

---

**PLANNING COMMITTEE****MINUTES**

of a meeting held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on  
14 November 2019 from 7.30pm to 8.30pm

Councillors present:

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

Also in attendance:

Councillors Phil Williams and Shanti Maru

Officers: Claire Westwood, Adam Ralton, Scott Volker, Sarah Haythorpe

**PC 64/19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Stephen King with the named substitute being Councillor Stephen Cox.

**PC 65/19 MINUTES**

The Minutes of the Planning Committee meeting held on 17 October 2019 were confirmed as a correct record and were signed by the Chairman.

**PC 66/19 NOTICE OF OTHER BUSINESS**

None received.

**PC 67/19 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 Steve Drury declared a prejudicial interest in agenda item 7 as the applicant and left the meeting during the consideration of this application.

Councilor Sarah Nelmes declared a non-prejudicial interest on behalf of the Administration with regard to agenda item 7.

**PC 68/19 19/1179/FUL - Comprehensive redevelopment to provide 2 no. warehouse Class B1c/B2/B8 units comprising a total of 16,140 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works, at DEVELOPMENT SITE, MAPLE LODGE, MAPLE LODGE CLOSE, MAPLE CROSS, HERTFORDSHIRE**

The Planning Officer reported that three further objections, reiterating objections set out in the committee report had been received.

Further comments had been received from Hertfordshire Ecology in relation to the potential impact on Maple Lodge Nature Reserve, these had been provided in full as a written addendum. Whilst in terms of discharge of water from the application site, they consider that there would be an insignificant change in the level of water entering the nature reserve. Having reviewed further information relating to ground water levels they consider that there was evidence to suggest that significant rises in water levels within the lake do occur independently to the amount of flow in the stream and in excess to what can be accounted for by rainfall falling directly on the lakes surface. They consider that insufficient information regarding the potential impacts of piling and the de-watering of the application site has been provided to demonstrate that there would not be an adverse impact and in the absence of this information they suggest that planning permission be refused. As such, as set out in the written addendum, it was suggested that reason for refusal 4 be amended.

In relation to reason for refusal 1 (trees), the applicant had advised that further detailed arboricultural assessment has been undertaken and as a result it was possible to identify that through the use of a 'no dig' solution, all but 3 trees could be retained (T35 cat C, T36 cat U and T38 non TPO protected). The applicant considers that this can be dealt with by way of conditions.

The LPA does not consider it appropriate to deal with this by conditions as it considers such changes to be material and would require the submission of amended plans.

The LPA has previously advised that that further details would not be accepted at this late stage. Reason for refusal 1 therefore remains.

The applicant had raised the point that Affinity Water is not a statutory consultee and therefore considers reason for refusal 4 to be unreasonable.

In response, whilst the LPA acknowledged that Affinity Water was not a statutory consultee for this type of application, the LPA considers it appropriate and necessary for Affinity Water to have been consulted in this case as they have a legitimate planning interest in the proposal as they are obliged to supply clean drinking water. Affinity Water has relevant technical knowledge on the quality of groundwater.

Policy DM9 advises that planning permission should not be granted unless the council is satisfied that there will be no adverse impact on the quality of local groundwater.

At this point in time and given that the concerns raised by Affinity Water regarding the impact on the quality of groundwater have not been overcome, the LPA is not satisfied that there would not be an adverse effect on groundwater.

In response to the objection from HCC as Lead Local Flood Authority, additional information was provided to the LPA on 6 November in order to try to address the outstanding points of objection of the LLFA. Due to its late submission, this information has not been formally accepted by the LPA as part of this application.

Councillor Sarah Nelmes reminded the Committee that an issues report had previously been presented to the Committee and a site visit.

Councillor Sara Bedford said it had been a long, hard, difficult and complicated process to get to where we are from when the Committee first received the issues report. She expressed her thanks to the Planning Officer, Mrs Westwood, who had spent an immense amount of time providing the 120 plus pages of report for the Committee. The report was extremely technical in parts but it was wonderful to have this level of detail to enable the Committee to make a decision tonight. She had considered the reasons for refusal provided in the report and read in full the whole report. She felt it was important that Members concentrate on the things which actually were available to them to refuse the application if that was the decision of the Committee. She was disappointed there was no support for a reason for refusal on the grounds of highways from Hertfordshire County Council. The Officer reasons for refusal provided were good and strong and had a chance of standing up on appeal but she wished to propose a further reason for refusal which would be "The proposed development by virtue of its mass, bulk, height and design, and proximity to the western site boundary would result in an overbearing, visually intrusive and unneighbourly form of development to the detriment of the residential amenities of occupiers of No. 19 Longmore Close. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2019)." This proposed additional reason for refusal was seconded by Councillor Peter Getkahn.

Councillor Raj Khiroya said he had asked that the application come to the Committee. A significant number of objections had been received, and several petitions. He wished to congratulate the Officer for the comprehensive report.

Councillor Keith Martin said the comments from Affinity Water at Paragraph 4.15 of the report were extremely concerning. The Planning Officer said all the comments were as set out in Section 4 of the report. The reason for refusal reflected Affinity Water's objections.

Councillor Debbie Morris sought Officer comments on the Heritage Officer objections and response. They had said that the development site was to the north of Maple Lodge a Grade II listed farmhouse which dated from the early 19<sup>th</sup> century and the separately listed barn from the 17<sup>th</sup> century. Officers had noted the proximity of the site to the listed buildings and that the proposed development would have a significant impact on them but the impact was less than substantial. Officers had said that because there was less than substantial harm it can be outweighed by public benefit. The public benefit was claimed to be the creation of a substantial number of jobs. Could Officers advise whether this was an absolute? If there was the creation of a substantial number of jobs was that it? Could the Committee weigh this up with the public benefit against the public detriment that was potentially at this stage caused by the development on the residents with air pollution, light pollution etc. Was it an absolute if there were jobs created you were not able to argue against it on heritage grounds?

The Planning Officer said that the Heritage Officer had identified that there would be less than substantial harm which was in line with Paragraph 196 of the NPPF which essentially said that the harm had to be weighed against the public benefits. It was a judgement and the benefits were not defined. Officers had taken a view that the creation

of jobs would be a public benefit which it was felt outweighs the less than substantial harm although Members may weigh the public benefit differently.

Councillor Debbie Morris asked if Members could take into account other impacts like noise, light and air pollution, in doing that weighing up exercise. The Planning Officer said in terms of the consideration on the heritage, officers were looking in terms of the public benefit, however, the conclusion/planning balance section of the analysis looks at matters overall, weighing up those in favour of the application and those against. Officers looked at the three standards of sustainable development and the social, economic and environmental impact and there was some social and economic benefit through the creation of jobs. There would be environmental harm because of the impact on the trees and the quality of the water and it may be that these were concerns Members had but Officers had weighed this up on the planning balance as detailed in the report.

Councillor Marilyn Butler said the number of jobs to be provided was a vague phrase and asked if we had any way of judging how many jobs would be created. Most warehouses were highly mechanised these days. The Planning Officer said there was no requirement to provide that information and also on who would ultimately use the warehouses. There was no specific figure on the number of jobs. Paragraph 7.3.12 of the report looked at this. The figures provided were estimates based just on the floor space to be created.

Councillor Sarah Nelmes said one of the issues she had picked up on was that the access road would effectively be a new junction onto Denham Way. She asked if there was a way to stop anyone from going down the other route which would take people through a heavily residential area. The Planning Officer said there were two aspects, the construction and the end use. In terms of the construction you would have a construction management plan which would provide routing details for the lorries and deliveries to control the construction traffic. Post completion it would be through a transport management plan which would control the routing to the site. Officers understood there were concerns regarding the use of Maple Lodge Close which had a signalised junction and which was potentially easier to use when turning out onto the main road. The application proposed highways improvement works to the access road to include a signalised junction so there would be significant highways improvements. These were matters which would be appropriate to control by condition. Any highways works were a separate issue and were outside the Council's control.

Councillor Sara Bedford referred to the comments made regarding the inability to enforce the access and referred to the change in location of the bus stop at the Reach Free School. It had been very difficult to push that through especially with the landscaping works to be carried out although some were now going ahead due to pressure by local Members. She felt that were this development to go ahead the work on the junction and indeed the prevention of the traffic using the wrong access to get into the site should be completed prior to the commencement and not prior to its operation. For all the different works to go ahead there would be a tremendous amount of traffic and having been down the access road several times in the last few weeks it was not something she would want to do with parking on one side and lorries coming towards you on the other.

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 wished to pursue some additional reasons for refusal due to the impact on the heritage assets having heard the speakers and taken on the board the Officer advice. Whilst she acknowledged that there would be a significant number of jobs created and some economic benefit to the area it was her opinion that the public detriment by reason of substantially increased traffic, air pollution, risk to public health, impact on the climate, damage to the nature reserve, noise and light pollution, possibly

impact on trees depending on the outcome of whether the trees stayed and the impact on the quality of the water depending on whether the Environment Agency was the correct authority. She felt there were sufficient reasons for public detriment that definitely outweighed the public benefit. She proposed this as an additional reason for refusal. She also proposed a further reason for refusal due to the impact on the Green Belt. The site was currently free from any built form and hard surfacing and was described by Officers as not being in the countryside as the development was close to treatment works and other buildings. Looking at the photos this depended on where you were brought up. If you were brought up in London you would say this was open countryside but if you were brought up on a farm you probably wouldn't. She felt it was certainly a rural location and the proximity of these units to the Green Belt boundary were very close. She understood that Unit 1 was 35-41 metres from the boundary and Unit 2 40 to 51 metres from the boundary which represented approximately half the maximum width of each unit. You would only have half the size of the unit from the boundary. She could not agree this would not impact on the openness of the Green Belt by reason of the size, bulk and proximity to the boundary and wished to propose this as another reason for refusal. The Planning Officer said on the heritage issue she understood what the Councillor was saying but essentially it was a judgement about the public benefit and Officers had come to a view and Members may come to a different view. In relation to the Green Belt the site was not in the Green Belt so in terms of the openness of the Green Belt she felt that it would be difficult to say there would be an impact on the openness. Members might consider visual amenity but Officers would struggle to prepare a reason for refusal that the proposal would have a detrimental impact on the openness of the adjacent Green Belt.

Councillor Marilyn Butler said in addition to the comments made by Councillor Morris with regard to the openness of the Green Belt when you are looking at this site as a whole you will see that it was right alongside a very important nature reserve and that is a very precious area. It had a number of very rare species. She was also concerned about the quality of the water and the water that would flow into the nature reserve. The Planning Officer said it was an allocated employment site.

Local Ward Councillor Phil Williams said he had attended a meeting where discussion had taken place on the legacy we wished to leave when we finished being Councillors and the legacy we leave our residents, their children and future residents. He would not be comfortable with leaving a legacy such as this application would and hopefully the Committee would agree. The Council had declared a climate emergency and this application flies in the face of that. There were no bats roosting on the site but a bat roost was next door which was a maternity roost with feeding on the site. Where was our climate emergency and where was our wish to increase biodiversity? The warehouses' sheer size, mass and bulk would just not fit here. The water issues, were a serious concern. The water now falls on the land and gets soaked up and drips off into the nature reserve. This proposal was going to store it in huge tanks causing numerous issues. This was our drinking water and we had a duty of care to the residents of Three Rivers. On the asbestos you can get misophonia from one fragment of asbestos. We have a duty of care to the people and he would not be comfortable signing this off if we were not 100% sure that we would not release one fragment of asbestos into the air. The residents had put their lives on hold over the last few months due to this application and he urged Members to refuse it.

Councillor Stephen Cox said he had listened very carefully to the applicant but he was persuaded by Affinity Water's case and not that of the applicant. He had no idea why there was no highways objection from the County Council.

Councillor Sarah Nelmes said she was also astounded that there was no highways objection but unless there was it was not possible to have a reason for refusal without any objection from them.

Councillor Raj Khiroya said the Officer had obtained a number of reports but one thing which had caught his eye was on Page 81 with the applicant's consultant's submission of the landscape visual impact assessment which in his view was fundamentally flawed.

Councillor Sara Bedford wished to make comment on the points raised by Councillor Morris. When you are putting reasons for refusal on an application you can refuse the biggest application on one reason if that reason was strong enough. If you throw lots of reasons for refusal at an application and they don't stand up it can detract attention from those that do. She could not see justification for a reason for refusal on the effect on the Green Belt. If you look at the location plan for the site and the buildings to the east and north east she could not see we could substantiate this. She felt it deflected from the other much stronger reasons for refusal and did not think it would be helpful to include as a reason for refusal.

Councillor Sarah Nelmes had taken advice from Officers and they were not of the view that a Green Belt refusal would stand up but a heritage one might.

Councillor Debbie Morris said she would drop the reason for refusal on the Green Belt on the Officer advice however she would like to continue with the reason for refusal on the public benefit justification due to the impact on the heritage assets. She had provided a list of reasons why there would be an impact. Although the reasons for refusal provided were good they could be overcome in the future which was why she was putting forward something which could not be overcome as the scheme was now. She urged Members to support this. Councillor Marilyn Butler seconded the proposal.

With regard to trees Councillor Sarah Nelmes recalled a previous application where the Committee had tried to ensure the trees were retained but noted that this could only happen for a set period.

The Planning Officer advised that there were reasons for refusal as set out in the report with reason for refusal R4 to be amended as per the addendum. Councillor Sara Bedford had raised concern regarding the impact on neighbours and also Councillor Debbie Morris had raised concerns in relation to the impact on the heritage and that there were no public benefits which outweigh the less than substantial harm.

Councillor Sarah Nelmes said with regard to the additional reason for refusal Councillor Sara Bedford had put forward the Members who had attended the site visit could understand entirely that the development would be unneighbourly and overbearing.

Councillor Debbie Morris totally agreed and said having something of this size, mass and so close to your house would be overbearing and detrimental to your amenity and should be refused on this ground.

On being put to the Committee the amendment to add an additional reason for refusal on the grounds that the proposed development by virtue of its mass, bulk, height and design, and proximity to the western site boundary would result in an overbearing, visually intrusive and unneighbourly form of development to the detriment of the residential amenities of occupiers of No. 19 Longmore Close. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2019) was declared CARRIED by the Chairman the voting being unanimous.

The Planning Officer said in terms of the wording for the further reason for refusal on the heritage, Officers had summarised that Members consider that the less than substantial harm was not outweighed by the public benefit and the public benefits were not considered to outweigh the less than substantial harm to the heritage assets therefore it would be contrary to Policy DM3 of the Local Plan and the NPPF.

Councillor Sara Bedford asked if the Committee needed to state what the heritage assets were in the reason for refusal. The Planning Officer noted said that they were

specifically referred to in the report in the comments made by the heritage officer and it would be sensible to include in the reason for refusal wording.

On being put to the Committee the further amendment to add an additional reason for refusal on the grounds that the less than substantial harm is outweighed by the public benefit and the public benefits are not considered to outweigh the less than substantial harm to the heritage assets therefore it would be contrary to Policy DM1 and DM3 of the Local Plan and that the heritage buildings are included (with the final wording agreed by Members after the meeting) was declared CARRIED the voting being unanimous.

Councillor Sarah Nelmes moved the reasons for refusal as set in the report, seconded by Councillor Raj Khiroya, and to including the two additional reasons for refusal which had been agreed.

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

RESOLVED:

That PLANNING PERMISSION BE REFUSED for the reasons set out in the report and with the addendum (alternation of R4) and with two additional reasons agreed at the meeting the final wording of the reasons having been agreed after the meeting:

R6 The proposed development by virtue of its mass, bulk, height and design, and proximity to the western site boundary would result in an overbearing, visually intrusive and unneighbourly form of development to the detriment of the residential amenities of occupiers of No.19 Longmore Close. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2019).

R7 The proposed development, by reasons of scale and design with block-like appearance, would detract from the overall appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Grade II Listed Maple Lodge Farm and Maple Lodge Barn. The harm is not considered to be outweighed by public benefits and the proposed development is therefore considered to be contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Policies DPD and Paragraph 196 of the NPPF (2019).

**PC 69/19 19/1453/FUL - Redevelopment of existing facilities involving the demolition of existing stables, office and barn and erection of new 'American' barn, grooming/stable block, stabling and storage barn, office and facilities building and associated works to provide modern standard Equine facilities at FORMER HIGH HERTS RIDING SCHOOL, BEDMOND ROAD, PIMLICO, HP3 8SJ**

The Planning Officer had no update.

Councillor Debbie Morris said details had been provided on the differences in footprint size but not on comparative volume sizes. The Planning Officer said the existing volume when visiting the site was approximately 1,222 cubic metres. The proposal was 4,185 cubic metres, which equated to a 217% increase but this was just the Officers approximate calculation.

Councillor Sarah Nelmes asked about the staff facilities as it seemed to be easy to turn one of them into accommodation was there a condition to prevent this. The Planning Officer advised that Condition C5 restricted the use of the accommodation for residential use.

Councillor Sara Bedford said the problem was Condition C5 allowed it to be used for residential use so long as it was not independent of the facilities. She believed there was a mobile home on the site which was being used as ancillary use with enforcement action taking place. The Planning Officer advised that there was a case open but Condition C5 could be amended to remove the word independent.

Councillor Sara Bedford had concerns about the whole size of the buildings here and that in 6 months' time they could be converted into residential units in the Green Belt. She wished to see the word independent removed from Condition C5. We could worry about what it may turn into but this was not a planning consideration.

Councillor Sarah Nelmes moved, seconded by Councillor Peter Getkahn, that the Committee resolve that subject to the Conditions set out in the Officer report and the application be referred to the Secretary of State, and subject to no new material considerations being raised and the Secretary of State raising no objections, Planning Permission be Granted. If the Secretary of State raises objections, Planning Permission be refused in light of their findings.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 8 For, 0 Against and 3 Abstentions.

RESOLVED:

The Committee resolved that subject to the Conditions set out in the Officer report with an amendment to Condition C5 that the application be referred to the Secretary of State, and subject to no new material considerations being raised and the Secretary of State raising no objections, PLANNING PERMISSION BE GRANTED. If the Secretary of State raises objections, Planning Permission be Refused in light of their findings.

Condition C5 to now read:

The proposed office and facilities building as shown on drawing number 19/2054/40 shall not be occupied at any time other than for purposes ancillary to the commercial use of the site as a livery yard and shall not be used as dwelling at any time.

Reason: The creation of a separate and independent unit would not comply with the 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 70/19      19/1823/FUL – Single storey rear extension at 62 KENILWORTH DRIVE,  
CROXLEY GREEN, WD3 3NW**

Councillor Steve Drury left the meeting during the consideration of this application.

The Planning Officer had no update.

Councillor Chris Lloyd moved that Planning Permission be Granted subject to conditions, seconded by Councillor Stephen Cox.

On being put to the Committee the motion was declared CARRIED the voting being 10 For, 0 Against and 0 Abstentions.

RESOLVED:

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

**PC 71/19 19/1842/FUL – Single storey rear extension at 1 MANOR WAY, CROXLEY GREEN, WD3 3LU**

The Planning Officer had no update.

Councillor Chris Lloyd moved, seconded by Councillor Steve Drury that Planning Permission be Granted subject to Conditions.

Councillor Debbie Morris asked if the Chairman could write to Croxley Green Parish Council to say if they are calling in an application to the Committee they attend the meeting and provide a planning reason on why they called in the application.

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 Officer report.

**CHAIRMAN**