor Heather Kenison said she believed that when planning was granted it was to be materials to match which were at that time red clay tiles. Having had that criteria imposed they had now changed the roof tiles. Having seen the house opposite she believed they were slate tiles. The tiles which were on this property were of a different style and shape. She sought clarification that there was conditions attached to be a single family home only, permitted development rights removed and restrictions on the change of use. Would there need to a planning application to change the use from a family home. The Planning Officer confirmed there would be a condition it should only be used as a single family home and any deviation from this would require planning permission.

Councillor Peter Getkahn moved that retrospective planning permission be granted subject to conditions, seconded by Councillor Sara Bedford.

On being put to the Committee the recommendation was declared CARRIED by the Vice-Chairman in the Chair the voting being 5 For, 0 Against, 5 Abstentions.

RESOLVED:

That the Part Retrospective Planning Permission be Granted in accordance with the Officer recommendation with updated conditions and informatives and updated plan as follows:

- Removal of the time limit condition as works have already commenced.
- C1 – In accordance with the plans
- C2 – Materials to match
- C3 – Use of the dwellinghouse as a single family dwelling
- C4 – Removal of external lights within the two storey gable unless further details are submitted and approved
- C5 – Changes to rooflights
- C6 – Obscure glazing to first floor flank ensuite bathroom
- C7 – Obscure glazing and restrictor to first floor windows serving bedrooms
- C8 – Removal of P.D. rights in relation to Class A extensions, Class E outbuildings and small HMOs

**PC137/18 18/2143/RSP - Retrospective: Installation of two condensing units, one air conditioning unit and an extractor fan at the rear of the property at 8 STATION APPROACH, SOUTH OXHEY, WD19 7DT**

The Planning Officer reported that the initial acoustic report concluded that a silencer was required to be fitted to the kitchen extractor and the Officer recommendation suggested that it should be installed within 2 months of planning permission being granted. However, the silencer had since been installed and a post verification report had been submitted. The new report indicated that the plant with silencer now operated between 4-6dB below the agreed background level of 36dB. Following a visit to the site when the silencer was installed it appeared that an adjacent air conditioning unit was the most

audible and may have a detrimental impact when background levels are at their quietest. This particular unit does not have planning permission and an enforcement case would be opened. If Members are to grant planning permission this should be subject to an amended condition which seeks that the silencer must be permanently maintained.

*C1: The Flaktwoods Type B 560/2DM silencer shall be permanently maintained in accordance with the recommendations as set out within the submitted 'Noise Impact Assessment Report – Mechanical Plant Revision No. 1.0' prepared by Sound Licensing Limited and dated 18/11/2018.*

Councillor Debbie Morris asked on the operation of the silencer was it something that worked when the extractor fan was working, did it need to be switched on independently or did they work together. The Planning Officer said that he understood the kitchen extractor was only on when the premises was open and would obviously silence the extractor when it was in operation.

Councillor Sara Bedford sought clarification on the air conditioning unit which was now the subject of enforcement. Was that on the same premises or a neighbouring premises? The Planning Officer said it was on the premises immediately adjacent and not this premises.

In accordance with Council Procedure Rule 35(b) Mr Kelly spoke against the application and Mr Rana spoke in support of the application.

The Planning officer stated that in respect of the hours these were imposed as part of the hybrid applications for the South Oxhey redevelopment. The premises adjacent to the speaker's garden he believed had more restrictions than the smaller parade of shops towards the end of the car park. The units behind the car park had their hours restricted under previous planning permissions that was granted by Three Rivers. With regard to the Environmental Health issue it was referred to them but was found that the units themselves required planning permission because there was a condition imposed on a previous permission that any air conditioning units or plant must come forward to the planning authority for assessment. The initial acoustic report submitted with the application identified that there needed to be a silencer and that the silencer had been applied. A professional report was put together which concluded that the noise from the unit when in operation with the silencer was no longer an issue and did not have an adverse effect on the area. Though, when visiting the site the adjacent unit was going to be under enforcement investigation and this was identified in the most recent verification report as causing the potential noise disturbance which people maybe witnessing at the moment rather than the units before us in the this application. That report was undertaken by a professional expert and not by the Council.

Councillor Peter Getkahn could not see anything wrong with this application.

Councillor Debbie Morris said as it was suggested that the silencer be permanently maintained but if it was faulty then the problem of noise would obviously appear again. Can we put in some kind of condition that this business could not trade if the silencer was not operational or do anything in the kitchen? The Planning Officer advised that the suggested condition would require the silencer to be permanently maintained in accordance with the specification submitted as part of the noise report. Obviously any breach of the condition would be investigated but unfortunately the Council did not have the powers to cease the business from operating.

Councillor Sara Bedford said the Council a) don't impose that on anyone in the District and b) the reason for that was that under environmental health

legislation as long as they were taking the best possible steps to put the situation right they are in-effect immune and equipment does break down. The Planning Officer said that when the background noise was at its quietest of 36 decibels (the agreed level) it would be below this level. In the evening when there was not much activity it would be operating between 4 to 6 decibels below that level. However there was obviously a degree of deviation in noise levels because the site was quite close to a railway line and car park and the area is considered a hub which would attract activity and therefore was always going to be a few deviations.

Councillor Sara Bedford said 44 decibels was the level of noise in a library and the level of noise of a bird singing and remembered that a decibel scale was exponential and would go down by ten every time it drops and if you halve it it's like a very quiet bird.

Councillor Peter Getkahn moved, seconded by Councillor Sara Bedford that retrospective planning permission be granted subjected to an amended condition requiring the silencer to be permanently maintained.

On being put to the Committee the motion was declared CARRIED by the Vice-Chairman in the Chair the voting being unanimous.

**RESOLVED:**

That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set out in the Officer recommendation with Condition 1 to be amended as follows.

*C1: The Flaktwoods Type B 560/2DM silencer shall be permanently maintained in accordance with the recommendations as set out within the submitted 'Noise Impact Assessment Report – Mechanical Plant Revision No. 1.0' prepared by Sound Licensing Limited and dated 18/11/2018.*

**PC 138/18 18/2156/RSP – Retrospective: Installation of two Speed Indicator Devices at GRASS VERGE OPPOSITE 27 WOLSEY ROAD AND GRASS VERGE IN FRONT OF 7 SANDY LODGE ROAD, MOOR PARK, HERTFORDSHIRE**

The Planning Officer reported that a letter from Moor Park 1958 Ltd was received on 15 January stating that detailed evidence had now been collated which demonstrates significant benefits in traffic and highway safety terms. Moor Park 1958 Ltd had therefore asked whether the application can be deferred for a future Committee meeting for Officers and Members to consider the new traffic speed information. He would leave this for Members to consider this evening.

To clarify, 17 support comments (from 15 unique addresses) and 2 objections were received. 3 petitions carried out by the applicant in support were also and include 87 signatures.

Councillor Chris Lloyd was not quite sure why the applicant wanted the application deferred.

Councillor Sara Bedford was struggling to see any issue with this application and asked whether the old Conservation Officer had made these comments or the new Conservation Officer? The Planning Officer confirmed it was the current Conservation Officer. She really could not see any problem with the application. We had Conservation Areas elsewhere in the District where there

were speed cameras and the only reason this was any different was it was not on the public highway. What was the harm when compared to the big signs showing my number plate while driving in Moor Park? These signs are far more helpful to the residents of Moor Park and those using the roads. She moved that Retrospective Planning Permission be Granted subject to conditions as she could not see the problems outlined in the report with regard to the Conservation Area.

The Planning Officer advised that the Officer recommendation was based on the fact that in view of the Conservation Officer comments there was harm to the Conservation Area character. The recommendation is that the harm is less than substantial, therefore Members need to consider a) if no harm therefore grant planning permission without delay or b) whether the highway benefits outweigh the identified harm to the Conservation Area.

Councillor Sara Bedford said the harm to the Conservation Area was massively outweighed by the harm to a child being knocked off their bike.

Councillor Peter Getkahn said in this case it was human decency to make the roads safer and was in favour of the proposal and seconded the recommendation to grant retrospective planning permission.

In accordance with Council Procedure Rule 35(b) Mr Jamieson spoke in support of the application.

Councillor Reena Ranger said this was a Conservation area and this report constituted inappropriate development. She had complete sympathy, agreed with what had been said on public safety and the fact that there was schools at the end of both these roads. The footpaths on Wolsey Road at some points were informal and were muddy and slippery. There was a conflict of traffic of students, cyclists, pushchairs and wheelchairs going up and down Wolsey Road and she felt that even though there were 13 speed bumps on that stretch of road people tried to see what speed they can get to between each of them. She would like just be cautious because if permission was granted it should be minuted that it was on the basis of public safety and was an exceptional circumstance. We would not want a report in the future where someone had applied for something in the vicinity and read that we had given permission for something which was inappropriate in the Conservation Area. The evidence provided by the applicant was enough that it was acceptable on the grounds of public safety.

Councillor Debbie Morris reiterated that she believed this was inappropriate development in the Conservation Area as it definitely disrupts the street scene and landscape. When she drove along and the sign flashed (even though she was within the speed limit) it was disturbing and she asked if just those speeding could see the sign flash. One of the key elements of the Conservation Area was the long undisturbed tree line and it was imperative that this was maintained. However there was a reason to allow the signs which was the public benefit. Whilst she had reservations when these signs went up she was persuaded by the level of public support, by the figures that had been quoted in the correspondence from Moor Park 1958 that it was reducing speeds. She was also unaware of the accidents which had been mentioned at the junction of Wolsey Road and Main Avenue so she would support a recommendation for approval. She added that she hoped there would not be the need to put any more of the signs up in the Conservation Area as this should not be encouraged. Maybe with these installed drivers will drive throughout Moor Park within the speed limit.

Councillor Steve Drury said he thought this might open up for applications in other Conservation Areas across the District although he did support the application in principle.

Councillor Chris Lloyd said the Committee needed to state the special circumstances to allow this signs which he felt was the public safety benefit.

Councillor Steve Drury said he believed by allowing this application we would be setting a precedent.

Councillor Chris Lloyd said the Committee were not setting a precedent because all applications were considered on their own merits. They could come back for more signs in Moor Park but we might say it's not appropriate.

Councillor Reena Ranger asked if the signs were intended to be a permanent feature for the next 20 to 30 years. They would have a life span associated to how effective they would be. The Planning Officer stated that the application before the Committee was for permanent consent.

Councillor Chris Lloyd said if the applicant was wanting to move the signs to another place in Moor Park there would need to be a new application.

Councillor Reena Ranger sought officers' opinion on granting temporary consent in order to protect the Conservation Area. The Planning Officer said that it was for Members to consider. The evidence that Moor Park had was that these signs had to be there for the purpose of highway safety. This evidence had not been seen by Officers and was one of the reasons why the recommendation was for refusal. Members needed to consider whether the public benefit outweighed the harm to the character of the Conservation Area. If the Committee did approve the application they can grant it permanently or with a condition for temporary permission.

On being put to the Committee the motion was declared CARRIED by the Vice-Chairman in the Chair the voting being unanimous.

RESOLVED:

That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to Condition C1 – In accordance with the plans and standard informatives.

**PC139/18 18/2180/FUL - Modification of section 106 agreement pursuant to planning permission 16/2741/FUL at POCKLINGTON HOUSE DEVELOPMENT SITE, EASTBURY AVENUE, NORTHWOOD, HA6 3LN**

The Planning Officer reported that the recommendation was to be changed from 'Planning permission be Granted' to 'the modification be approved'

Councillor Sara Bedford asked if this modification was only to extend the time period for the review mechanism. This was confirmed by the Planning Officer. Councillor Sara Bedford moved, seconded by Councillor Debbie Morris.

On being put to the Committee the motion was declared CARRIED by the Vice-Chairman in the Chair the voting being unanimous.

RESOLVED:

The proposed modification to the original Section 106 Agreement, as detailed in the Officers report, are considered acceptable. The Deed of Variation should be issued with these changes included.

**PC140/18 18/2214/FUL – Two storey front, side and rear extensions, front porch and alterations to fenestration, site frontage to provide additional parking and external materials at 7 BRUSHWOOD DRIVE, CHORLEYWOOD, WD3 5RS.**

The Planning Officer reported that two further objections were received from neighbours who had previously objected in relation to the amended plans.

Councillor Reena Ranger said having regard for the different land levels and what she had seen on google maps she wondered if it would be prudent to go on a site visit to be able to understand the 45 degree line and land levels.

Councillor Matthew Bedford was struggling to see any difficulty with this application and wondered why it had come to the Committee. It was noted that the Parish Council had called it in.

Councillor Marilyn Butler said because of the nature of the topography of the area it would be very useful to make a site visit and seconded the motion.

Councillor Sara Bedford said in Paragraphs 7.25 to 7.27 she had tried to make some sense as to whether this does or does not contravene the 45 degree line. There was discussion that it doesn't or it might do and we don't seem to have a definite conclusion. The Planning Officer said that due to the nature of the land levels the property does lie at a lower land level. When reviewing this the ground floor extension may appear to be almost like a first floor so we had utilised the 45 degree line as part of that settlement on the ground floor. Whereas the first floor extension was the only true 45 degree line if you apply that to the ground floor and that was where it would intrude.

Councillor Matthew Bedford thanked officers for the explanation but could not see this was a unique situation. There must be plenty of roads where this commonly occurs. What was the actual rule about the 45 degree line in respect of the ground floor or where it might appear to the neighbour to be on the first floor? The Planning Officer said there was no specific rule. The 45 degree was there as a guide to assist officers in the determination. Obviously if it intruded the 45 degree line it did not necessarily mean it would be harmful, for example, this property could be lower or could be set quite far away from the boundary so there was other mitigating circumstances that Members will have to consider as part of this application. Obviously in this case given the level of intrusion and where it was sited it was not considered it would be significantly harmful to the refuse planning permission on the impact on the amenity.

Councillor Debbie Morris supported the motion for a site visit.

On being put to the Committee the motion was declared carried by the Vice-Chairman in the Chair the voting being 5 For, 0 Against and 5 Abstentions.

Councillor Peter Getkahn said the Committee needed better advice on

these type of applications as they regularly needed to make site visits because the site was on an uneven road.

Councillor Reena Ranger asked if more pictures would be helpful because the Committee were not able to appreciate the land levels and the impact an extension would have.

RESOLVED:

That the application be DEFERRED for a site visit.

**PC141/18 18/2316/FUL – Alterations to front elevation to include smooth white render at 57 LOWER ROAD, CHORLEYWOOD, HERTS, WD3 5LA**

Councillor Debbie Morris said this would improve what was there before and was happy to move the recommendation seconded by Councillor Matthew Bedford. He observed that the application had been called in by the Parish Council and he wondered whether they needed to have tighter restrictions on Parish Councils bringing frivolous applications to Committee.

Councillor Chris Lloyd said to be fair to the Parish Council as a result of discussions the application had been amended and improved from the original.

Councillor Debbie Morris asked if they had the right to withdraw their objection following any amendments.

Councillor Sara Bedford said either the Parish Council had been informed or they had not. If there were material changes then they must be informed by law within 21 days on the same basis that we have to inform them of any applications. On that basis they can then withdraw their objection and they should also be stating that if there was a change they could withdraw the call in to Committee as is done by other Parish Councils.

The Planning Officer said that some changes can be small amendments and a positive enhancement and it was not necessarily required to consult them again. Sometimes if there was sufficient time Officers would and take any comments on board. Any future amendments which do effect the initial objection or reason for calling the application in Officers would now make sure that before coming to Committee the relevant Parish Council were made aware.

Councillor Chris Lloyd said that would be very helpful as it would reduce the amount of applications coming to Committee.

Councillor David Major said the only chance that the Parish Councils had to withdraw their call in/objection was when the agenda for the meeting was published.

On being put to the Committee the motion was declared CARRIED by the Vice- Chairman in the Chair the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set in the officer recommendation.

**PC142/18 18/2377/FUL - Construction of two storey side extension and part two, part single storey rear extension at 36 THE CRESCENT, ABBOTS LANGLEY, WD5 0DS**

The Planning Officer reported that there was a discrepancy within the plans which implied that the maximum height of the existing extension is above that of No.34. However it is marginally lower. As such the end sentence of 7.2.5 should read "Given this in addition to its siting off the boundary by 0.3m and that it would have a height in line with that of the neighbour it is not considered that this element would result in harm to this neighbour."

Councillor Chris Lloyd moved, seconded by Councillor Sara Bedford that planning permission be granted. Councillor Sara Bedford said there were lots of similar extensions in the Crescent.

On being put to the Committee the motion was declared CARRIED by the Vice- Chairman in the Chair the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set in the officer recommendation.

**CHAIRMAN**