
PLANNING COMMITTEE**MINUTES**

of the Planning Committee meeting held in the Colne Room, Watersmeet, High Street, Rickmansworth, on 25 April 2019 from 7.30pm to 8.50pm.

Councillors present:

Sarah Nelmes (Chairman)	Chris Lloyd (Vice-Chairman)
Sara Bedford	Marilyn Butler
Steve Drury	David Major
Debbie Morris	Peter Getkahn
Paula Hiscocks (substitute for Cllr Reena Ranger)	

Also in attendance: District Councillors Angela Killick, Joy Mann, Alison Scarth, Andrew Scarth, Abbots Langley Parish Councillor Jean Bowman and Chorleywood Parish Councillor Raj Khiroya

Officers: Claire Westwood, Suzanne O'Brien, Freya Crawley and Sarah Haythorpe.

PC 166/18 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Diana Barber, Stephen King and Reena Ranger with Councillor Paula Hiscocks appointed as the named substitute for Councillor Reena Ranger.

PC 167/18 MINUTES

The Minutes of the Planning Committee meeting held on 21 March 2019 were confirmed as a correct record and signed by the Chairman.

PC 168/18 NOTICE OF OTHER BUSINESS

The Committee were advised that the next Planning meeting was due to be held on the same day as the European Elections (Thursday 23 May 2019). With the Penn Chamber/Dickinson Room being used for the Elections, Officers had been actively looking for an alternative local venue to hold the meeting but with no success.

Following consultation it had been agreed to hold the May Planning Committee meeting on **Wednesday 29 May 2019 in the Penn Chamber at Three Rivers House, Northway, Rickmansworth**. The website and Council Calendar had been updated accordingly.

PC 169/18 DECLARATIONS OF INTEREST

Councillor Sarah Nelmes 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.”

Councillor David Major declared a non-pecuniary interest in agenda items 5 and 7 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 Debbie Morris declared a non-pecuniary interest in agenda item 5 as she knew the agent and would leave the room for this application.

PC 170/18 18/2283/FUL: Demolition of garages and change of use of land to accommodate 2 residential park homes with associated works to boundary treatment and parking areas at HIGH VIEW CARAVAN PARK, TOMS LANE, KINGS LANGLEY HERTFORDSHIRE WD4 8NP

Councillor Debbie Morris left the meeting for this application.

The Planning Officer reported that a response from the viability appraiser had been received which confirmed that the contribution of £14,000 was acceptable to allow the proposal to remain viable.

In light of this the recommendation for refusal at Paragraph 8.3 was to be removed and the recommendation at Paragraph 8.1 should be revised to remove reference to the agreement of an appropriate commuted sum.

Three additional comments had been received which raised concerns regarding the use of the strip of land sited along the southern boundary of the site which adjoins the neighbouring properties along Toms Lane.

Amended plans had been received re-siting the red line indicating the application site so that it is now set in from the southern boundary and does not incorporate this land.

Condition C2 is therefore to be amended to include the revised plan numbers. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: GVA/02B436060/01A, 3704-300 Rev D, 3704-320 Rev A, 3704-321, 3704-310 Rev K.

Councillor Sara Bedford moved, seconded by Councillor David Major, that the application be deferred for a site visit. She wondered how many Members knew the site which had an usual layout. It was difficult to understand how it worked unless you see it as you cannot see the site from the road.

Councillor Sarah Nelmes said she had concerns about the ease of moving to and from some of the other car parking, and the nature of the surface and the lighting.

Councillor Paula Hiscocks noted that the strip of land was no longer being

included and wondered if Officers could point out exactly where that was and who owned it. The Planning Officer advised that the land was outlined in blue on the location plan. The neighbours in Toms Lane were questioning its ownership but it did not actually form part of the application site and the applicant was not proposing to develop it.

On being put to the Committee the motion was declared CARRIED the voting being 7 For, 0 Against, 2 Abstentions.

RESOLVED:

That the application be DEFERRED for a site visit.

PC 171/18 19/0040/FUL – Erection of six 3-bed dwellings with associated parking, access and landscaping at LAND AT THE REAR OF CLOVERS COURT, CHORLEYWOOD, HERTFORDSHIRE

The Planning Officer reported that as set out at Paragraph 5.2.3 on page 10 of the report, a further 14 day re-consultation occurred. This had resulted in five new letters objecting against the scheme. The additional objections emphasised that the amended plans do not overcome the previous reasons for refusal. The objections also cover responses already set out within the report.

Councillor Paula Hiscocks said the site had dominated the Committee for many years and had gradually been built on more and more. The construction of two bungalows had been allowed, but they were not content with that and a further application was received for chalet bungalows which was refused due to the impact on the neighbours, overlooking and a cramped form of development. They were now applying for two blocks of six three bedroom dwellings which the facades, their location on the sloping land, and overlooking to the other residents she was against. She agreed with the Officer recommendation to refuse the application.

In accordance with Council Procedure Rule 35(b) Mr Neil spoke against the application.

Councillor Sara Bedford said the development was overbearing, out of keeping, too much for the land and agreed with the comments made by the member of the public. She supported the Officer recommendation to refuse planning permission.

Councillor Marilyn Butler had concerns about the levels and the retaining wall and felt that there would be a lot instability generally on the site.

Councillor Debbie Morris wondered if an additional reason for refusal could be added due to the lack of amenity space. She made reference to Paragraphs 8.9.2 and 8.9.3 where it stated that four of the gardens were not compliant with the Council's amenity space standards. Officers had concluded that because there were gardens of a similar size in the surrounding area it was not included as a reason to refusal. She noted they would be 44 sqm and 51 sqm which must be large shortfall from our standards and asked for comments on what the shortfall was on each specific plot, how this compared with the gardens of the terrace properties and why we shouldn't have that as a reason for refusal. The Planning Officer said they believed it to be overdevelopment and the lack of amenity space was something referred to in reason for refusal R2 but if Members wanted that to be expanded to include the negative impact it would have on the future occupiers amenity space, reason R2 could be amended.

Councillor Debbie Morris said the figures did stack up on the amenity space. The Planning Officer said that three bedroom dwellings were supposed to have 84 sqm of amenity space. Plots 1, 2, 3 and 5 did not comply.

Councillor Debbie Morris said plot 5 was not far from the standard but plot 3 was almost half. She proposed that Reason R2 be amended to include the impact of the shortfall of amenity space on amenity of future occupiers with the wording to be circulated to the Committee.

Councillor Angela Killick said the development was un-neighbourly and overdevelopment of the site. She was surprised there was no explicit reference to the adverse impact on the present owners in Clovers Court. She asked if this was subsumed in the general comment at reason R2 that the overdevelopment of the site would be to the detriment of the areas character. She was dismayed by the scale of the proposed earth work and removal.

Chorleywood Parish Council said the proposed development by virtue of the number of units, layout, and lack of amenity space, would result in overdevelopment and would cause harm to the area.

Councillor Sarah Nelmes moved the recommendation to refuse planning permission with reason R2 to be amended to include the impact the shortfall of amenity space would have on future occupiers with the wording to be circulated, seconded by Councillor Paula Hiscocks.

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

RESOLVED:

That Planning Permission be Refused as set out in the Officer recommendation with reason for refusal R2 amended to include impact of shortfall of amenity space on future occupiers. Wording to be circulated.

R2 (agreed amended wording)

The proposed development by virtue of the number of units, layout and lack of amenity space provision when taken cumulatively would result in an overdevelopment of the site to the detriment of the area's character. The shortfall of amenity space would also have a detrimental impact on the living standards of future occupiers. The development would therefore 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).

PC 172/18 19/0146/FUL – Demolition of existing dwelling, associated outbuildings and commercial buildings and erection of four detached dwellings and garages with associated access and landscaping at DAIMAR, BEDMOND ROAD, HERTS, WD5 OQE

The Planning Officer reported that following submission of the Committee report a tracking diagram demonstrating that a fire tender can manoeuvre and turn within the site and get access to within 45m from all parts of dwelling 4. The Highways Officer has confirmed that the access and turning provisions within the site are sufficient to allow a fire tender to access the site. Highways have therefore confirmed that Condition 3 can be removed. The implementation of the access and turning facilities will be covered under Condition 7.

No further neighbour comments had been received.

Councillor Debbie Morris said it seemed a perfectly sensible scheme which was replacing an existing dwelling and commercial buildings on similar footprints and could not see a problem with the encroachment of the gardens into the existing paddocks. She moved the recommendation that Planning Permission be Granted subject to conditions.

Councillor Sara Bedford wished to know if the red line matched the blue line and what was the height of the commercial building currently on the west of the site. The Planning officer said the red line was the application site and the blue line was within their ownership but this area (the paddock) did not form part of the application.

Councillor Sara Bedford said that there was nothing to stop them coming back and putting another property there as the access road already existed. The Planning Officer said that the existing commercial building was approximately 4.8m high and the new building would be approximately 2.5 metres higher.

Councillor Sara Bedford had no problems with the buildings on the front but she did have concerns with introducing a larger building at the back, which was currently open to the Green Belt, and which would be considerably higher by 50%. The Planning Officer said the report made reference that the building would be 2.5 metres higher in parts in comparison to the existing structure however considering the cumulative impact of the existing units i.e. an unrestricted storage use of the building and the surrounding land Officers considered that this would mitigate any harm by virtue of the increase in the ridge height.

Councillor Debbie Morris asked if the unrestricted commercial usage facility meant that storage heights were unrestricted as well. Potentially someone could put a 10 metre high storage container on this site. The Planning Officer said there were no restrictions on the height, hours of use, or anything on the site.

Councillor Sarah Nelmes commented that they had not made any affordable housing provision and asked for an Officer comment. The Planning Officer said that the appraiser had advised that it would actually have a deficit so any affordable housing contribution would not be viable. Because the site had a commercial and residential use there were different land values.

Councillor Paula Hiscocks said the site was obviously not being used for commercial use at the moment and the District desperately needed housing. There would be a very small encroachment into the Green Belt which she felt was acceptable. She seconded the motion.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 7 For, 0 Against and 2 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE Granted as set out in the Officer recommendation with Conditions.

PC 173/18 19/0337/FUL - Demolition of existing detached bungalow and garage and erection of a two storey detached building with further accommodation in the roofspace containing 7 apartments (7 x 2bed), modified vehicular access, forecourt parking, refuse and cycle storage and amenity space at AVIEMORE, 65 LOWER ROAD, CHORLEYWOOD, WD3 5LA

The Planning Officer reported that Chorleywood Parish have provided comment on the application and called it in. Objected on following grounds:

- The proposed development would result in an unneighbourly form of development, with the loss of residential amenity and privacy
- The proposed development would be cramped form of development which would have a detrimental impact on the character and appearance of the area.
- There will not be adequate parking for this proposed development, with additional pressure on the existing parking provision serving the area exacerbating parking pressures which would lead to conditions prejudicial to highway safety.
- The ingress and egress to this site
- Overdevelopment of the site
- The proposed development is located within a flood risk area
- Loss of tress

A petition against the planning application with 89 signatures had been received that week. It stated that the undersigned welcomed the recommendation for refusal but considered that there were other grounds for objection and considered that a site visit by Members would be appropriate.

Some queries had been raised regarding the ownership of a strip of land at the entrance to the site adjacent to No.63 Lower Road. Whilst the LPA cannot get involved in boundary disputes we have discussed the matter with HCC Highways who had confirmed that whether or not the land was within or outside of the application site, they would not object to the application on Highways grounds. They had advised that the proposed pedestrian visibility splay is more than the normally recommended and therefore the claimed 0.5m difference in the boundary would not be significant enough to change the Highway Authority's response.

Hertfordshire Highways had commented on the application at 4.1.2 and raised no objections, including in relation to emergency vehicle access but commented that details had been passed to Herts Fire and Rescue to see if they had additional comments. HCC had confirmed verbally that they had received no further comments.

An application for a Certificate of Lawfulness Proposed Development (19/0689/CLPD) has been submitted proposing '*Single storey side and rear extensions and loft conversion including dormers to front, sides and rear*'. This is pending consideration but does not affect the consideration or determination of the planning application before Members today.

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

Councillor Peter Getkahn asked for clarification on the ridge height. The Planning Officer referred to the drawings on the screen which showed the existing property in blue. The other outline showed the proposed apartments which partly due to the land level changes would be higher.

Councillor Paula Hiscocks said she believed the development would impact significantly on the neighbours and would be out of character in Lower Road which was semi-detached houses and character homes. This development would be huge in comparison. She was also concerned about the parking and noted 12 parking spaces would be provided which was two below our standard. The Council had set standards and 14 parking spaces should be provided. Parking was very tight and

losing two spaces would have an impact, a shortfall of two spaces would be significant in this case. She referred to Paragraph 7.3.18 of the report which stated that this development would not be viable for a contribution to affordable housing. She was sure that should these flats be built they would sell for a lot of money and she could not believe that they would not be viable. The Planning Officer said that as set out at Paragraph 7.3.17 of the report there was a deficit and the viability evidence had been scrutinised and the applicant had demonstrated that it would not be viable

Councillor Sarah Nelmes said to have a development with insufficient parking spaces did not appear sensible.

Councillor Debbie Morris asked if there was a proposed parking layout. The Planning Officer said that 12 spaces were proposed with disabled parking also being provided. The 12th parking spaces would effectively be half way down the driveway. Officers had set out in the report that the parking was acceptable even though there was a shortfall but Members may come to a different view. In terms of Highways safety that was a separate issue and the County Council had been consulted and had raised no objections. Officers would advise Members against any objection on highways safety grounds but parking provision was a separate matter and Members may come to a different view.

Councillor Debbie Morris wanted to see that the parking was feasible.

Councillor Angela Killick wished to express concern about the detriment to the amenity of the existing householders in Lower Road. It was acknowledged in Paragraph 7.5.11 that there would be a detrimental impact although this would not be significant. She did not know to what extent the top flat would be a factor in this. She asked whether the roof line was stepped and whether that would be lower than the existing roof. Her concern was the impact on the householders in Lower Road.

The Planning Officer advised that in relation to the impact on the neighbours on the previous application it was refused on amenity grounds as set out in Paragraph 1.4 of the report but that was specifically regarding the impact on Wroxton and it was not felt at that time that there would be a detrimental impact on properties in Lower Road.

Chorleywood Parish Council said the proposed development would not be in keeping with the character of the surrounding area, would result in a cramped form of development and would have a detrimental impact and demonstrated harm. They supported the Officer recommendation to refuse.

Councillor Chris Lloyd had listened to all the speakers and moved the recommendation to refuse planning permission based on what he had heard and read in the report.

Councillor Debbie Morris wished to add further reason for refusal with regard to parking. The Committee had heard from one speaker who had said this was a very congested part of the road. Adding additional parking pressures was unacceptable on the existing residents and future occupiers. It was justifiable to add this as a reason for refusal. A shortfall of two spaces would be significant in this case. She sought clarification on the glazing referred to in Paragraph 7.5.10 which stated that the glazing at the first floor level would be located within the flank elevation which would face towards Wroxton. Would this glazing be obscured? Would the window be opening? as it could impact on the on the privacy of the amenity space at Wroxton. The Planning Officer said that as set out in the report because of the lower land levels to Wroxton and because of the spacing Officers did not consider that there would be overlooking. This part of the building was 6 metres from the boundary

and Wroxton was approximately 5 metres from the boundary and due to the angle and lower level it would not be directly facing.

Councillor Debbie Morris said it depended if they were opening and if someone could potentially look out. The Planning Officer said it was no different than a normal two storey dwelling. There had previously been more glazing in the right hand flank but that had been omitted and there was an increase in the separation distance from the boundary.

Councillor Debbie Morris wished to pursue the shortfall in parking as a reason for refusal but withdrew the glazing issue.

Councillor Marilyn Butler was concerned about the flood risk and what level it was. The Planning Officer said it was not in a flood risk zone nor was an identified area which required a flood risk assessment. The application was recommended for refusal but if it was being recommended for approval there would be a requirement to comply with building regulations and drainage requirements. In relation to the parking issue that Councillor Morris had raised, the previous application was refused on parking as set in reason R4 in Paragraph 1.4 but was also due to there not being a safe means of access but on this application Highways had not objected. If Members were minded to refuse on parking grounds it was suggested that the reason be amended to not include reference to the access. Councillor Debbie Morris was happy with this.

Councillor Peter Getkahn seconded the proposal to refuse planning permission.

Both the proposer and seconder of the motion agreed to include a further reason for refusal with regard to the parking.

On being put to the Committee the motion to refuse the application was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

The Planning Permission be Refused as set out in the Officers report with an additional reason for refusal with regard to parking (the final wording to be circulated to the Committee for approval).

Parking reason for refusal as agreed:

The proposed development would increase the parking demand for the site and would fail to provide sufficient parking to meet the demands arising from the proposed development. The development would therefore place additional pressure on the existing parking provision serving the area exacerbating parking pressures to the detriment of residential amenity. The development would therefore be contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

PC 174/18 19/0366/FUL – Removal of Conditions 4 (hours of use) and 5 (external seating area) pursuant to planning permission 18/0983/FUL (Single storey front and rear extensions, internal alterations and extension to residential dormer) at PAVILION, GREEN LANE, OXHEY HALL, WD19 4LT

In accordance with Council Procedure Rule 35(b) Ms James spoke against the application.

The Planning Officer clarified the recommendation in case there was any confusion. The application was to vary/remove conditions which meant that planning permission would be re-issued, with conditions retained, varied or removed, which was why it said that Planning Permission be Granted. Officers confirmed that they were recommending that the conditions be varied, not removed.

Councillor Debbie Morris said that the speaker had asked about restricting amplified noise in the outside areas. Was this within the Committees powers? The Planning Officer said that this was something covered by separate legislation and therefore they did not consider it necessary to restrict by condition. The applicant would also have to comply with the requirements of their licence.

Councillor Paula Hiscocks asked for clarification that at the moment they had a license to 23:00 hours and that would be remaining and the Committee would be just allowing them to open earlier in the morning. The Planning Officer confirmed that they had planning permission to operate until 23:00. The Licence was a separate matter.

Councillor Allison Scarth agreed with the variation of the condition that officers were recommending as the hours were to be extended to serve local people in the morning who were partaking in running and leisure activities but was not in agreement to extend later than the 23:00 hours as she wished to protect and safeguard the resident's amenity from noise. Condition C5 similarly referred to the extension of the hours of use to the rear from 9am which would allow for increased facilities for park users. She welcomed this provision.

Councillor Sara Bedford said she had no problem with the earlier opening but she would object to the later opening hours. She referred to the speaker's comments on amplified music as she had managed to find three appeal decisions where a Planning Inspector had put conditions on with regard to amplified music being audible at the nearest house. She could not see why the Committee could not do so here if the planning inspectorate can do so.

Councillor David Major asked about the 23:00 hours closing although the condition stated 22:00 hours. The Planning Officer said that Condition C5 was to do with the external seating area to the rear of the building which Members had requested be added when the previous application was before the Committee as Members felt that 22:00 hours was the correct time for that area to close. Condition C4 was as Members had previously permitted and referred to 23:00.

Councillor Sarah Nemes moved that Planning Permission be Granted with conditions, seconded by Councillor Paula Hiscocks, to be varied but not removed with an additional condition restricting amplified sound audible from the neighbouring properties the wording to be circulated to the Committee.

Councillor Chris Lloyd said if the windows were open you would hear amplified music in your residential property. The Planning Officer said Officers would need to make sure that the conditions met the tests. It was thought that an appeal would be lodged against any decision the Committee made in terms of the reason to not remove the condition although Officers had tried to set out in the report as much detail as possible on why they did not think the conditions should not be removed.

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

RESOLVED:

The Planning Permission be Granted in accordance with the Officer

recommendation in the report and an additional condition regarding amplified sound (details to be agreed).

Additional Condition agreed wording:

No amplified sound should be audible beyond the site boundary.

Reason: To ensure neighbouring occupiers are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

PC 175/18 19/0400/FUL - Single storey rear extension and construction of detached outbuilding at 299 NEW ROAD, CROXLEY GREEN, WD3 3HE

Councillor Peter Getkahn said the application had been called into the Committee due to local interest but he could not see any grounds for rejection.

Councillor Sarah Nelmes noted that there had been no formal objections and moved the recommendation that Planning Permission be Granted subject to conditions, seconded by Councillor Peter Getkahn.

Councillor Debbie Morris said this was a substantial detached outbuilding and asked if an additional condition could be added requiring ancillary use of the outbuilding.

This was supported by the proposer and seconder of the motion.

On being put to the Committee the recommendation was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED in accordance with the Officer recommendation as set in the report with an additional condition added requiring ancillary use of the outbuilding.

Additional condition agreed wording:

The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply 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).

PC 176/18 19/0477/RSP – Part Retrospective: Single storey rear extension, conversion of garage to habitable room, including increase to roof height, and loft conversion including hip to gable extensions, rear dormer and front rooflights at 30 LINKS WAY, CROXLEY GREEN, WD3 3RQ

Councillor Sarah Nelmes said that from reading the papers if the roof had been sound when they were doing the repairs it could have been permitted development

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

The Planning Officer said there would be no increase in ridge height and it would be a subordinate dormer.

Councillor Chris Lloyd asked about the Parish Council reason for calling in the application although no one was present from the Parish Council to explain their reasons. The Planning Officer said they were not sure if the Parish Council were aware of the history, the permitted development and certificate of lawfulness and it was difficult to comment. Officers had requested that all Parish Councils attend the meetings where they had called applications to the Committee.

Councillor Chris Lloyd said the materials were going to be matching and asked for clarification on permitted development. The Planning Officer said that it was not permitted development because if you take the roof off it can't be permitted development on a technicality. There had been comments about the character but the tiles would be the same and the materials were matching. There had been concerns about the size of the dormer but when you consider the dormer was set in on both flanks and set down from the ridge and set up from the roof of the rear extension, it was acceptable and you will see in the photo there were other dormers in the area.

Councillor Sarah Nelmes moved, seconded by Councillor Chris Lloyd, that part retrospective planning permission be granted.

On being put to the committee the motion was declared carried the voting being unanimous.

RESOLVED:

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

CHAIRMAN