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**PLANNING COMMITTEE****MINUTES**

of a meeting held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on 17 December 2019 from 7.30pm to 21.08pm.

Councillors present:

Sarah Nelmes (Chairman)  
Sara Bedford  
Peter Getkahn  
Steve Drury  
Stephen King

Stephanie Singer (for Cllr Martin)  
Raj Khiroya  
Chris Lloyd  
Debbie Morris  
Michael Revan  
Marilyn Butler

Also in attendance: Councillor Dominic Sokalski and Croxley Green Parish Councillors Chris Mitchell and Derek Wallington.

Officers: Matthew Roberts, Suzanne O'Brien, Claire Wilson and Sarah Haythorpe.

**PC 72/19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Keith Martin with the named substitute being Councillor Stephanie Singer.

**PC 73/19 MINUTES**

The Minutes of the Planning Committee meeting held on 14 November 2019 were confirmed as a correct record and were signed by the Chairman.

**PC 74/19 NOTICE OF OTHER BUSINESS**

None received.

**PC 75/19 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.”

**PC 76/19 19/1880/RSP - Detached timber outbuilding to rear at 143 NEW ROAD, CROXLEY GREEN, WD3**

There was no update from Officers.

Councillor Debbie Morris said seeing the Parish Council objections, one of which related to noise, she wondered whether under the existing use of the principal building there were any restrictions on the hours of use or any noise mitigation measures in place. If they were, was this being monitored and enforced? The Planning Officer advised that there were restrictions on the hours of use in relation to the business. If retrospective planning permission was granted then a condition could be included that the building only be used as storage in association with the commercial use and to be tied to the hours of use of the existing building.

Councillor Michael Revan asked if he was right in assuming that if this was not on a commercial site the Committee would not be looking at this application. The Planning Officer asked if the Member was referring to whether planning permission would be required. Councillor Michael Revan confirmed this was the case as it was a wooden building and thought it was temporary. The Planning Officer said it was a permanent structure and if it was a householder scheme the Council would have to look at whether it met the permitted development criteria. As it was a storage building/outbuilding to serve the commercial entity it required planning permission.

Councillor Sarah Nelmes said the nature of permitted development was to do with the size of the building and not to do with what it was made of. It was not a domestic building and permitted development was only for domestic buildings.

Councillor Chris Lloyd was interested to know the reasons why the Parish Council had called in the application. From the report it indicated that the building was being used for something other than storage but this would be an enforcement matter. The Planning Officer said they believed the application was a result of a complaint made to the Council following an enforcement investigation. It was ascertained that the building required planning permission so an application was submitted in an attempt to formalise the breach of planning control. When Officers assessed the application, based on what was submitted, they considered that the building was acceptable on planning terms subject to a condition requiring the building only to be used for storage. If Members were minded to grant retrospective planning permission subject to that condition, and it was later found that it was being used as a studio or for fitness centre, they would be in breach of the condition and enforcement officers would serve a breach of condition notice.

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

Councillor Debbie Morris referred to the speaker comments and asked if it was possible to restrict the use of the amenity space so that if people were gathering outside or using the area in good weather it could be prohibited. Secondly, could a condition be added that the doors to the building be kept closed at all times except when entering and leaving which might also bolster up the storage restriction.

Councillor Sarah Nelmes said Condition C2, should Members be minded to grant the application, meant that the building should not be used for anything but storage. Therefore this was stronger than saying the doors to be kept shut. Councillor Debbie Morris said she was just trying to bolster up the restrictions. The Planning Officer said in relation to the use of the courtyard this application was just assessing the building and not the use of that area. The flat was being used lawfully for residential use and to the Officers knowledge the person occupying the studio was also in the flatted development. In relation to the opening and shutting of the doors that was not

realistically enforceable but the Committee could attach the same hours to match the commercial use.

Councillor Steve Drury felt Condition C2 was very relevant to this application. The speaker had raised the possible resiting of the building but looking at the constraints of the yard he was not sure where it could be resited to. Councillor Sarah Nelmes said the Committee could only look at the application presented and not speculate where else it might be located.

Croxley Green Parish Council said the use of the building as storage had been questioned with the neighbour stating it was being used for exercising. Looking at the design it was not clear if it would be used purely for storage. If it was just to be used for storage Condition C2 would cover this but if Members were minded to approve, how could this be enforced. Councillor Sarah Nelmes said the Committee can only look at the application as presented to them. If it was not used in the way it was intended then it would be a matter for enforcement.

Councillor Raj Khiroya said it was suggested to put some timings on the use of the building? The Planning Officer said restricting the hours of use would ensure that it coincided with the use of the commercial area so they would not be able to go into or access the building outside these hours.

The Planning Officer said if Members wished to have a condition attached on the hours of use the 2013 planning permission had restricted hours of the commercial use which could be used. The commercial element was allowed to operate between 9am and 9pm Monday to Friday, 9am to 6pm Saturday and Sunday, Bank Holiday and on National Holidays. If Members wished to attach that restriction on the hours the owner would be aware of the requirements on the building should permission be granted.

Councillor Peter Getkahn asked if the residential use of the flat above had any bearing on the application. The Planning Officer confirmed it did not and would be a separate enforcement case if it was not being used in accordance with its lawful use.

Councillor Sarah Nelmes said if this was a storage building there was nothing about its size and siting that caused any concerns. The Planning Officers stated that as set out in the report it was considered that the siting, scale and use was acceptable within this setting in terms of the impact on character and the neighbours.

Councillor Raj Khiroya sought clarification on whether Officers had been on site. It was confirmed that officers had been on site. They always visited every single application site.

Councillor Peter Getkahn said when the Committee consider planning applications they were restricted by the way the Council operated. He had sympathy with a lot of the views but the Council and Committee must be quasi judicial. He moved the recommendation along with the amendment with regard to the hours of use of the storage building being the same as the commercial hours of use.

Councillor Sara Bedford said Officers had spoken about the hours of operation and wondered whether the hours were on the application. Councillor Sarah Nelmes said that the Officer had looked them up from the application for the pilates studio.

Councillor Sara Bedford asked if that was part of the main building? The Planning Officer confirmed it was.

Councillor Sara Bedford had concerns about noise. The Council had controls with regard to the hours building work could be undertaken but we would be allowing them

to use the building outside of these hours. You would expect some noise when moving next to a commercial unit but you would not expect them to be making noise late into the evening, on Saturdays and Sundays. She recognized that the Committee could only consider what the applicant had submitted and what officers had seen but she had problems with allowing the use up to 9pm on a Sunday with the dragging of the equipment in an out and yelling to each other which gave her a problem with the timings being the same as the commercial hours. The Planning Officer advised that it was a recommendation based on the fact that the existing commercial use was restricted between the hours of 9am to 9pm Monday to Friday, 9am to 6pm at the weekends and on Bank Holidays based on the material considerations which were considered as part of the previous application and were considered acceptable.

Councillor Sara Bedford asked if different hours to the commercial hours could be made or did they need to be the same. The Planning Officer said that the applicant had applied for the hours to be in conjunction with the commercial building. In terms of the hours it was to ensure they coincided. We were not saying that the building would be used for residential purposes because they were not applying for this.

Councillor Sara Bedford said people can apply to have decking at a pub which could be allowed by both planning and licensing but the area could not be used after 10pm although the pub could remain open to later. You would not say to a pub you must shut at 10pm but you could say you must not sit out in the beer garden or on the decking after this time. The Planning Officer said that it was not unreasonable and you could have different sets of hours. It was about making sure that the hours were reasonable. You could restrict the use but would have to enable access to the courtyard.

Councillor Sara Bedford wished to have shorter hours of use as she did not feel being operational until 9pm at the weekend was appropriate and certainly not on a Bank Holiday. The Planning Officer advised it was currently proposed until 6pm at weekends and on Bank Holidays. Councillor Sara Bedford felt it should be earlier and not used at all on Sundays to allow people peace and quiet. She suggested an amendment to the hours of use to be no later than 1pm on a Saturday, and not at all on Sundays and Bank Holidays. If you were building you would not be able to cause noise until that time. She was happy with the hours during the week.

Councillor Debbie Morris said that whilst she sympathised with the neighbour and having introduced the concept of restricting the hours of use she was concerned that this might restrict the operation of the business and could be successfully appealed. The Planning Officers said there was always the potential that if a condition was added the applicant could appeal it or seek to vary or remove the condition if it restricted the operation of the business. Considering the business had been operating without the building for a number of years they did not feel it would restrict the use of the business.

Councillor Peter Getkahn supported the amendment to the hours of use, seconded by Councillor Sarah Nelmes, with the amended condition on the times to be clarified by Officers and circulated to Members. This condition would enable the neighbours to have peaceful use of their properties.

Councillor Chris Lloyd was concerned about the large windows when it was only going to be used for storage although if the Parish Council or residents see it being used for anything other than storage he was sure they would inform Local Councillors and Officers. Councillor Sarah Nelmes had no problem with the storage facility having windows as it stopped you having to put the lights on in the daytime.

Councillor Stephanie Singer said she found it odd that the Committee were including hours for storage as presumably if something was stored there it was stored there

24/7 and the hours would be restrictive to the other activities. Councillor Sarah Nelmes said the hours were to do with people going in and out of the building so to restrict noise. It did not mean they have to clear everything out of the store room out of those hours it just means they cannot use it out of those hours.

Councillor Sarah Nelmes clarified the amendment to add a Condition regarding the hours of use of the storage building to be circulated by Officers with the hours to be restricted on weekdays to the current hours of the building, Saturday to 1pm and Sundays and Bank Holidays not at all.

On being put to the Committee the amended motion was declared CARRIED by the Chairman the voting being 4 For, 0 Against and 7 Absentions.

RESOLVED:

That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the Conditions set out in the Officer report and subject to the following condition being added the wording having been agreed after the meeting:

*The storage building hereby permitted shall not be accessed other than between the hours of 9am-9pm Mondays to Fridays (inclusive), 9am to 1pm Saturdays and not at all on Sundays or Bank or National Holidays.*

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with and Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 and Appendix 4 of the Development Management Policies LDD (adopted July 2013).*

**PC 77/19**

**19/1949/FUL - Variation of Condition 2 (approved plans) attached to planning permission 16/1218/FUL (Demolition of existing care home and construction of replacement three storey care home 6. with additional basement, associated parking and landscaping) to allow for changes to the design including increase in ridge height, alterations to the depth and width, alterations to fenestration detail, alterations to internal layout to provide for larger bedrooms and alterations to amenity space at BURFORD HOUSE, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5SQ**

The Planning Officer reported that the Conservation Officer had advised that the materials listed in the materials schedule were acceptable following the submission of the proposed tile sample. Following comments received from Fire Protection a further condition should be added requiring details of fire hydrants to be submitted. In addition, the Landscape Officer had objected to the proposed development and had stated the following "this application relates to a number of variations to the approved plans including amendments to the foot print of the new building, drainage layout, boundary treatments and site layout. The original application required a detailed arb method statement to demonstrate how the retained trees would be protected against the impact of the proposed development. The proposed amendments within the current application were likely to have an impact on the retained trees and therefore it would be necessary to demonstrate that the proposed amendments were acceptable and how the trees would be protected. No suitable tree information had been submitted to accompany and support the current application which meant they retained concerns. An updated arb method statement needed to be submitted before any amendments can be considered. In light of the above, they wished to raise concerns with the current application. The applicant had sought to address these concerns by providing some additional information however the Landscape Officer had advised that this was still insufficient at present and that a revised arb method statement needed to be submitted prior to determination to ensure that there was no impact on the existing trees. It would be inappropriate to do

this via a condition given that works had commenced on site in relation to the demolition of the existing building. As such Officers recommend that the Committee defer the current application until January to allow for a revised arb method statement to be submitted so that it can be addressed by the Landscape Officer.

Councillor Sara Bedford said that the applicant was currently demolishing on site so the trees were at risk through the construction for which they had an existing permission. We are going to allow them to continue to do that but not give them the new permission in case they damage any trees whilst demolishing the building which they already had permission to demolish. How did it make any difference if the reason why we cant condition it was because they were already doing the work under the current permission. The Planning Officer said the 2016 permission was granted for the demolition of the building and the erection of a new replacement structure. As part of that there were extensive conditions which had been discharged to allow the demolition. The current application proposed a number of changes particularly to the footprint of the building which could cause some impact on the trees. Until Officers had received a revised arb method statement to assess the amendments to the application in terms of the footprint they could not move forward.

Councillor Sara Bedford said they would not be building the new building before January. She could not see why it could not be handled by condition because they could continue with the works under the current permission. She could not see why if the Committee were minded to give permission it could be conditioned so that they would have to discharge a new condition to build the new building. At the moment they were continuing with the current permission. The Planning Officer said that the Council's Landscape Officer felt that it could not be addressed by a condition as they feel that given the revisions to the footprint required a arb method statement. Essentially they could move forward and start erecting the structure that they had permission for. This revised proposal needed to consider the impact on trees and Officers felt it could not be adequately conditioned at this point.

Councillor Debbie Morris was happy to accept the Landscape Officer recommendation that the application be deferred but expressed concern that this had arrived late. Members had all spent time considering the application and report and the membership at the next Committee meeting maybe slightly different and was potentially a waste of a lot of peoples time.

Councillor Sara Bedford said why would we be looking to change the Committee membership. Councillor Debbie Morris said she was referring to one or two people changing with substitutes being appointed.

The Planning Officer said under the discharge of conditions for the 2016 application one of the conditions was part discharged by the Lead Flood Authority (LFA). It was part discharged on the basis that they would not do above ground operations until details were submitted. The Council were still waiting comments from the LFA which would prevent them from doing above ground works. The Committee needed to consider the application as it was at the moment until those comments were received.

Councillor Sarah Nelmes said the Committee had two things which required the application to be deferred. She was unsure how much value the Committee would gain by discussing the application further.

Councillor Sara Bedford asked when the matter to defer for the LFA comments was advised to Officers. The Committee had been advised the tree issue had arisen that afternoon, but when had the flood issue arisen. The Planning Officer said that LFA comments were set out in the report. The applicant had submitted revised details and that was with the LFA for consideration at the present time. The Landscape comments had only come to light recently.

The Planning Officer said that the applicant had planning permission with a condition regarding the tree protection which they could do on site tomorrow. That previous condition had been discharged which should enable the trees not to be harmed. On the current application Officers wanted to be sure that there would be no damage to the protected trees. If Members felt that conditions would overcome that and was acceptable they would need to give good valid reasons. If there was no landscape issue the recommendation would have been to grant permission subject to being delegated to the Director if no objection was raised by the LFA. The Officer appreciated that it was late to be asking the Committee to defer the application and the concerns expressed. Officers needed to juggle a lot of consultee comments within the current resources which can be difficult but they strived to do their best. Obviously if there was anything else that Members felt needed to be brought to the attention of the agent regarding the development during the next month while it was deferred that was something they could discuss now.

Councillor Sarah Nelmes was not happy it was not being presented in a state where the Committee could make a decision but agreed that it should be deferred, seconded by Councillor Debbie Morris.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 10 For, 0 Against and 1 Abstention.

RESOLVED:

That PLANNING PERMISSION BE DEFERRED.

**PC 78/19      19/1953/FUL - Extension to existing car park to create 8 additional car parking spaces and re-siting of existing containers at WILLIAM PENN LEISURE CENTRE, SHEPHERDS LANE, MILL END, WD3 8JN**

The Planning Officer had no update.

Councillor Chris Lloyd moved 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 subject to the conditions set out in the Officers report.

**PC 79/19      19/1998/RSP - Retrospective: Erection of gates and fence fronting Windmill Drive at THE WINDMILL, 34 WINDMILL DRIVE, CROXLEY GREEN, WD3 3FD**

The Planning Officer reported that two more objections had been received since the Officer's report was published. An objection was also received on behalf of Windmill Drive Residents Association concerning trees, the Conservation Officers comments and local policy.

During the application process revised drawings were submitted to the Case Officer following the Conservation Officer's comments. These amendments sought the removal of the trellis above the fencing and to change of the gate's design and height. The amendments therefore did not materially alter the scheme in such a way that required a further re-consultation. Minor changes to applications are not uncommon as Officers are required to work in a positive and proactive manner with applicants as required by the Development Management Procedure Order 2015.

If Members were minded to recommend approval, it is recommended that a further condition is attached which requests specific details of the design of the amended gate is submitted to the Council within one month from the date of the decision. The wording of all conditions can be circulated to Members in the event of an approval as Condition 2 will also be required to be amended.

Councillor Sarah Nelmes sought clarification that the photographs being shown on the screen were of what had been put in. The proposal now was that the trellis at the top of the fencing would be removed and that there would be a proposed swinging five bar gate. The Planning Officer confirmed that was correct but as outlined in the update the Council would request that as part of the condition details be submitted on the specific design of the gate which could be considered by the Conservation Officer before formally agreed.

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

Councillor Steve Drury said if it was proposed to remove the trellis but was it also proposed to put in lower concrete posts as they already protruded above the height of the existing trellis and would still protrude above the height of the fence. The Planning Officer said the concrete posts would have to be level with the height of the fence. It was shown on the plan that the posts would be lowered so that would give the ability to enforce if their were not reduced in height.

Councillor Debbie Morris asked if the removal of the original fencing and gate would that have needed planning permission as it was in front of a grade 2 listed building. The Planning Officer said that they did not have any evidence that suggested that the railings were pre-1948. The Conservation Officer had no details that assumed that was the case. Any structure within the curtilage of an existing building, if it was erected before 1948, would automatically form part of the listing but there was no evidence that assumed that was the case. Its removal would not technically require listed building consent as it was not in our opinion erected prior to 1948 but the erection of any form of enclosure within the curtilage of a listed building would require planning permission.

Councillor Sarah Nelmes asked what was the maximum height allowed for a fence? The Planning Officer said there was no defined correct answer but generally if this was a normal residential dwelling you could erect up to 2 metres adjacent to your neighbour. Anything that was adjacent to a highway was restricted to 1 metre. By virtue of the verge being in front with trees Officers would argue that it would not be considered as falling adjacent to a highway. There was no policy that stated it had to be a specific height so Members needed to consider whether or not the removal of the trellis and the changes to the gate would be acceptable.

Croxley Green Parish Council said their concerns were on the fence being too high, the gate and the works having already taken place. They had not had a chance to review the alternative plans. His own views was that the gate was an improvement but surely the fence should be closer to the original height.

Local Ward Councillor Dominc Sokalski said residents of Windmill Drive had asked that their concerns be raised. The gate and high fencing was not in keeping with the area as per the Croxley Green Neighbourhood Plan which informed the Council's Development Plan. Despite the proposed adjustments the fence height was still excessively high and was not appropriate next to a historically listed building. The Windmill was a key part of the local heritage and there was a risk this could be lost for if you were unable to view it. Windmill Drive was a quiet, friendly and low crime neighbourhood with a strong community spirit. Having a large fence risked damaging the character and identity of the area. As advised by the Conservation Officer some damage had already been inflicted. The residents felt that allowing constructions like this to be built without planning permission being given gave a negative message about

the desire to protect the listed building. There was a right to privacy for the occupant but there was also the historic conservation to be taken into consideration. Local residents, Croxley Green Parish Council and the Residents Association felt the correct balance had not been found and this application should be rejected so that there was an opportunity to install fencing which was suitable and in keeping with the area.

Councillor Peter Getkahn said the Committee had to comply with the restrictions put on them. The application does comply completely with the law that the Council had to enforce.

The Planning Officer said that Officers had made a recommendation based on the planning merits and was acceptable based on the amendments. They had taken on board the comments made by the Conservation Officer. Following the amendments received and having regard to the changes made compared with what was there currently it was considered there was a neutral impact and therefore no longer harm on the lower level of less than substantial harm which was why the recommendation had been put forward. It was up to Members to consider if it was in keeping or out of character and whether the amendments go far enough to avoid being harmful to the setting of the Windmill.

Councillor Peter Getkahn said that Officers had suggested an amendment on the construction with regard to an informative. The Planning Officer said it was an amendment in relation to a condition and a request to see specific details of the design of the new gate so that the Council does not inadvertently grant something that is unsympathetic which officers feel was reasonable based on the fact that the Windmill is a listed building. The submission of details regarding materials is not uncommon for developments in Conservation Areas for example. Officers therefore want to see what the design would be.

Councillor Chris Lloyd said eight people were supporting the application but asked if they lived in Windmill Drive or in Three Rivers. The Planning Officer could not provide details. Commenting on any application was open to any member of the public.

Councillor Chris Lloyd said the Windmill was an historic building in Croxley Green and the height of the fence impacted on the historic setting but Officers felt the height was reasonable and there were no clear guidelines on this. The height of the fence seemed to be a varied so whatever height was agreed it needed to be consistent all the way around. The material for the gate should match with the material of the fence.

Councillor Sarah Nemes asked when the houses surrounding the Windmill were built. It was advised during the 1970s so some quite big changes had happened around it.

Councillor Stephanie Singer said having visited the site the Windmill was perfectly visible from Windmill Drive and she had no problem looking at it and enjoying it. She felt the applicant was entitled to ground floor privacy. In the pictures it showed the gate was white but having viewed the gate today it was much more of a pinky/brown colour which was more in keeping.

Councillor Debbie Morris had read the officer comments in the report regarding the Conservation Officer objections but the plans had been amended. However, we do not have any comment on the amended plans from the Conservation Officer. Had they withdrawn their objections? She also noted from the Conservation Officer comments that the railings were historical from the late 1930s/early 20 century. She appreciated that was not evidenced but they must have come to that view from something and she wondered if some discussion with the Conservation Officer had taken place. The Planning Officer advised that the initial Conservation Officer comments had not been withdrawn. No further comments had been received regarding the amendments. The initial professional view was that what was there currently constituted less than

substantial harm but the amendments now proposed would have a neutral impact which was why the recommendation was to grant permission. Members need to consider whether they think that would be the case. With regards to the railings Officers did not know if they were pre 1948 and no evidence was found, however, the amended fencing was considered by Officers to be acceptable.

Councillor Steve Drury said it would appear that from the drawings on the screen there was a variation in the ground level. The metal railings would have looked pretty much the same height right the way across. He thought the fence panels, which had been put in, with maybe two or three in alignment, then dropped and then some dropped again. He felt it would look far better if they were all the same height and preferably a lower height. At the moment it looked very piecemeal which may be due to the ground levels. The railings would have looked the same height all the way along.

Councillor Sarah Nelmes said she was of the view that the resident had a right to a sensible sized fence outside their home. The conditioning on this would mean that there would need to be Officer approval on the appearance of the gate and she was happy to support that.

Councillor Sara Bedford said the changes to the gate were welcomed and would make a lot of difference. The problem with listed buildings, particularly when they were small or unusual was that it was difficult to get someone who was willing to steward that property and it could mean the listed building ceases to exist in any form. The problem was if we do not make the Windmill and its environs able to be used as a private dwelling then they were likely to deteriorate and decay. She appreciated that the houses in Windmill Drive were built much later than the Windmill but there appeared to be a lot of the gardens with a similar sort of fencing to enclose their gardens. She did not see how the fence could be out of keeping in Windmill Drive. We then come down to saying that was it out of keeping with the listed building. She had also been to the site and the Windmill was clearly visible above the fence and more visible in some places than others. She had come to the view that the applicant was entitled to a private garden. Local residents would still be able to look at the Windmill but should not be able to see the family in their private garden.

Councillor Sara Bedford moved, seconded by Councillor Sarah Nelmes, that retrospective planning permission be granted as per the officer recommendation with an additional condition regarding the design of the gate with all conditions to be circulated to Members.

Councillor Steve Drury asked if a condition could be added that the land between the fence and the verge which clearly belonged to the Council should not be touched in any way or altered. The Planning Officer said it was not possible to put a condition on it because it fell outside the applicants ownership. It was owned by the Council and subsequent to previous works a letter was sent to the applicant about future access to this parcel of land.

With regard to the objections raised, the Planning Officer advised that it would appear some objections were from local people but some were not but he could clarify their exact location. Councillor Chris Lloyd said he had looked at the objections and there was one of support from within Croxley and some from a distance away.

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

RESOLVED:

That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following conditions, including an additional condition regarding the design of the gate:

*The development hereby permitted (amended gate and amended fencing) shall be carried out and completed before the expiration of FOUR MONTHS from the date of this permission.*

*Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004 and to remove the current harm to the setting of the Grade II listed building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF (2019).*

*Within ONE MONTH from the date of the decision specific details of the design of the amended swinging timber 5 bar gate as shown on approved drawing 374/P2/4 shall be submitted for approved in writing by the Local Planning Authority. The agreed details shall be erected in accordance with the timescale as set out at Condition 1 and be permanently maintained thereafter.*

*Reason: To safeguard the setting of listed building and to maintain the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF (2019).*

*The reduction in height of the fencing (including associated concrete posts) shall be carried out and completed in accordance with the following approved plans 374/P2/2, 374/P2/4, 374/P2/5 and in accordance with the timescale set out at Condition 1. The boundary fence shall be permanently maintained as such thereafter.*

*Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF (2019).*

**PC 80/19 19/2002/RSP – Retrospective: Provision of earth bunds at OXHEY PARK GOLF CENTRE, PRESTWICK ROAD, SOUTH OXHEY, WATFORD, HERTFORDSHIRE, WD19 7EX**

The Planning Officer had no update.

Councillor Debbie Morris asked if it would be possible to ask for a condition that the bunds are seeded with wild flowers or grass so that looked more attractive. Councillor Steve Drury supported this.

The Planning Officer said a condition could be added but asked if this would be within the current planting season that had already commenced which was due to end at the end of March and whether Members wanted wild flower or seeds.

Councillor Sara Bedford said the bunds were being put in because of a particular community safety issue where there was an incursion of trespassers on the land. The removal of the trespassers cost a large financial sum and the provision of the bunds would also cost a large financial sum. To plant proper wild flowers would mean scalping off all the grass, removing the arisings and planting and continuing to do that for a 3 year period at a lot of expense. If you actually just leave it to go wild it would look

almost as attractive. She suggested that it be allowed to go wild but to be kept within reasonable measures otherwise what we were asking of the applicant was to spend a large financial sum making it look like a cottage garden. She did not think that was reasonable. She thought that as long it was not just covered in earth or rubbish this would be acceptable.

Councillor Sarah Nelmes said the added bonus of allowing it to go wild was that you only had to treat it once a year

Councillor Stephen King said one concern was that the bunds had taken away access to the public footpath on the other side of Prestwick Road. The bund crossed where there was a footpath. The Planning Officer asked if it was on the golf side or the driving range side as this application was solely concerned with the driving range and from the Officer site visits none of the bunds encroached on the footpath which included a cycle line.

Councillor Stephen King moved the recommendation, seconded by Councillor Chris Lloyd but without the additional condition regarding the seeding of the bunds.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 10 For, 0 Against and 1 Abstention.

RESOLVED:

That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the conditions set out in the Officer report.

**PC 81/19 19/2142/FUL - Installation of a new multi-use games area and associated fencing at HORNHILL RECREATION GROUND (SPORTS FACILITY), CHALFONT ROAD, MAPLE CROSS**

The Planning Officer advised that a construction management plan had been submitted and considered and Officers had assessed the details. It was sufficient and consequently Condition C3 would be updated to state that the development should be undertaken in accordance with the approved construction management plan.

Councillor Raj Khuroya said local residents had been waiting for this for a long time and moved the recommendation that planning permission be granted with the updating of Condition C3, seconded by Councillor Sara Bedford.

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

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the Conditions set out in the Officer report and with Condition C3 updated to read as follows:

*The development shall be undertaken in accordance with the approved construction management plan dated 9th December 2019 .*

*In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).*

**PC 82/19 19/2151/RSP - Part Retrospective: Ground floor rear extension at 22 PEVENSEY WAY, CROXLEY GREEN, WD3 3FX**

The Planning Officer had no update.

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

Councillor Steve Drury asked why the applicant decided to change the plans and build the extension and then ask us to retrospectively give planning permission. Councillor Sarah Nelmes said that Members know that under planning law this was permitted.

Councillor Sara Bedford said some Members on this Council would remember that about 15 years ago this Council had a very large million pound house knocked down because it applied for retrospective permission which was not given. Please don't everyone think that applying for retrospective permission meant you would get it. She asked what the Committee were looking at and where the first floor window was. She wondered where all the views were from and how they orientated in terms of the application site. The Planning Officer showed where the application dwelling was, highlighted the shaded area where the extension was and to the left the neighbouring properties whose rear gardens backed onto the side of the application dwelling. A view from a neighbouring first floor window was provided with the back garden joining the side of the application dwelling. A view from the neighbouring first floor window and back garden showed the distance from the extension.

Councillor Steve Drury asked if it would be possible to add a condition that the side window be frosted. The Planning Officer said that Officers feel based on what was there currently obscure glazing would not be reasonable as it was at ground level.

Councillor Sarah Nelmes said it was 20 metres from the end of the garden. The Planning Officer said the report stated at Paragraph 7.4.6 that there was approximately 20 metres from the rear elevation of the neighbours and the extension was approximately 4.7 metres set in from the boundary. Councillor Sarah Nelmes said we would normally require about 23 metres. The Planning Officer said the design criteria gave 28 metres for back to back. This was not back to back but the criteria stated that where there were flank windows for ground floor habitable rooms the boundary must be satisfactorily screened by fencing or a evergreen hedge. Officers believed the screening was satisfactory with the close boarded fencing which exists along the boundary.

Councillor Raj Khuroya suggested a site visit.

Croxley Green Parish Council said the neighbour had lost their privacy and if you stood at the back of the room you could see quite clearly into the new extension. They did not consider that this met or complied with the Three Rivers CP12 policy in the Core Strategy. There were three properties affected due to the fact that the living area of the properties was on the first floor and the level of the extension was such that if you were standing in extension you could see straight through into the window of the other properties. When you saw it on site you would see how severe the privacy was affected. If the Committee were mindful to approve maybe they should undertake a site visit.

Councillor Debbie Morris seconded Councillor Khuroya's motion that the Committee make a site visit as it seemed it would be in the interest of all parties. Members would want to see the view from the applicant's house and also the most affected neighbour.

Councillor Sara Bedford had viewed the report from the original application and asked why this required a full application and was not required on the original extension. Was it because permitted development rights were withdrawn on construction? The Planning Officer believed, as it was a fairly new development, that permitted development rights may have been withdrawn in some instances but would need to check. The Planning Officer advised that planning permission was required as it was 3.6 metres in depth and under permitted development you can only go up to 3 metres, unless you applied for prior approval for a large home extension which had not been applied for.

Councillor Chris Lloyd asked what Members would want to see on the site visit which they could not ascertain from the pictures. He had seen the outside and from the pictures it showed very clearly the issues. He felt the Committee had sufficient information to make a decision but if Members did not believe that was the case he would want to know what Members wished to see on a site visit.

Councillor Sarah Nelmes felt that the distance was substantial enough and most of the overlooking was looking down overlooking. If you are looking at the ceiling it was a very substantial distance of 25 metres.

On being put to the Committee the motion to defer the application for a site visit was declared TIED the voting being 5 For, 5 Against and 1 Abstention. With the voting being TIED the Chairman used her casting vote (Rule 23(1)) making the vote 6 For, 5 Against and 1 Abstention making the motion LOST.

Councillor Sarah Nelmes said the separation distance was sufficient and she could see no real overlooking issue and was satisfied with the height of the fences. She moved the Officer recommendation that retrospective planning permission be granted, seconded by Councillor Sara Bedford.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 5 For, 2 Against and 4 Abstentions.

RESOLVED:

That RETROSPECTIVE PLANNING PERMISSION BE GRANTED with the Officer conditions as set out in the report.

**CHAIRMAN**