
PLANNING COMMITTEE**MINUTES**

For a virtual/remote meeting held on Thursday 10 September 2020 at 7.30pm – 10.00pm

Councillors present:

Councillors:-

Chris Lloyd (Chairman)

Raj Khuroya (Vice-Chairman)

Sara Bedford

Steve Drury

Peter Getkahn

Keith Martin

Shanti Maru (substitute for Cllr Marilyn Butler)

Stephen Cox (substitute for Cllr Stephen King)

Debbie Morris

David Raw

Alison Scarth

Also in attendance:

Officers: Adam Ralton, Claire Westwood Freya Clewley, Matthew Barnes, Geof Mugeridge, Kimberley Rowley, Sherrie Ralton and Sarah Haythorpe

PC 26/20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stephen King and Marilyn Butler with Councillors Stephen Cox and Shanti Maru as the named substitutes.

PC 27/20 MINUTES

The Minutes of the Planning Committee meeting held on 13 August 2020 were confirmed as a correct record by the Committee and would be signed by the Chair of the meeting.

PC 28/20 NOTICE OF OTHER BUSINESS

There was no other business.

PC 29/20 DECLARATIONS OF INTEREST

Councillor Chris Lloyd 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 Councillor’s. The Committee Report in itself is not the sole piece of information to be considered. Prepared speeches to be read out are not a good idea. They might suggest that you have already firmly made up your mind about an application before hearing any additional information provided on the night and they will not take account of information provided on the night. You must always avoid giving the impression of having firmly made up your mind in advance no matter that you might be pre-disposed to any view.”

Councillor Debbie Morris declared a non-pecuniary interest in agenda item number 7 as she was a friend of a neighbour to the property (20/1231/RSP Part Retrospective: Part single, part two storey rear extensions, rear dormer window, alterations to front porch, internal alterations, alterations to fenestration, hanged tile to first floor rear extension wall and alterations to hard and soft landscaping including new front boundary wall, retaining walls, driveway, rear raised patio and new planting at 21 ASTONS ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LB) and left the meeting on consideration of this application.

PC 30/20 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 Members had resolved to grant planning permission for this development in March this year subject to conditions and the completion of a Section 106 agreement. This report dealt solely with an amendment to the affordable housing condition.

Councillor Debbie Morris queried Paragraph 2.1.9 of the report which stated that the 3 month Mortgage in Possession (MIP) clause was accepted but the other conditions such as costs and expenses were not. She asked what would happen if the application was approved but the other elements were not.

The Principal Solicitor advised that the principle point was the length of the clause and reduction from 5 to 3 months to reflect the 2016 permission. The applicant wished for the chargee, in the event of default, to be able to recover not only the principle monies owing under the charge but also any interest. Officers did not recommend that the additional element should be included in the condition. It was not believed that this would be significant and that the absence of the additional element would not adversely affect the outcome. Home Group would be satisfied with the clause as drafted.

Councillor Shanti Maru joined the meeting and was given an update on what had been discussed and the update given by the Officers.

Councillor Sara Bedford asked how the point on the costs and expenses had been dealt with in the 2016 application with the 5 months MIP clause.

The Principal Solicitor advised that the MIP clause was much shorter on the question of the extent to which the mortgagee could recover monies owing under the charge and any additional costs.

Councillor Sara Bedford said so the effect of that is the same as what was being recommended although slightly different wording.

The Principal Solicitor said the freedom that the clause gives in the event of a default was very similar.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke in support of the application.

Councillor Stephen Cox said he felt the 65 affordable homes mentioned was imperative but questioned 80 going to Countryside. He did support this application.

Councillor Debbie Morris had concerns that the Committee were being asked to make commercial judgements on very little information therefore would be abstaining from the vote.

Councillor Peter Getkahn moved the recommendation that Planning Permission be Granted subject to the conditions set out in the officer report and the completion of a Section 106 agreement, seconded by Councillor Sara Bedford.

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

RESOLVED:

That Planning Permission be Granted subject to the Conditions and Informatives as set out in Appendix A of the Officer report, with Conditions C3 (Affordable Housing) and C38 (Bats) and Informative 9 (Affordable Housing – Definitions) amended as set out in the Addendum Report (September 2020) and subject to the completion of a Section 106 Agreement.

PC 31/20 20/1163/FUL - Erection of outbuilding to rear garden including accommodation at first floor level served by dormers at 11 GALLOWS HILL, ABBOTS LANGLEY, WD4 8PG

The Planning Officer reported that whilst Network Rail had made a holding objection on the application, the amended plans showed that the outbuilding had been moved further from the rear boundary so that it would now be a minimum of 3m from the site boundary. Network Rail had not yet responded confirming that no further details were required however the proposal would now be in accordance with their standard advice in relation to its siting.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke in support of the application.

Abbots Langley Parish Councillor Jon Tankard said the house was a familiar building to many residents of Abbots Langley, set back from the main highway and had a somewhat subservient nature to its neighbouring modern structures. The character of the front facade gave it a strong element on the site. The Parish Council were keen to maintain the history and character of the village therefore had given the application some scrutiny. Given the steeply sloping levels of the site, the distance and height of the proposed structure to the main house it did imply a subservient character which did not conflict with the existing structure. Given the dominant front façade of the main dwelling it was felt the building form and materials would be further subservient. The listed building had been extensively extended to the side and rear, therefore no rear garden structure would ever address the historic element of the house. The main view from the proposed building was to the main house which was dominated by the aforementioned extensions and other dominant neighbouring buildings. The proposed building would not be visible from the public highway, furthermore it was felt that this was a good solution to accommodate the necessity of homeworking rather than imposing modern office requirements onto a listed structure. The Parish Council supported the application.

Councillor Sara Bedford said she understood the wish to have a home office facility, however this would be more than a home office as it included a gym. The

issue was that it may be a single storey building with a mezzanine level but it looked like a two storey building and had been designed to replicate the features of the existing dwelling which was concerning. The speaker said that this building was constructed because the Government was telling everyone to work from home. That might have been the case 4 months ago but now the Government were telling people to go back to work and this was not a valid point. She would be more comfortable if it did not look like a two storey dwelling. She would feel very uncomfortable if the Council were going to go against the comments of the Conservation Area Officer regarding the value of the Heritage asset and the effect upon it. In the past the Committee had refused a number of applications on that basis and in at least one case the Committee had added a condition about the effect of the Heritage asset. If the Committee were thinking of going against the Officer recommendation they should have a very good reason.

Councillor Debbie Morris said the dwelling looked like a second home in the garden of a Grade II Listed Building which was a special asset. It was important to protect not only the intrinsic building but the context of the building i.e. the surrounding in which it sits. She also had concerns regarding the dimensions of the proposed property being 5.6 metres high which would be virtually as high as an average two storey dwelling. At 50 square metres it was two thirds of the footprint of a standard three bedroom house. If the applicant wanted to work or exercise from home they needed to produce a more modest building.

Councillor Stephen Cox agreed that the Council should uphold the comments of the Conservation Area Officer.

Councillor Sara Bedford moved the recommendation to refuse the application, seconded by Councillor Debbie Morris.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being 9 For, 1 Against and 1 Abstention.

RESOLVED:

That Planning Permission be Refused as set out in the Officer report.

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

PC 32/20 20/1231/RSP - Part Retrospective: Part single, part two storey rear extensions, rear dormer window, alterations to front porch, internal alterations, alterations to fenestration, hanged tile to first floor rear extension wall and alterations to hard and soft landscaping including new front boundary wall, retaining walls, driveway, rear raised patio and new planting at 21 ASTONS ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LB

The Planning Officer reported an additional plan had been received giving details on the proposed front door. As such, the plan numbers condition (Condition 1) should be amended to include this additional plan. In addition, Condition 3 should be amended to require the front door and adjacent fenestration detail to be installed in accordance with the submitted details.

A further objection had been received this week from MP1958 Ltd in regard to the amended drawings. In summary, their strong objections to the scheme remained and had not been satisfactorily addressed through the amendments. They considered that the LPA should fully re-instate the character and appearance of the pre-1958 dwelling and had concerns regarding the extent of demolition undertaken. They noted that the site was 1, not 2 plots. They considered there

was excessive hardstanding to the frontage which was urbanising in its appearance. The front boundary should be landscaped as previously. The bin area detracts from the character of the area. The rear dormer was bulky and appeared cramped. The rooflights were visible from the street and should be removed.

Officers noted the objections but, the material considerations were considered to have been addressed in the report and the recommendation was for approval.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke against the application.

Ward Councillor Joanna Clemens said the Conservation Officer had originally raised 13 points of concern and had not recommended the application be accepted. Some neighbours had strong objections. The applicant had made some attempts to ameliorate the design, with the latest being an improvement on the one before. She welcomed the improved windows but it was a small improvement when considered in the overall scheme which was contrary to the Conservation Area. The concrete hardstanding amounted to about 50% of the site as opposed to 15% which was what it should be. The house looked like it could be on any modern executive homes development rather than in the Moor Park Conservation Area. It was a pre-1958 building, but could not see any aspect of the Conservation Area being observed and the back was completely incongruent with the front. If Members were minded to approve the application there should be a condition that the refuse bins be removed to the rear of the property and the hedge re-instated. She was concerned that this application was a retrospective application and defied the spirit of the Conservation Area.

The Planning Officer said in respect of some of the points raised by both speakers on retrospective applications, Officers understood the points made but ultimately the legislation allowed for the submission of a retrospective application, whether or not it was thought the order of things were correct or not. The applicant was seeking planning permission to put right the development. Any permission granted would be conditional on all the works being undertaken. There were a number of conditions included as Officers wanted to deal with all the different elements of the development and it was felt that this was the most appropriate way. It was clarified that there was no bins store proposed to the front of the site. There was no requirement for planning permission on the siting of the refuse bins.

Councillor Raj Khiroya said that planning permission was previously granted. He had looked at all the conditions attached to this application and felt that the conditions were robust. The proposals were an improvement and he did not agree with the comments made and felt the applicant should not be penalised for trying to improve the house.

Councillor Raj Khiroya moved the recommendation that planning permission be granted subject to the conditions set out in the officer report, seconded by Councillor Peter Getkahn.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting in accordance with the officer recommendation and with amendments to Conditions C1 and C3 the voting being 8 For, 2 Against and 0 Abstentions.

RESOLVED:

That PART RETROSPECTIVE PLANNING PERMISSON BE GRANTED and has effect from the date on which the development is carried out and is subject as set out in the Officer report and with amendments to C1 and C3

Condition C1 to read:

Within TEN MONTHS from the date of the permission, the works hereby permitted shall be carried out in accordance with the following approved plans:

Pre-Existing: 020; 021; 022.

Existing: 003 REV A; 004 REV A; 005 REV A; 006 REV A; 007 REV A; 008 REVA 017 REV A.

Proposed: 001; 008 REV B; 009 REV A; 010 REV B; 011 REV B; 012 REV B; 019 REV B.

Landscaping: 016 REV A (Amended 17 August 2020); TH/A3/2032D (Tree methodology).

Materials: 016 REV A (Schedule of Works Amended 17 August 2020); Roof Tile Sample (May 2020).

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013 and the Moor Park Conservation Area Appraisal (adopted 2006).

Condition C3 to read:

No development shall take place whatsoever until design details of the front door have been submitted to and approved in writing by the Local Planning Authority and no front door shall be inserted other than that approved and in accordance with the timing as set out within Condition 1.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

Councillor Debbie Morris returned to the meeting.

PC33/20

20/1288/FUL - Single storey side extension and internal alterations to provide annexe accommodation, two storey rear extension including roof terrace and front infill extensions (amendment to planning permission 19/2069/FUL) at WILLOW TERN OVERSTREAM, RICKMANSWORTH, WD3 4LD

The Planning Officer reported that there was no update.

Councillor Peter Getkahn asked if there were any provisions being made to prevent the dwelling from being split into two separate dwellings.

The Planning Officer said Condition 5 required the single storey side extension to be occupied only as incidental to the enjoyment of, and ancillary to, the residential dwelling on the site and it should not be used as an independent dwelling at any time.

Councillor Peter Getkahn asked if that would last for a certain amount of time or forever. The Planning Officer said that it was in perpetuity and that the condition

was relevant until such time that it is either breached within 10 years or if someone applies for it to be varied or removed.

Councillor Stephen Cox had looked at the comments made by Chorleywood Parish Council and could not understand the point on overlooking as the site was secluded. He was happy to recommend the officers recommendation.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke in support of the application.

Parish Councillor Zenab Haji-Ismail thanked the officers for the clarity on the plans which had addressed the Parish Council concerns. If Members were minded to approve the application, could a landscaping condition be included so that the development continued to contribute to the character and appearance of the Loudwater Conservation Area.

The Planning Officer said that Officers did not think a landscaping condition would be relevant or necessary to make the development acceptable, appropriate or reasonable and had not considered putting on a landscaping condition for that reason. There was a Tree Protection Condition to make sure the existing vegetation was safeguarded during construction work but in terms of a landscaping condition it was not relevant.

Councillor Sara Bedford agreed with the Planning Officer regarding the landscaping condition and that the Tree Protection Order was adequate. The trees on site were protected as it was within a Conservation Area.

Councillor Sara Bedford moved the recommendation that planning permission be granted subject to the conditions set out in the officer report, seconded by Councillor Stephen Cox.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being unanimous.

RESOLVED:

That Planning Permission be granted subject to the conditions set out in the Officer report.

PC34/20 20/1363/FUL - Partial demolition of existing dwelling and erection of two storey side and rear extensions, loft conversion including dormer windows, alterations to fenestration and extension to raised driveway with balustrading and steps to front garden at CHELSEA HOUSE, 10 ASTONS ROAD, MOOR PARK, HA6 2LD

The Planning Officer reported four additional neighbour comments had been received in support of the application. These related to the improvements the proposal would make to the streetscene and Conservation Area and the poor state of the existing property.

Councillor Debbie Morris said although there were four letters of support there were also three letters of objection. Could officers confirm that the extensions being demolished were not pre-1958 structures? She asked the Officer to explain the extent of the increase of hardstanding being introduced, the boundary treatment with the additional balustrading, the total height of the balustrade that was on top of the wall and what the total height of the wall and balustrading would be. Under one of the conditions there was a demolition method statement required and it was

important that if this application was passed, that the element of the building that was to be retained would be structurally preserved and that the plans had been assessed by Structural Engineers.

The Planning Officer said with regard to the extensions being demolished the entire projection to the left was a combination of two extensions that were implemented in the 1980's, the single storey extensions to the right were also implemented in the 1980's. It was considered by Planning Officers and the Conservation Officer that the first floor element of the dwelling that was being demolished was an extension. The main flank of the dwelling had been punctured through to access that particular projection and given the construction method used, the design and the fact that the dwelling would have been symmetrical when constructed it was highly likely that was also an extension. However, Officers could not say for certain because unfortunately this element was not shown on the historic plans which were viewed by Officers. In terms of the increased hardstanding, the hardstanding to the front of the dwelling would be increased by 2.4 metres in depth and an overall increase of just over 4% in hardstanding. Therefore it was not considered to be significant in terms of the proportions of the site. There was significant soft landscaping to the front that would be retained. In terms of the balustrading, the existing retaining wall was approximately 1.2 metres in height and this had been confirmed by the agent who had visited the site.

The proposed retaining wall would be 0.8 metres in height with a 0.6 metres height balustrading and would have an overall height of 1.4 metres. This would be an increase of 0.2 metres however the balustrading would be open rather than a plain brick wall and on balance it was considered that this increase would be acceptable. The demolition method statement had been reviewed by a Building Control Surveyor who agreed that it was highly likely that the original dwelling would be able to be retained using the methods that had been put forward and Officers had no reason to disagree with that.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke in support of the application.

Councillor Raj Khiroya said he had read the report and been on site and this was a vast improvement and would like to move the Officer's recommendation.

Councillor Stephen Cox said he supported the application and agreed that it as a vast improvement and it was sympathetic to the original design of the building. There would be plenty of mature vegetation to the front garden and seconded the motion

Councillor Sara Bedford said she thought it was a great enhancement of the building.

Councillor Shanti Maru also agreed and supported the recommendation.

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

RESOLVED:

That Planning Permission be granted subject to the conditions set out in the Officer report.

PC35/20

20/1494/FUL - Variation of Condition 2 (Approved Plans) of planning permission 19/2213/FUL (Demolition of existing workshops and construction of a two-storey building containing 4 residential units (Use Class C3) including accommodation within the roof served by dormers to the front and

rooflights to side and rear, alterations to vehicular access, associated car and bicycle parking, refuse and recycling storage, landscaping and associated works) to allow for internal alterations to the first and second floor level units at GREYSTONE WORKS, THE GREEN, CROXLEY GREEN, HERTS, WD3 3AN

The Planning Officer reported that there was no update.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke in support of the application.

Councillor Debbie Morris asked if officers could confirm that if this property had already been built, that permission would not be needed for the internal changes.

The Planning Officer said the internal changes were not classed as development so would fall outside of the scope of planning control for existing buildings.

Councillor Stephen Cox said he always looked at sympathetically the concerns of Parish Councils but on this application he found the objections a little wanting and was in support of the application.

Councillor Sara Bedford could not see the harm in the changes proposed in terms of the internal layout. If this was already built the applicant would be entirely able to change the layout to be able to suit a families requirements. This was a development on previously developed land within an urban area that we would want to see even though it was very slow progress towards the number of homes the Government thought we should be building in Three Rivers. She was in favour of the recommendation.

Councillor Raj Khiroya said the application was only at the Committee because it had not been built and it was an internal reconfiguration and supported the Officer's recommendation.

Councillor Debbie Morris moved the recommendation that planning permission be granted subject to the conditions set out in the officer report, seconded by Councillor Stephen Cox.

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

RESOLVED:

That PLANNING PERMISSION BE GRANTED, subject to the conditions set out in the officer report and subject to the completion of a Section 106 Agreement.

PC36/20

20/1537/FUL – Variation of Condition 2 (Approved Plans), 3 (Materials), 6 (Energy Saving Measures) and 7 (Parking) of planning permission 19/1166/FUL: (Demolition of existing dwelling and construction of detached two storey dwelling with raised access to front, raised decking area to rear and alterations to frontage) to allow increase in height of dwelling, alterations to fenestration, changes to materials and boundary treatment and changes to energy saving measures at 86 HIGHFIELD WAY, RICKMANSWORTH, WD3 7PH

The Planning Officer reported the Standard Assessment Procedure (SAP) calculations had been received in relation to the energy saving measures, however

these were not accompanied by an executive summary and therefore Condition 4 was still recommended as worded within the Officer Report.

Councillor Sara Bedford said the comments in the officer's report regarding the dropped kerb at the front of the dwelling and its differing access for the required number of parking spaces was unclear.

The Planning Officer explained that there were two existing dropped kerbs that would not be altered either side of the property. One section of hardstanding would accommodate one car and the other a further two cars.

Councillor Sara Bedford understood that there would be no increase to the width of the dropped kerbs accessing the highway therefore was confused by the Parish Council's comment. There were no comments regarding Section 278 from Highways.

The Planning Officer advised that was correct there were to be no changes.

Councillor David Raw said Paragraph 7.2 of the Officers report stated '*The proposals to have regard to the local context and conserve or enhance the character, and quality of an area*'. This application would not improve the area, and would not match the character and appearance of the surrounding area.

Councillor Stephen Cox said he took a different view. The difference in what appears in the streetscene at present was a stark contrast at the moment to the three existing properties that had been shown and did not bear any similarities. He was confused regarding the Parish Council's comments on the ridge height, and could not find a reason to object to this application. He was happy to move the recommendation to approve.

Councillor Peter Getkahn asked Officers to confirm if the application was in a Conservation Area. The Committee were not meant to make judgement calls on architectural styles of buildings.

The Planning Officer said that the application was not located in the Conservation Area, and the design in principle had already been approved. This application sought to change some minor details in regard to the overall design, the window placement, ridge height and materials as set out in the Officer's report.

Councillor Sara Bedford said this was not a new application and the principle and the quantum of the development had already been agreed. There was a mix of different properties in the area and it was not within a Conservation Area. There was no uniform character in the area and could not see that the application would be out character.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke in support of the application.

Chorleywood Parish Councillor Zenab Haji-Ismail said the application had been called in because the Parish Council had concerns regarding the loss of the grass verge which officers had not addressed in the report. The conclusion in Paragraph 7.2.3 of the report was misleading and the grass verges were an important feature in the street scene. The site plan should be viewed carefully as the property comprised of a short drive and hardstanding which would be extended as there was no other way this could be accommodated without extending it. In order to access the car parking spaces one would have to drive over the grass verge. The proposed change would alter this part of the street scene. The Council could not

claim to be protecting the natural environment when they were happy to let natural features go for an additional parking.

The Planning Officer showed the Google street view and indicated the existing dropped kerbs. There would be no alterations proposed in terms of the extension of the dropped kerbs or the loss of the grass verge. From a technical point of view Highfield Way is an unclassified road and if the applicant wanted to alter or add a dropped kerb this would require permission from Herts County Council.

Councillor David Raw asked the Planning Officer if there were any planning rules regarding flat roofs in the area.

Councillor Shani Maru dropped out of the meeting.

The Planning Officer said in terms of the flat roof Officers assessed each application on its own individual merits. On this application it forms part of the architectural design of the building. The property directly adjacent to the site had multiple different roof forms as that was part of its individual architectural style and design.

Councillor Stephen Cox said he had listened to the Parish Council's concerns regarding the grass verge but could not see it would be removed therefore, supported the Officer recommendation to grant planning permission subject to the conditions set out in the Officer report, seconded by Councillor Peter Getkahn.

The Committee Manager asked the Chair of the meeting if he wanted to continue as Councillor Shani Maru was still absent, the Chair decided to continue.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being 8 For, 0 Against and 2 Abstentions.

RESOLVED:

That Planning Permission be granted subject to the conditions set out in the Officer report.

PC37/20 20/1603/FUL – Single storey front and rear extensions, internal alterations to offices at THE PAVILION, GREEN LANE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LT

Councillor Shanti Maru re-joined the meeting.

The Planning Officer reported there was no update.

Councillor Alison Scarth said this site was regarded as an amenity for the ward on the edge of South Oxhey playing fields. Previous applications had shown a bar and restaurant and in 2018/19 the applications had shown the use of a Bar/restaurant or café for the users of the playing fields for sports and recreation use and would provide an amenity for the local area. It was very disappointing to find the bar and restaurant had disappeared to be replaced by offices. However she did not object to either of the extensions.

Councillor Keith Martin said the site was an eyesore surrounded by hoardings and boards. The Pavilion was regarded by the local community as an asset but the applicant wanted to turn it into a office block. The extensions would not be dissimilar to those granted in December 2018, but the use for residents appeared to have disappeared.

Councillor Sara Bedford agreed with comments made and had been asked by local residents about the future of the building. The Pavilion was a local asset when it was a bar and restaurant. It seemed that they wanted to change the use completely which residents had concerns about.

Councillor Debbie Morris said in order to deal with the issue of the new office space being let out to others outside the existing proposed business, could a condition be added to make sure that the office use was ancillary to the main use of the building.

The Planning Officer said an ancillary use condition could be added to any consent granted should Members think it was relevant to the application.

Councillor Stephen Cox agreed with the additional ancillary use condition. He felt it would not be an asset for the local community.

Councillor Sara Bedford said that even if a condition was placed saying use of the offices be ancillary to the business there was no other business on the site and she failed to see how that amount of office space would be required for a pub/restaurant. She felt that granting the application could make the building move one step closer to becoming an office or flats with further storeys added. She proposed refusal on the basis of the change of use would not be appropriate here, and would like to know what Officers thoughts were, because it would be a disservice to the local community if it was approved.

The Planning Officer said the application being considered tonight was for single storey front and rear extensions and internal alterations. If Members were considering refusing planning permission it would need to be made clear why the extensions and offices were considered to be contrary to a particular development plan policy. In the absence of that Officers would advise against a refusal on the basis that any recommendation to refuse would need to be based on sound development plan grounds in order for Officers to be confident that they could successfully defend any appeal. Members would need to provide more details on what grounds they wished to refuse the application, bearing in mind that this application was not a whole scale change of use or a material change of use.

Councillor Sara Bedford asked if there was any control on what the extra space in the extension could be used for.

The Planning Officer said the office accommodation existed already and would be ancillary to the primary use of the building. The majority of the floor space was not offices. A condition could be included to make the restriction clear that the offices were ancillary to the primary use. Not all the building was in use and with the multiple changes to permitted development rights, it would take a considerable amount of thought by Officers to provide a condition to achieve what Members were asking, bearing in mind the number of use class changes introduced recently by National Government, which added another layer of complexity.

Councillor Sara Bedford said this application would take floor space away from the original use. Members need to consider whether that would be ancillary or a material change of use.

The Planning Officer said it would be a planning judgement as to when a change of use becomes a material change of use.

Councillor Sara Bedford asked if it was then up to the Committee to decide if that was the situation. The Planning Officer said that was correct.

Councillor Keith Martin said there was no primary use and had not been for 2 years. Effectively if this application was approved it would provide additional offices. If an additional condition were added with the appropriate wording he could not see how the Committee could approve planning application based on the fact that a complicated clause would have to be produced. It would be more appropriate for this application to be refused and then to be submitted subsequently with that clause Officers were happy with. It was clearly an office development with no primary use and the local community were very unhappy.

Councillor Stephen Cox said he was unclear why they needed so much office space.

Councillor Debbie Morris asked whether there was a primary use. She understood that there was not an active business there but surely The Pavilion had a use class to which it was designated and therefore that was its primary use. The fact that it was not being used for that did not let the use class fall away. The extensions were small and in the context of permitted extensions in the Green Belt they fell within the 40% guideline that was used, therefore if the applicant went to appeal it was unlikely we could win.

Councillor Sara Bedford said she was not making any claim for refusal of the application on Green Belt grounds, but was concerned regarding the change of use. In 2015 the changing rooms were changed from a D2 use to B1a (Office Use) and that was permitted. There would be a time when the office use would overtake the use that was there which was an A3/A4 use as a Bar/restaurant. Once it became an office the owner could say it might as well become flats or houses. She would like to see if consideration could be given to look at those grounds for refusal with the exact wording to be delegated to Officers to come back to the next meeting.

The Chair of the meeting said due to the complexity of the points raised he would prefer a deferral.

The Planning Officer said in order to advise Members fully officers would need more time. The suggestion made regarding refusal, this would be a material change. It was a judgement to be made by the Committee on the material change of use which Members would need to consider and set out what harm they think would result from that and Officers would require more detail on this. It was advised to Members that the application's determination period was 1 October which fell before the next meeting. The application could be deferred for Officers to seek an extension of the determination period with the applicant but if the applicant was not willing to do this then they would have the option to appeal against failure to determine the application. There was a risk in deferring the application. If the application was refused they could also appeal the decision. Officers would prefer more time however, Members may want to make a decision rather than have a risk of an appeal against a failure to determine the application. Ultimately if Members considered it was a material change of use and explained what harm there would be in terms of the loss of the facility this could be a planning judgement.

Councillor Sara Bedford moved that the application to be deferred, seconded by Councillor Keith Martin.

The Officer sought clarification that the following information would be required by Members:

- Any information about what the suggested use of the office;

- Any information about the existing office to primary use floor space was and what the proposal would be;
- Whether they considered any other planning policies would come into play on the basis that there was a judgement of material change of use taking place.

Councillor Sara Bedford and Keith Martin confirmed the above was satisfactory.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being unanimous.

RESOLVED:

That the application be DEFERRED for officers to obtain further clarification on a number of matters, including the existing and proposed ratio of office use to other use, any further information in respect of the nature of the proposed office use, and provide details of any Development Plan policies which may be applicable in the event Members judge that a material change of use may occur.

CHAIR