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## **PLANNING COMMITTEE**

### **MINUTES**

of a meeting held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on Thursday 19 March 2020 from 7.30pm to 8.01pm.

Councillors present:

Sarah Nelmes (Chairman)	Keith Martin (Vice Chairman)
Sara Bedford	Chris Lloyd
Matthew Bedford (for Cllr Khiroya)	Debbie Morris
Steve Drury	Stephen King

Also in attendance: Councillors Stephen Cox, Alison Scarth and Andrew Scarth

Officers: Claire Westwood, Suzanne O'Brien, Sarah Haythorpe

#### **PC 107/19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Marilyn Butler, Raj Khiroya, Peter Getkahn and Michael Revan.

#### **PC 108/19 MINUTES**

The Minutes of the Planning Committee meeting held on 27 February 2020 were confirmed as a correct record subject to the following amendment and were signed by the Chairman.

Page 4, Paragraph 3 Line 2 to add the words "and Eastbury".

#### **PC 109/19 NOTICE OF OTHER BUSINESS**

None received.

#### **PC 110/19 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."

Councillors Sara Bedford and Matthew Bedford both declared a pecuniary interest

in agenda Item 10 (20/0394/FUL – Demolition of detached garage and store and erection of single storey rear extension and two storey side extension at 102 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ) as they lived next door to the property and would leave the meeting for this item.

**PC 111/19 19/2117/FUL - Retention of temporary car park and associated works at CAR PARK, HENBURY WAY, SOUTH OXHEY, HERTFORDSHIRE**

The Planning Officer reported that there was no update.

Councillor Sara Bedford said the Council had been talking to Countryside about this and thankfully they had the presence of mind to construct the car park to permanent car parking standards rather than temporary. There was very little work that had to be done apart from changes to signage etc. The car park had proved popular and a car parking survey had been carried out. The car park would be a welcome addition to the South Oxhey area by both residents and visitors.

Councillor Debbie Morris said it was confusing to describe the application as the retention of the temporary car park because it implied that any permission granted would be for a temporary car park. Watford Rural Parish Council had asked for a designated area for traders to park on market days and asked was that something that could be accommodated.

The Planning Officer noted the comments regarding the description of the application but felt that it was correct. With regards to the market traders, discussions were taking place with colleagues in a separate department to discuss use by market traders. It was outside of planning and would not be something that could be secured by condition as a result of granting permission.

Councillor Stephen Cox said a survey had taken place by the local Political Party which showed a remarkably similar level of public support to the request made by the Parish Council. He had reply slips to show public support. In the report he noted that the Council had contacted 42 properties with no objections. For clarity, he had received one objection from Filton House which said they would prefer not to have the area as a permanent car park. It was quite clear that there was local support.

Councillor Sara Bedford moved, seconded by Councillor Matthew Bedford, that Planning Permission be Granted subject to the conditions set out in the officer report.

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 112/19 19/2133/FUL - Demolition of existing buildings and provision of 345 residential units (Use Class C3) in 2 buildings ranging from 3-7 storeys including a 1 and 2 storey podium; 621sqm of flexible commercial floor space (Use Class A1-A5, B1, D1/D2); 1,754sqm retail floorspace (Use Class A1) podium and surface level car and cycle parking; landscaping; and associated works at LAND AT SOUTH OXHEY, SOUTH OXHEY CENTRAL, HERTFORDSHIRE**

The Planning Officer reported that in relation to NHS contributions set out in the table at 7.22.6, it had come to light that the NHS had 'double counted' in that they

sought contributions for 514 dwellings at the time of the HPP, 200 of which form part of this application. However, they have now requested contributions for 345 dwellings, thereby counting 200 units twice. The approach should be the same as per HCC Property Services who are seeking contributions on the uplift of 145 dwellings. This is because the contributions associated with the HPP are still to be secured.

That Condition C38 (bats) to be amended to read:

“A dusk presence/absence bat survey of the low-risk roost features identified in Table 1 of the Bat report should be undertaken prior to demolition should this take place between the months of April to September inclusive. The survey must be undertaken by suitably qualified ecologists, in accordance with Bat Conservation Trust’s Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition) recommendations for structures with low risk of supporting roosting bats; advice provided in the survey must be followed.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).”

Councillor Stephen King said he was disappointed there would be no 4-bedroom dwellings. Had details of the development been sent to the RNIB? The Planning Officer said there was no requirement for the Council to do that. The Officers had assessed the application in accordance with Council policies and had not consulted the RNIB.

The speaker in support of the application declined to speak.

Councillor Stephen Cox said the application was clearly in favour of the developers. He thought it was worth remembering that the 96 social rented houses were there in the first place. If you look at the gain that would be derived in terms of affordable housing as a whole we were nowhere near the 45%. He felt the best the Authority could say it was going to get up to and including the 96 was 27.5% elsewhere referred to as 28. He felt that with 80 more homes going to the developers and 65 to the community it was tilted unfairly.

Councillor Sarah Nelmes said that this application did bring the number of social housing and affordable housing above the original which was good to see.

The Planning Officer said that the Officer recommendation was to Grant Planning Permission subject to the Conditions in the report and an amendment to Condition C38 (Bats) and subject to the completion of a Section 106 Agreement:

Councillor Sarah Nelmes moved, seconded by Councillor Keith Martin, that Planning Permission be Granted subject to the Conditions in the report and an amendment to Condition C38 (Bats) and subject to the completion of a Section 106 Agreement:

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 6 For, 0 Against and 2 Abstentions.

RESOLVED:

That Planning Permission be Granted subject to the Conditions set out in the Officer report and an amendment to Condition C38 (Bats) and subject to the completion of a Section 106 Agreement. Condition C38 to read:

A dusk presence/absence bat survey of the low-risk roost features identified in

Table 1 of the Bat report should be undertaken prior to demolition should this take place between the months of April to September inclusive. The survey must be undertaken by suitably qualified ecologists, in accordance with Bat Conservation Trust's Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition) recommendations for structures with low risk of supporting roosting bats; advice provided in the survey must be followed.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**PC 113/19 19/2419/OUT - Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved) at LAND TO THE SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY**

The Planning Officer reported that the Landscape Officer had responded and raised no objections to the principal of the development in relation to the impact on trees. Members were advised of some amendments to the Conditions as follows:

Condition 20 relating to contamination needed to be revised to refer to Condition 13. It just refers to the incorrect condition previously.

Condition 23 needs to be amended to in relation to the implementation of the travel plan.

Councillor Debbie Morris asked if there was any way that the Committee could condition the six parking spaces being provided as part of the outline application. The Planning Officer advised that did form part of the outline application and were within the application site. There was a management condition to ensure that they served the existing residents because it would result in the loss of the existing four spaces.

The Planning Officer clarified that they were not able to find the condition but would ensure a condition was added with regard to the parking spaces which did form part of the planning application and was within the red line of the site.

Councillor Stephen King wondered if due to the lack of residents attending with the COVID-19 outbreak could the application be deferred to next month.

Councillor Sarah Nelmes said there had been discussion on this but there is a cycle of meetings. If we deferred the application we might not be able to meet next month and the next month. It could be that we would have to defer for 3/4 or 5 months for everyone who is self-isolating and was why we gave residents the opportunity to put in a representation in some other ways. It was not in our view feasible to keep deferring applications because we would just put ourselves into a cycle of never moving forward.

Councillor Stephen Cox said he had an issue with the 300 dwellings figure. It said in the report that while the Heysham Drive residential estate would remain as 300 dwellings. If you top this up with the 53 according to the figures he had received from the Council today you would have a single access from Heysham Drive onto Prestwick Road for 311 properties. There was also reference that Foxgrove Path was going to cease to be quiet sleepy cul-de-sac as it had been for 50 or more years and turned into a two way through street. It appeared that would be 4.8

metres wide not 5.5 metres as one might expect. He asked for clarity on this from Officers and whether any more information had been received from Herts Fire and Rescue and if they were happy with the single access from Heysham Drive onto Prestwick Road for what would be over 300 properties.

The Planning Officer clarified to Councillor Morris that Condition C17 related to the six parking spaces. Herts County Council Highways had been consulted and referred the application to Herts Fire and Rescue who had raised no concerns. This application resulted in a net gain of 4 dwellings in relation to an existing extant permission.

Councillor Andrew Scarth said although he supported the housing the increase in numbers from the original application of up to 53 was a concern, although this is not definite. When it gets to the actual planning application stage he would like to see due care given to those residents who face opposite onto what is a field but will become housing so they are not overlooked by potentially 4 bedroom properties. He was pleased that parking spaces would be allocated for Foxgrove Path residents and this was increasing to 6 from 4. On the ponding he trusted that the Thames Water Authority and all the other authorities involved had got it right so there was absolutely no chance of surface water flooding now and in the future.

The Planning Officer said because it is an outline application they were only seeking permission for access. Officers understand the concerns raised regarding matters such as overlooking and those would be fully assessed on the reserved matters application. With regard to any drainage issues the Lead Local Flood Authority had reviewed the application and raised no objection. The Planning Officer said they often do have objections at this stage of the application but had not objected to this application. They knew that they were stringently reviewing everything and Officers were confident that these matters had been addressed and as such had set out the Conditions in the report.

Councillor Sarah Nelmes said this was an outline application and not the full application.

Councillor Sara Bedford said the layout was indicative at this point so this was not necessarily the final layout or disposition of housing. It was an indicative layout to show it can be provided on the site. She asked if Officers knew the actual density per hectare. The Planning Officer said that information was not included in the report because it's just the access and they had not considered density or dwellings per hectare. Generally applications are not assessed in relation to density, but are assessed whether they meet+ parking restrictions, distances etc.

Councillor Sara Bedford said she was merely interested in comparisons to other developments. The Planning Officer said it was not a calculation officers had done. It is an indicative layout and Officers felt that it demonstrated there was amenity space and space around dwellings and the site can accommodate the development.

Councillor Sara Bedford moved, seconded by Councillor Sarah Nelmes that Outline Planning Permission be Granted subject to the conditions set out in the Officers report and the following amendments:

Condition 20 relating to contamination needed to be revised to refer to Condition 13. It just refers to the incorrect condition previously.

Condition 23 needs to be amended to in relation to the implementation of the travel plan.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being 6 For, 1 Against and 1 Abstention.

RESOLVED:

That OUTLINE PLANNING PERMISSION BE GRANTED subject to the conditions set out in the Officer report and the following amendments:

Condition 20:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 23:

The approved Travel Plan (reference 1394-WOOD-XX-XX-RP-OT-0002\_A\_P02) shall be implemented at all times following first occupation and its requirements adhered to in full.

Reason: To ensure that sustainable travel options associated with the development are promoted in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013).

**PC 114/19 20/0108/RSP - Part Retrospective District Council Application: Refurbishment of existing play area including the installation of new equipment and the relocation and erection of fencing at SWILLET PLAY AREA, HERONSGATE ROAD, CHORLEYWOOD**

The Planning Officer had not updates to report.

Councillor Sarah Nelmes clarified that the application had come back due to the fence. The Planning Officer said an application was recently approved. There was no change to the siting, location or any of the play equipment the issue was in relation to the red line to the south east and the grey line just inside it. Previously the red line was below the grey line so there was a slight discrepancy. This application was submitted to overcome that technicality.

Councillor Chris Lloyd moved, seconded by Councillor Debbie Morris, that part retrospective Planning Permission be Granted subject to the conditions set out in the officer report.

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

RESOLVED:

That Part Retrospective Planning Permission be Granted and has effect from the date on which the development was started and subject to conditions set out in the Officer report.

**PC 115/19 20/0137/FUL - Extension to the existing accessible car park at WILLIAM PENN LEISURE CENTRE, SHEPHERDS LANE, MILL END, WD3 8JN**

The Planning Officer said that Condition C2 needed to refer to the plan numbers and needs to be amended.

Councillor Debbie Morris said there was reference to a replacement tree for the Ash tree which was being removed. Whilst she appreciated that we are the applicant could that be conditioned. The Planning Officer said that could be conditioned and it was the applicant's intention.

Councillor Steve Drury said he would like this taken further and that the applicant replace the tree with two trees not necessarily together but somewhere near the same site. The Planning Officer said Officers can look at that but part of the issue was it was quite a tight area within the red line. Landscaping say for the trees to thrive there would need to be a particularly long distance between them so was not sure if it would be feasible.

Councillor Steve Drury asked if the second tree could be planted on the other side of the road The Planning Officer would need to consider that as it would be outside the red line of the application site but Officers will consider a way to do that.

Councillor Sara Bedford said she understood there was to be some tree planting on the other side of the road. There seemed little point planting something there that would either prevent the new tree from thriving or in years to come obstruct the disabled/accessible parking spaces we will be building.

Councillor Sarah Nelmes said it was sensible to put the accessible/disabled parking spaces on the correct side of the road. The Planning Officer said a condition could be added to require one tree to be planted and an informative requesting that the applicant also considers additional tree planting outside of the site.

Councillor Steve Drury moved, seconded by Councillor Chris Lloyd, that Planning Permission be Granted, subject to the conditions set out in the officer report with Condition C2 (plans) to be updated and with an additional condition to secure planting of replacement tree and an additional informative to encourage additional tree planting to be added

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 conditions set out in the officer report with C2 (plans) to be updated. An Additional condition to secure planting of replacement tree to be added and an Additional informative to encourage additional tree planting.

**C2 amended:**

The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC0001 (Location Plan), TRDC0002 (Existing Plan), TRDC0003 (Proposed Plan)

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM9, DM11, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013).

Additional condition regarding landscaping:

The proposed replacement tree shall be planted before the end of the first planting and seeding season following completion of the development. If the tree shown to be replanted is removed, dies, become severely damaged or diseased within five years of the completion of development it shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Additional informative:

The applicant is encouraged to consider additional replacement tree planting where possible including on land outside the red line location plan accompanying this application.

Councillors Matthew Bedford and Sara Bedford left the meeting.

**PC 116/19 20/0394/FUL – Demolition of detached garage and store and erection of single storey rear extension and two storey side extension at 102 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ**

The Planning Officer said that Abbots Langley Parish Council had raised no objections.

The Planning Officer advised that the Committee had previously approved the side element. The difference was the single storey rear extension. Members noted that there is an existing outbuilding at the application site on the boundary. The extension to the rear is less deep than the existing outbuilding and also set off the boundary and officers consider it is acceptable. The extension would not be on the boundary so there would be more space to that side.

Councillor Debbie Morris moved, seconded by Councillor Sarah Nelmes, that Planning Permission be Granted subject to the conditions set out in the officer report.

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

RESOLVED:

That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to the conditions set out in the Officer report.

