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**PLANNING COMMITTEE****MINUTES**

of the Planning Committee meeting held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on 17 October 2019 from 7.30pm to 8.40pm.

Councillors present:

Sarah Nelmes (Chairman)	Keith Martin (Vice-Chairman)
Sara Bedford	Raj Khuroya
Peter Getkahn	Chris Lloyd
Matthew Bedford (for Cllr Steve Drury)	Debbie Morris
Stephen King	Michael Revan
	David Raw (for Cllr Marilyn Butler)

Also in attendance: District Councillors Phil Williams, Alison Wall, Chorleywood Parish Councillor Zenab Haji-Ismail, Batchworth Community Councillor Diana Barber and Croxley Green Parish Councillor Andrew Hobbs.

Officers: Adam Ralton, Scott Volker, Tom Norris, Sarah Haythorpe and Jo Welton

**PC 53/19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Marilyn Butler and Steve Drury with the named substitute Members being Councillors Matthew Bedford and David Raw.

**PC 54/19 MINUTES**

The Minutes of the Planning Committee meeting held on 12 September 2019 were confirmed as a correct record and were signed by the Chairman.

**PC 55/19 NOTICE OF OTHER BUSINESS**

The Committee noted that item 6 (19/1331/FUL - Demolition of Grove Court and the construction of 43 apartments, 21 x 1-bedroom and 22 x 2-bedroom units, associated parking and landscaping, internal cycle storage and refuse/recycle bin store and shared access at 40-92 GROVE COURT, GROVE CRESCENT, CROXLEY GREEN, WD3 3JU)

And

Item 9 (19/1626/FUL - Change of use of former stables and farm office into a self-contained dwelling including associated parking and landscaping at CALLIPERS HALL FARM, QUICKMOOR LANE, SARRATT, WD4 9BP)

had both been withdrawn.

**PC 56/19 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 Councilor's. 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 any view."

Councillor Debbie Morris declared an interest in item 10 (19/1677/RSP – Retrospective: Addition of obscure glazed window to bathroom and doors to undercroft storage in flank elevation at MAPESBURY, SANDY LANE, NORTHWOOD, HA6 3HA) as she lived within the consultee area and left the meeting during the consideration of this application.

**PC 57/19**

**19/1180/FUL - Demolition of detached bungalow and garage and erection of a terrace of 4 x 4-bed two storey dwellings with accommodation in the roof space, modified vehicular access, forecourt parking, refuse and cycle storage and amenity space at AVIEMORE, 65 LOWER ROAD, CHORLEYWOOD, WD3 5LA**

The Chairman advised what had happened at the last Planning Committee meeting regarding this application as there seemed to be confusion on the proceedings. Correspondence received from members of the public who were present at the meeting on 12 September 2019 appeared to show some confusion on the decision. Members had voted on a motion that Planning Permission be Granted but that vote was Lost. A motion that the application be refused, whilst proposed and seconded, was not actually voted on because of the lack of identified planning reasons for refusal. An amendment to the motion was made that the application be deferred and was proposed and seconded and agreed. This application had not been the subject of a resolution either to grant or refuse.

The Planning Officer reported that there was no update.

Councillor Keith Martin asked if there was an update on the affordable housing.

The Planning Officer said the appraisal by Adams Integra showed a deficit of £224,695 and concluded that the scheme would not be able to support an affordable housing payment to enable it to remain viable. As such, it was the opinion of Adams Integra that the applicant should not be required to provide a contribution towards affordable housing. It was concluded that the development viability would result in a deficit and the developer would not achieve a profit level of 17.5% and therefore the profit percentage would be lower. Paragraph 18 of the NPPG stated that an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers. In line with recent viability appraisals in this area the profit rate of 17.5% on GDV was considered reasonable. In this case, for the development to "break even" the profit level would need to be reduced to 10.8% and reduced further to result in a surplus.

This appraisal by Adams Integra was reviewed by S106AH and it was their conclusion that the development would result in a surplus of £119,350 which could be sought by the LPA as a commuted payment towards Affordable Housing.

The reasoning behind the difference in figures related solely to development

build costs. The applicant applied a median build cost at “semi-detached one-off housing” rate of £2,061 sqm this was altered by Adams Integra to a figure of £1,668 sqm based on upper quartile for “one-off terraced housing (3 units or less)”. S106AH however considered that this was an incorrect approach and that housing schemes of 4+ units should use the “estate housing rate” on a median range of £1,385sqm.

Adams Integra were asked to comment on the approach taken by S106AH and it was their opinion that the build cost rate adopted by the S106AH report was too low and it was not “fair and reasonable”. The rate adopted by S106AH was for “estate housing” and if the data behind the rates were examined it was evident that the majority of the sites in the data were in excess of 15 units. Adams Integra consider that a much more reasonable approach would be to use the ‘one-off’ housing terraced (3-units or less) BCIS rate in this particular case as the scheme is for 4 units only.

Councillor Sarah Nelmes said normally when an item was deferred after the speakers had spoken there would not be a second opportunity to speak. Using the Chairman’s discretion under Council Constitution (Rule 35(B)(f)) she had decided to allow speakers to speak again as it seemed appropriate due to the confusion at the last meeting.

Councillor David Raw said he felt Reason for Refusal R1 for the previous application was still relevant. It was out of character.

Councillor Sarah Nelmes said the Committee had to discuss planning issues and this application was not in a Conservation Area.

In accordance with Council Procedure Rule 35(b) a speaker spoke against the application and a speaker spoke in support of the application.

Councillor Sarah Nelmes reiterated that there had been no vote to refuse the application.

Councillor Debbie Morris asked for clarification on any fenestration, the roof of the proposed houses and the distance between the buildings and the neighbours.

The Planning Officer said there were three rooflights within the flank roofslope of the property closest to the boundary on Lower Road. There was no glazing on the ground floor or first floor flank elevation of the property. Whilst the proposed block plan showed a distance of approximately 20.2 metres from the rear of No.69 Lower Road to the edge of the closest property the Planning Officer noted that following a visit to this neighbouring property did have a rear extension which was not shown on the plans, so in total the distance was about 17 metres from the rear of No.69 to the boundary.

Councillor Debbie Morris asked if it was less than the 28 metre guideline we normally have or was it not applicable in this instance.

The Planning Officer said that it was not applicable in this situation because it was not a back to back relationship and there was no fenestration.

Councillor Sarah Nelmes pointed out that some of the pictures that had been sent in suggested that all the vegetation was disappearing between the back of the houses and the proposed new houses.

The Planning Officer showed the landscaping plan and said a large proportion of the existing vegetation would be retained along the rear boundaries of Lower Road. Where there was a break in the vegetation at the rear of No.69 there was

an additional Holly tree to be planted. Similarly on the eastern boundary of properties 2 and 3 there would be an additional tree planted.

Councillor Sarah Nelmes asked if the planted trees would be the same height as the current trees. The Planning Officer said the new trees would potentially be the same height.

Chorleywood Parish Council reiterated their objection to the application and highlighted reasons for refusal, as circulated by the Resident's Association, which included Affordable Housing, Character, Parking, Trees and Hedges. The slope stability had not been considered although Paragraph 180 of the NPPF was relevant. The proposal sought to excavate next to a railway embankment yet it failed to provide any structural or stability reports. The application failed to consider the immediate context of the surrounding properties and the references made to terrace housing fronting Lower Road were not relevant as this was a backland site.

Councillor Debbie Morris asked who owned the driveway and if it's not a public road what maintenance provisions were there be as it would be used considerably more if this application was granted. The Planning Officer said the access road formed part of the application site, therefore was owned by the existing property owner.

Councillor Debbie Morris asked if maintenance provisions for the road could be conditioned. The Planning Officer said he could attach a condition from the maintenance plan.

Councillor Sara Bedford asked if the access was a public right of way or private drive. The Planning Officer advised it was a private drive.

Councillor Sara Bedford said you could not put a condition on someone's drive and tell them to maintain it, if it was not a public right of way.

Councillor Peter Getkahn wanted to know the quality of the surface of the driveway. The Planning Officer said the road surface was not a consideration as it was a private driveway and whoever used it would be expected to maintain it.

Councillor David Raw said there was going to be a lot of people using the driveway, which would make it shared so conditions should be included .

The Planning Officer said it was not for officers to secure the maintenance of the driveway. At the point the properties were sold there would be a right of way or legal agreement binding all the properties to be jointly responsible for its maintenance. That maintenance would not be a material consideration and Officers were satisfied that the drive was suitable for safe access. It would need to comply with Building Regulations.

Councillor Chris Lloyd highlighted Condition C8 with regard to consultation with London Underground. This condition would need to be met before any construction could start.

The Planning Officer said if works had commenced without discharging that condition then the developer would be in breach of the condition. The Local Authority had the ability to serve a breach of condition notice which could require the ceasing of works until the details had been submitted and agreed in writing by the Local Planning Authority in consultation with London Underground and works could not continue.

Councillor Phil Williams said possible reasons for refusal were it went against Policies CP1, CP3, CP4, CP12 of the Core Strategy and DM1 and DM13 which were all planning reasons for refusal.. Having 20 to 30 car movements a day was a lot more than 3 or 4 at the moment. Coming down a dropped kerb with a slope going to the pavement, does not feel safe. If the Committee were minded to approve the application then a restriction should be in place to make it safer for pedestrians and road users as it was not acceptable for 30 or 40 car moments going over the pavement. Could Officers advise how much vegetation would be left and how can we stop residents taking up the trees. The site was across the road from a Conservation Area which had mature trees and hedges. He hoped the Council could put TPOs on all the trees which were planted and any hedging over 9 metres. He was concerned that developers were saying they cannot afford to provide a contribution towards affordable housing.

Councillor Sara Bedford referred to the Condition on the Landscape plan and whether TPO's could be placed on the trees.

The Planning Officer said Condition C12 required a landscape plan to be implemented. In terms of the TPOs that would be a separate exercise and there would need to be a review on whether the trees were of a suitable high quality and worthy of protection. Condition C10 required the developer to undertake Tree Protection measures . Details had been provided showing the existing vegetation to be protected and Condition C12 required the landscaping to be implemented.

Councillor Sara Bedford wanted clarification that should the Committee request it, as part of the landscape condition it include Tree Preservation Orders on the trees. She asked if Officers were saying this could not be implemented, as that changed the picture completely, because the tree screening was important.

Councillor Sarah Nelmes said placing TPOs on the trees would need investigating.

Councillor Chris Lloyd said looking through the report and listening to Councillors there was no objection from the Highways Authority and also no conditions relating to the access. He assumed it was not changing but sought clarification on why there was no condition.

The Planning Officer said Condition C4 required that prior to the occupation of the new units the vehicular access was to be upgraded and improved in accordance with an approved plan.

Councillor Chris Lloyd asked if details on the access would have to be submitted before any work can start. The Planning Officer advised that they had already submitted a plan which was agreed and found to be satisfactory. They needed to undertake the works in accordance with the plan, prior to the dwellings being occupied.

Councillor Chris Lloyd asked if County Council were happy with the changes proposed. The Planning Officer said they were.

In reply to Councillor Sara Bedford's question regarding TPO's the Planning Officer advised that Condition C11 required the soft landscaping to be maintained including the replacement of any trees or plants which may be lost, removed or become seriously damaged or diseased. They would need to be replaced by a similar size and species of tree, for a period for five years. The planning condition required that vegetation was retained for a period of 5 years and there would be the opportunity to review whether anything was eligible for

a TPO. Officers could instruct the Landscape Officer to review in this in the event the application was granted. A condition cannot be used to place a TPO, but can protect the soft landscaping for 5 years.

Councillor Sara Bedford said in 5 year's time all the trees could be felled including the ones that were planted. The Committee had been advised that we cannot condition for TPOs and we know what the legal requirements are for a TPO to be placed on a tree. If we cannot ensure that the screening stays to stop the owners of the gardens felling the trees she had concerns. She would only be willing to approve the application if we had a legal undertaking from the applicant to ensure the trees remained, by way of a condition.

Councillor Matthew Bedford referred to Condition C16 which stated that the boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Councillor Sarah Nelmes said, that a condition normally refers to fences rather than hedges and would have to take advice on whether or not this was the case.

Councillor Matthew Bedford asked if this was potentially a reason for refusal and could Officers clarify that adequate tree cover along the boundary can be maintained.

The Planning Officer said it could only be a reason for refusal if Members could identify harm that arises if the tree screening was lost to the residents and the character of the area.

Councillor Matthew Bedford asked if there was any glazing facing towards the nearest properties. Councillor Sarah Nelmes said there were no windows.

Councillor Sara Bedford recalled a site visit where a house wanted an extension with a similar relationship to this application. When Councillors looked from the garden they thought the extension would be too big and there was no screening proposed. Presently, the only part of the house visible was the roofline . If the trees and hedges were taken out then there would be a very dominating wall. If the planting was left it would be acceptable but if the planting went it completely changed the picture. She would not want to look at a big wall at the end of her garden. Looking at trees and a roofline was completely different. If the property owner wanted more room down the side of their garden or at the rear then the trees could go and we have no way of preventing that from happening unless we can protect the trees with a TPO.

Councillor Sarah Nelmes said that the trees would be protected for 5 years and it would be hard to protect them any longer.

Councillor Raj Khiroya agreed with Councillor Bedford and sought clarification on the parking management. Councillor Sarah Nelmes said parking management was one of the conditions.

Councillor Debbie Morris said in previous reports the boundary vegetation treatments and screening by way of vegetation could not be relied on. In terms of protecting neighbours amenity the Committee could not rely on those provisions.

Councillor Sarah Nelmes asked if anyone would like to make a proposal on the application.

Councillor Peter Getkahn asked what the impact would be without the screening.

Councillor Sarah Nelmes said that the proposed development would not be any higher.

Councillor Sara Bedford moved refusal, seconded by Councillor Debbie Morris, the exact wording to be circulated to Members for agreement after the meeting but to include in the absence of any legal mechanism to prevent the removal of the screening and boundary treatment after the expiry of the time stated in the landscaping condition (5 years) that this application would then be an un-neighbourly development. She said there were a lot of trees and hedging in Chorleywood and it would be out of character with the area to have a great big brick wall facing your house. She said in the absence of a legal mechanism to protect them, it became a problem because we cannot prevent the houses being unsightly from year 6 onwards.

Councillor David Raw concurred with Councillor Sara Bedford's concerns about protecting the views from the residents gardens and that looking at a wall instead of trees was a concern.

Councillor Sarah Nelmes pointed out that there were no rights to a view in planning.

The Planning Officer wanted to clarify the position. Officers felt that the relationship between the proposed development and the existing dwellings would be acceptable and the plans showed the landscaping to be retained. They could explore it in the future, but could only secure it at the moment for five years unless there was an opportunity whereby the landscaping was of such high amenity value that it could be protected. He clarified the reason for refusal being that in the absence of a mechanism to prevent the removal of the vegetation, trees and hedges along the boundary after five years the proposal would be an un-neighbourly development. Were they saying overbearing to the neighbours?

Councillor Sara Bedford wished to add out of character as well.

The Planning Officer suggested it could refer to being out of character with the wider area as a result of the proximity of the flank wall to the rear boundary of the neighbouring properties.

Councillor Sara Bedford said having the boundary vegetation was essential and a characteristic of the area. A mechanism was required to retain it but the Committee had been advised that was not possible after five years.

Councillor Debbie Morris said it was not just prevention of its removal it was to ensure its future maintenance and replacement of the boundary.

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

RESOLVED:

The Planning Permission be REFUSED for the following reason the final wording having been agreed after the meeting by the Committee.

R1 The proposed development, in the absence of a formal mechanism in perpetuity to prevent the removal of and ensure the maintenance and replacement in the event of ill-health/death of the existing boundary screening after a five year period following implementation, would appear as a dominant and unneighbourly development which would be out of character with this part of Chorleywood. The proposal would result in harm to the amenities of neighbours and character of the area, and

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).

**PC 58/19 19/1331/FUL - Demolition of Grove Court and the construction of 43 apartments, 21 x 1-bedroom and 22 x 2-bedroom units, associated parking and landscaping, internal cycle storage and refuse/recycle bin store and shared access at 40-92 GROVE COURT, GROVE CRESCENT, CROXLEY GREEN, WD3 3JU**

APPLICATION WITHDRAWN

**PC 59/19 19/1473/FUL – Removal of Condition 4 (External lighting details) and Condition 9 (removal of permitted development rights) pursuant to planning permission 18/2118/RSP (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 a further 27 letters of objection had been received since the report had been published bringing the total number of objections received to 30. To expand on the point raised in the report regarding the boundary wall that had been erected as stated and did not form part of this submission and maybe permitted development. Officers had not been allowed the opportunity to measure it or check its compliance.

In accordance with Council Procedure Rule 35(b) a speaker spoke against the application.

Councillor Chris Lloyd stated he had read the report and would like to move the officer's recommendation having listened to the to the member of the public. He could see no reason for not following the recommendation for refusal, seconded by Raj Khiroya.

Councillor Alison Wall agreed with the Officer's recommendation. There was no question that this application be refused as Conditions C4 and C9 must be retained. Condition 9 did not prevent or restrict future development within the site but allowed the planning authority adequate control. There was no issue of safety regarding the pool which the applicant had mentioned and the condition does not stop an appropriate boundary being chased around the pool, so the argument on safety does not hold. On Condition C4 you can see from photos the blue lights are so intense it really was light pollution and totally out of character and inappropriate and it had a negative impact on the neighbouring properties.

On being put to the Committee the motion that Planning Permission be Refused was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE REFUSED as set out in the Officers report.

**PC 60/19 19/1557/FUL: Demolition of existing two storey office building, two storey stacked portable cabins, and existing single storey sheds and stores, and the construction of a replacement two storey office building to east of site. Alterations to car and lorry parking, at BATCHWORTH DEPOT, HAREFIELD ROAD, RICKMANSWORTH**

The Planning Officer reported that Section 7.6 of the Committee report sets out the car parking requirements which result from the proposed office building and explains that the floor space of the office building results in a requirement for between 13 and 16 car parking spaces to be provided on site. 32 spaces would be marked on site. This compares to 31 spaces as existing. It was acknowledged that the proposed office provided a base not only for standard office operations but for the Council's depot. The Development Plan contains no parking standards for a depot. The closest is a B8 storage and distribution use, where one lorry parking spaces was required for each 200 sqm. The proposal would therefore need to provide three lorry parking spaces, and space was provided for over 20 large refuse trucks.

The replacement office building does not change the use of the site in any way or the way the site would function. It would remain in use as the Council's depot with no change to staffing numbers or operations run from the depot. As a result the LPA does not expect there to be any discernible change to the use of the site other than the removal of the existing building and provision of a replacement building. Notwithstanding this, the LPA had been advised by the applicant that the depot supports 120 staff members, including approximately 20 based in the office. Some staff park on site, whilst others park at the aquadrome or in Tesco carpark. Staff generally start work at 5am with rounds completed by midday. A large number of staff are local and walk or cycle to work. Staff also car share. No objections had been raised to the proposal by local residents.

He had discussed some of the construction logistics with the applicant and they had advised that during construction works, some equipment would be relocated to existing Council storage buildings at the Aquadrome. Therefore, some staff would be based at the Aquadrome during construction works. Car parking would be available at the Aquadrome and the public car park adjacent to the Fairway Inn for staff to use. It was not considered reasonable or necessary by officers to attach a condition requiring details of alternative car parking arrangements to be submitted to the LPA for approval, as the application relates to a new office building supporting the existing use. However, Officers do consider it reasonable to attach a condition requiring the existing office building to be demolished and all debris removed from site within 2 months of the office building subject of the current application being first brought into use. This would safeguard the proposed parking layout being provided.

Councillor Sara Bedford noted there had been no responses to the consultation. The Council were replacing the facility with a new facility which was much needed. The Council needed to collect the refuse. She was happy to move the recommendation, seconded by Councillor Stephen King.

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

RESOLVED:

That PLANNING PERMISSION BE GRANTED in accordance with the Officer Recommendations and Conditions as set out in the report.

**PC 61/19      19/1626/FUL – Change of use of former stables and farm office into a self-contained dwelling including associated parking and landscaping at CALLIPERS HALL FARM, QUICKMOOR LANE, SARRATT, WD4 9BP**

APPLICATION WITHDRAWN

**PC 62/19      19/1677/RSP – Retrospective: Addition of obscure glazed window to bathroom and doors to undercroft storage in flank elevation at MAPESBURY, SANDY LANE, NORTHWOOD, HA6 3H**

Councillor Debbie Morris left the meeting during the consideration of this application.

The Planning Officer reported no updates.

Councillor Chris Lloyd moved that Planning Permission be Granted with conditions as per the office recommendation, seconded by Councillor Sarah Nelmes.

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

RESOLVED:

That PLANNING PERMISSION BE GRANTED in accordance with the Officer Recommendations and Conditions as set out in the report.

**PC 63/19 19/1691/RSP: Part Retrospective: Construction of detached building at 23 Lewes Way, Croxley Green, Rickmansworth, WD3 3SN**

The Planning Officer reported one further objection letter had been received but no additional points were raised.

In accordance with Council Procedure Rule 35(b) a speaker spoke against the application and a speaker spoke in support of the application.

Councillor Debbie Morris wanted to point out that Condition C2 required the use of the outbuilding to only be incidental and ancillary to the residential dwelling.

Councillor Sarah Nelmes pointed out that if the applicant started using the outbuilding for anything other than an outbuilding she had no doubt that the neighbours would be contacting the enforcement team.

Councillor Sarah Nelmes clarified that Permitted Development can be up to half the size of the garden. The Planning Officer clarified what was permitted in this application and the only thing not permitted was the height.

Parish Councillor Andrew Hobbs said it was not a shed it was quite a big building and there had been several objections. The previous scheme was stopped half way through. There was concern with the raised floor although the Parish Council had been informed it was raised because of drainage but wondered if this could be looked at. There were concerns in the area with outbuildings being converted into habitable areas.

Councillor Chris Lloyd said that in the application it states the usage was for a gym and garden shed and he was aware that the application had caused considerable interest both with the Parish Council and neighbouring properties.

Councillor Debbie Morris moved, seconded by Councillor Stephen King, that Planning Permission be Granted with Conditions.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 9 For, 0 Against and 2 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE GRANTED in accordance with the Officer recommendations and Conditions as set out in the Officer report.

**CHAIRMAN**