

PLANNING COMMITTEE

Thursday, 18 July 2024 at 7.30 pm

SUPPLEMENTARY PAPERS

The following papers have been added to the agenda of the above meeting. They were not available when the agenda was originally published.

Joanne Wagstaffe, Chief Executive

2. MINUTES

(Pages 3
- 16)

To confirm as being a correct record, the minutes of the meeting of the Planning Committee, held on 13 June 2024.

To also confirm, as being a correct record, the minutes of the Planning Committee, held on 20 June 2024.

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

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Agenda Item 2

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 13 June 2024 from 7.30 pm - 9.18 pm.

Present: Councillors

Chris Whately-Smith, Chair
Philip Hearn
Chris Lloyd
Debbie Morris
Matthew Bedford
Sara Bedford
Elinor Gazzard
Chris Mitchell
Harry Davies

Officers in Attendance:

Claire Westwood, Development Management Team Leader
Scott Volker, Principal Planning Officer
Lauren Edwards, Senior Planning Officer
Anita Hibbs, Committee Officer

PC18/23 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PC19/23 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC20/23 DECLARATIONS OF INTEREST

There were no declarations of interest.

PC21/23 24/0120/FUL - VARIATION OF CONDITION 1 (PLANS) PURSUANT TO PLANNING PERMISSION 23/1809FUL TO INCLUDE ALTERATIONS TO THE DESIGN OF PLOT 3 TO INCREASE FOOTPRINT OF DWELLING AT GROUND AND FIRST FLOOR LEVEL, AS WELL AS ALTERATIONS TO FRONT DRIVEWAY, PROVISION OF RAISED REAR PATIO WITH ASSOCIATED FRONT/REAR LANDSCAPING WORKS, ALTERATIONS TO FRONT DRIVEWAY, PROVISION OF RAISED REAR PATIO WITH ASSOCIATED FRONT/REAR LANDSCAPING WORKS AT PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE.

Scott Volker, Principal Planning Officer advised the Committee that there was no update to the application.

Mrs. Pavis spoke in support of the application.
A Parish Councillor spoke against the application.

The Committee requested an outline of the similarities between Plot 1 and 3 to be given by the case officer.

Scott Volker, Principal Planning Officer explained that there are three properties that were originally granted approval in the 2016 outline, and then subsequently, there was an approval of details for all three properties in 2019.

Plots 1 and 2 have individually come forward with a revised scheme to those individual plots, and Plot 3 have done the same.

Each of the other two plots have extended in depth slightly, and Plot 3 is basically following that trend, but overall, it's just reflecting what has happened in Plots 1 and 2, albeit the overall design is slightly different; they are all varied.

In response to a question raised regarding the accuracy of the plan, the officer confirmed that it is accurate, and although there are significant land level changes across the site, as seen from the photographs, he has worked with the agent and the applicant to get suitable section drawings and details of the changing land levels on the site plan, which shows the differing land level heights across the site from front to rear.

The case officer provided clarification to the Committee on the orientation and descriptions of the different plots, along with details about each plot's location and surroundings.

Members of the Committee pointed out the challenges of assessing the impact of the development solely based on photos, suggesting that a site visit may be necessary, due to the complexities in topography.

The Committee discussed minor changes in roof heights, specifically a slight increase in the ridge height on the right side of the building and the raised depth to the central part of the dwelling.

The case officer confirmed that the overall height remains consistent with previous approvals.

The Committee also discussed the impact on overlooking, with no significant concerns raised regarding distances between properties and windows.

The case officer advised that the inspector noted no issues with overlooking from the patio area, emphasizing compliance with approved guidelines.

Members raised questions around the planting screen to which the case officer responded by explaining that as there were concerns raised by the residents at 4 Goosefields as well as by Batchworth Community Council, officers considered the plant screen was appropriate, and a suitable addition to mitigate against any overlooking.

The case officer further explained that the vegetation alongside the boundary cannot be controlled and may die out, and to have that additional buffer of a planting screen that can be controlled, will ensure that no overlooking would occur.

Councillor Sara Bedford moved, seconded by Councillor Elinor Gazzard, that PLANNING PERMISSION BE GRANTED.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 8 For, 0 Against and 1 Abstention.

RESOLVED:

That PLANNING PERMISSION BE GRANTED.

PC22/23 24/0187/FUL – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO STOREY DETACHED DWELLING WITH BASEMENT LEVEL AND ACCOMMODATION IN THE ROOFSpace SERVED BY SIDE ROOFLIGHTS WITH ASSOCIATED PARKING AND

**LANDSCAPING WORKS AT 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD,
HERTFORDSHIRE, WD19 4LF.**

Lauren Edwards, Senior Planning Officer advised the Committee that there was no update to the application.

Mr. Vaidyanathan Spoke on behalf of himself and the Oxhey Hall Residents Association against the application.

Mrs. Hirji spoke in support of the application.

A District Councillor and Parish Councillor also spoke against the application.

The case officer provided clarification on the parking provision for the dwelling with four bedrooms, highlighting an existing shortfall of one parking space. Despite an increase in bedrooms for the new dwelling, the parking requirement remains the same.

The proposal does not include alterations to access or highways.

There was no consultation with officers regarding a construction management plan due to the recommendation for refusal. In essence, the parking shortfall remains unchanged, and no construction management plan is proposed.

Members raised concerns about parking spaces near the junction, where the property is situated, particularly in relation to the proposed extension with more bedrooms.

The Committee questioned the adequacy of existing parking and highlighted potential safety issues due to the proximity to a busy road.

There was a strong emphasis on the need for sufficient parking provisions to address potential hazards to highways.

Claire Westwood, Development Management Team Leader acknowledged the points raised by the Committee and explained that the reason for the recommendation for officers not including parking for refusal, is because the parking standards in Appendix 5 for C3 state that for four or more bedroom dwellings the requirement is three spaces per dwelling. Therefore, the recommendation for officers not including parking for refusal is based on the parking standards in Appendix 5.

In response to a question raised regarding the first floor flank, the case officer explained that with the first floor flank that is being brought close to the boundary, there is an existing single storey element, but the policy for proximity to the boundary, more particularly, relates to first floor, so this is a first floor flank that is closer to the boundary and fails to comply with the guidance, rather than a single storey element where there is no specific policy with regards to boundary.

Councillor Chris Mitchell moved, seconded by Councillor Matthew Bedford, that Planning Permission be refused.

Councillor Sara Bedford proposed a second reason for refusal on the grounds of parking, stating that the required standards are three parking spaces and therefore, she is proposing this reason for refusal on this basis.

Claire Westwood, Development Team Leader has clarified that if this was an empty site with no dwelling on it, and an application were to be submitted for a dwelling to be built there, the standards would say that there should be three parking spaces.

The officer also pointed out the fact that the existing site circumstances are a material consideration, which cannot be ignored. However, it is a balance and if Members consider that, because of the scale of the dwelling proposed, there is detrimental harm due to the shortfall of parking for additional cars, it can be added as a reason for refusal, but for the reasons set out in the report, officers don't agree with that.

Councillor Debbie Morris proposed that the location, the junction and the lack of on-street parking should also be added to the reasons for refusal.

Councillor Chris Mitchell moved, seconded by Councillor Matthew Bedford, that Planning Permission be refused with the amendment of the additional reasons for refusal on the grounds of shortfall of parking, the location, the junction and the lack of on-street parking.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 8 For, 1 Against and 0 Abstention.

RESOLVED:

That Planning Permission be refused with the amendment of additional reason for refusal on the grounds of shortfall of parking, the location, the junction and the lack of on-street parking.

Reasons for refusal:

By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

By virtue of the proposed increased number of bedrooms, insufficient parking would be provided to serve the proposed replacement dwelling. The site is on main road (B4542) within close proximity of the junction with Hampermill Lane. The shortfall in parking on site would result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

PC23/23 24/0215/FUL - CHANGE OF USE OF EXISTING PLAYROOM AND GARAGES INTO HABITABLE ACCOMMODATION TO PROVIDE TWO-BEDROOM DWELLING AND ASSOCIATED WORKS TO PROVIDE AMENITY SPACE, REFUSE STORAGE AND PARKING AT 39 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3DP

Lauren Edwards, Senior Planning Officer provided the following update.

It had been brought to officers' attention that the shape of the location plan did not match the shape of the block plan in so far as reflecting the display boundary, which is on the eastern side, or the right hand side of the image on the screen.

The block plan has since been amended so that it accurately reflects that of the location plan.

Mr. Dale spoke against the application on behalf of himself and the residents of Watford Road.

Mr. Sullivan spoke in support of the application.

A District Councillor and Parish Councillor spoke against the application.

The case officer responded to the points raised by the speakers informing the Committee that she had suggested a parking management plan at Condition 7 (C7). Currently, she had only suggested tracking diagrams be submitted with regards to the three parking spaces to the front, because she and the highways officers were confident regarding the two parking spaces to the back, but that could include those parking spaces as well, should Members wish.

The case officer clarified that the precedent is not a planning material consideration, and in her view this development is only acceptable on its own merits at this time.

There is an existing building and an existing access, and whilst the character is set out in the report, Watford Road is generally of street fronting dwellings with rear gardens.

In this case, because it is an existing building, and that there would be integration of some soft landscaping in place, existing hardstanding is acceptable for the reasons set out in the report.

In response to concerns regarding the access and overlooking, the case officer outlined a comparison between the existing and proposed property layouts, focusing on the rear garden being converted into hardstanding for a dwelling. The officer also explained that there would be no other alterations to the plot layout, with neighbouring dwellings facing similar distances on the neighbouring roads.

The case officer provided clarification to questions arising from the discussion around the potential harm that could be caused by sewage, stating that sewage and drainage are not a material planning consideration.

The officer also reiterated that she is satisfied with the size of the parking spaces, and as mentioned previously, they are currently suggesting a condition for the layout, management and tracking for the parking spaces at the front, and it could also include the ones to the rear, should Members wish for them to be added.

The officer also responded to another point regarding the original approval stating that this building wasn't going to be for habitation, by confirming that at the time that development was considered acceptable, on the basis of the number of dwellings that were proposed, and that that was an ancillary building that supported the use of the flats that now sit within the semi detached building to the front.

The case officer also confirmed that there is a condition at C6 which does remove classes that officers consider relevant. It does not include the upward story but that could be added within the permitted development rights that are removed, should Members feel that that would be appropriate.

Members raised concerns around overdevelopment and also requested further information on parking and (C7).

The officer explained to the Committee that the report also sets out a worst case scenario, as far as if it was only the two spaces that could be retained and not the three spaces as shown on the block plan. For the reasons set out in the report, the officer still considers that to be acceptable. However, officers have suggested C7, which would ask for more details to be provided to all three spaces and they would be allocated, one for each unit. However, it would have to be satisfied in its entirety.

With regards to concerns around the back land development; Claire Westwood, Development Management Team Leader reiterated that there is very little change to the structure of the building; with minor changes to some of the doors and windows, and hard standing being removed, and soft landscaping being added, and advised, if Members consider this to be overdevelopment it would need to be justified what harm could result from these changes.

The case officer provided a response to a question raised around the 5 year housing supply, informing the Committee that it is set out in the report that a 5 year housing supply cannot be demonstrated, and it is included in the planning balance, but the officer considers it to be acceptable on its own merits, and must be had regard to, should Members be minded to refuse the scheme.

Members of the Committee asked officers to consider an amendment to Condition 6 (C6), focusing on permitted development rights.

Claire Westwood, Development Management Team Leader highlighted concerns around preventing upward extensions and advised that classes A, D and F have been considered appropriate.

Members also discussed the building's capability for upward extension without alterations that would impact permitted development rights.

The officer proposed further examination of different classes and clarifications for Members before amending conditions.

The Chair, Councillor Chris Whately-Smith moved, seconded by Councillor Harry Davies, that Planning permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordability housing contribution) with the amendment to C6 (PD Removal) to prevent upward extension without planning permission.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 6 For, 2 Against and 1 Abstention.

RESOLVED:

That Planning Permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordability housing contribution) with the amendment with the amendment to C6 (PD Removal) to prevent upward extension without planning permission.

Condition 6 to read:

Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class AA - enlargement of a dwellinghouse by construction of additional storeys

Class D - erection of a porch

Class F- Provision of hardsurfacing

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core

PC24/23 24/0267/FUL - CONSTRUCTION OF SINGLE STOREY DETACHED 'DRY ZONE' BUILDING AT BURY LAKE, THE AQUADROME, FROGMOOR LANE, RICKMANSWORTH.

Scott Volker, Principal Planning Officer provided the following update.

The landscape officer provided comments, and raised no objections, subject to a condition regarding submission of a tree protection scheme, and the environmental health officer also commented, raising no objection, and recommended approval subject to conditions, regarding unexpected contamination and a method statement for dealing with asbestos contamination.

The Committee raised concerns regarding the adequacy of Condition 9 (C9) in reflecting all the recommendations and concerns raised by the environmental health officer.

The case officer explained that C9 was an officer recommendation prior to the comments being received from an environmental health officer and the comments were received after the report had been published for the last Planning Committee meeting. Subsequent to that, the environmental health officer provided their comments, therefore, that method statement condition would be added to cover all the comments provided by the environmental health officer.

Members also pointed out that there should be another condition for a void maintenance plan to reduce flooding.

The case officer confirmed that that condition was made by the Environment Agency and if it had been missed of the report, officers will make sure it will be included.

The officers also confirmed that both conditions will be circulated to Members.

In response to a question raised regarding health and safety measures in the Aquadrome, the officer advised that due to asbestos being present in the Aquadrome, there is a strict requirement for all work being done within the Aquadrome to be safe for everyone who is going to be undertaking works there. Therefore, it is considered necessary from the recommendation of the environmental health officer to attach that condition to ensure that safe practices are in place.

They would also need to get consent from the Council, as the Council is responsible for maintaining the Aquadrome, and ensuring that any permit to work and safe measures are in place for those working in and around the site.

Councillor Chris Lloyd moved, seconded by Councillor Debbie Morris, that Planning permission be granted with the additional conditions requiring submission of Void Maintenance Statement and Method Statement.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 8 For, 0 Against and 1 Abstention.

RESOLVED:

That Planning permission be granted subject to conditions with additional conditions requiring submission of Void Maintenance Statement and Method Statement.

Condition 10:

The development hereby permitted must not be commenced until such a time as a detailed scheme to ensure the clearing and maintenance of the under-slab void has been submitted to, and approved in writing by, the Local Planning Authority, in line with that outlined in the submitted 'Outline Void Clearing Method Statement'.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements.

Reason: To ensure the maintenance and upkeep of the void is in place for the lifetime of the development to mitigate for the risk of blockages of voids and reduce the risk of flooding to the development and surrounding area in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

Condition 11:

No development or other operation in respect of the development hereby permitted shall commence on site whatsoever until a method statement for dealing with asbestos contamination shall be submitted to and agreed in writing by the Local Planning Authority. The method statement should include but not be limited to the measures recommended in the letter from Vintec dated 25th May 2025 (listed below):

- a statement confirming that conditions on site have not changed since the investigation by Vintec in 2015 was undertaken
- prior to the construction phase - hand picking exercise of visible surface contamination;
- prior to the commencement of piling operation - clearance of asbestos cement debris in areas where piles will be driven into the ground, achieved by scraping the top layer of soils and removing it as contaminated waste, this should be done using an excavator;
- perimeter air monitoring and personal monitoring;
- sporadic air monitoring conducted on the site boundary during construction.

The statement should also include measures to control fugitive dusts. It is suggested that driven piles will be employed, if this changes, the statement should also include arrangements for dealing with the soil arisings, fugitive dusts etc.

The development shall be fully implemented in accordance with the approved method statement throughout.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

PC25/23 24/0338/FUL – CONSTRUCTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION; RAISED REAR PATIO, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND LOFT CONVERSION INCLUDING REAR DORMER WINDOW AND FRONT ROOFLIGHTS; INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION AT 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP

Lauren Edwards, Senior Planning Officer provided the following update.

Following the submission of the original plans, the positioning of the neighbouring properties annotated on the first floor plan originally received was incorrect. The agent has updated this and provided revised plans.

The 45 degree splay aligns on the updated drawing still confirmed that there will be no intrusion, when taken from the point on the boundary level with the rear elevation.

At 7.2.4 of the committee report, it states that there will be no intrusion from the point on the boundary level with the two storey rear elevation of the neighbour at number 65. However, the altered block plan shows that there would be an intrusion from the point level with the two storey rear elevation, but no intrusion from the ground floor level, which is where appendix 2 sets out that this should be taken from. As such, it is maintained that there is no impact on neighbours as set out in the report. The measurements quoted in this respect, relating to the single storey element are unchanged, but C2 would need to be updated to reflect the change in the plan numbers.

Mrs. Fox-Rushmead spoke against the application on behalf of immediate neighbours.

Mr. Bhudia spoke in support of the application.

The case officer provided clarification to the Committee on flood risk and surface water, explaining that there is a distinction between the two. The property is in flood risk zone one, therefore it has a low level risk of flooding and is also in a low risk area for surface water drainage, and there is no statutory requirement for this type of application for full risk assessment.

The officer further explained that there are no alterations to the frontage proposed, therefore officers wouldn't be able to try and remedy any pre-existing issues. There is substantial amount of soft landscaping to be retained, therefore, it isn't reasonable to require the applicant to make any additional mitigation measures. Furthermore, in the officer's view the proposal would not exacerbate existing levels of surface water drainage, particularly owing to its site within a low risk zone.

In response to a question regarding a potential informative being added and a suggestion on withdrawing permitted development rights, the case officer advised that the applicant would be removing their own ability to build any further extension and would be quite limited as to what additional builds they could do. The officer also advised that she would not recommend removing outbuildings but if that is what Members felt that was absolutely necessary, it could be added.

The case officer responded to a suggestion for a restriction to be added to prevent any further changes to the roofline, advising the Committee that class B could be removed.

Councillor Harry Davies moved, seconded by Councillor Sara Bedford, that Planning Permission be granted with the additional condition removing Class B permitted development rights and additional informative regarding surface water run-off.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 6 For, 1 Against and 2 Abstention.

RESOLVED:

That Planning Permission be granted with the additional condition removing Class B permitted development rights and additional informative regarding surface water runoff.

The additional informative to read:

The applicant is encouraged to make additional provisions, where possible, to increase the site's capacity for the interception of surface water run-off.

ADDITIONAL PARKING SPACES AND INSTALLATION OF TIMBER BOLLARDS AND KERBS AT STREET RECORD, SCHOOL MEAD, ABBOTS LANGLEY, HERTFORDSHIRE

Claire Westwood, Development Management Team Leaders provided the following update.

Some additional neighbour comments have been received since the report was published. The number in the report is 4, however, 5 further comments have now been received (9 in total). The additional comments reflect those set out in the report. In summary the concerns relate largely to concerns regarding future use/restriction to use of the bays, rather than the principle of the development. As set out in the committee report, in the event that planning consent were to be granted the Local Planning Authority would not be restricting usage of the bays as part of the planning process. This process is a separate process to planning and the responsibility of the Parking Team. Any future Traffic Regulation Order has to follow the TRO statutory process which would require its own public consultation.

The applicant provided a response to the points raised by the Highways Officer which the Highways Officer has reviewed.

The Highways Officer in respect of point 1 advised that the applicant's suggestion to 'improve accessibility and permeability for pedestrians by considering the relocation of the paved/asphalt island to align with the pathway that comes over the green' seems a sensible approach.

In respect of point 2 the Highways Officer advised that the applicant's suggestion to 'propose additional cycle parking (Sheffield stands) on the large, paved area adjacent to the south side of the shops' would be supported by HCC as Highway Authority subject to an appropriate location.

In respect of point 4 the Highways Officer notes the comments made by the applicant and has advised they have no further objection in relation to the provision of EV charging and note that TRDC are working with HCC on the provision of EV within the District.

Officers would reiterate as set out in the committee report that the relocation of the existing paved/asphalt island and provision of cycle stands do not form part of this application. These areas fall outside of the site boundary and therefore the assessment of this application relates solely to the alterations to existing parking and provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs.

The officer advised the Committee that the requirement to move the disabled access to a separate path will not be part of the current application as this change does not require planning permission and will be addressed independently.

Councillor Sara Bedford moved, seconded by Councillor Chris Whately-Smith that Planning Permission be GRANTED subject to conditions.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being by general assent.

RESOLVED:

That Planning Permission be GRANTED subject to conditions.

PC27/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

CHAIRMAN

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 20 June 2024 from 7.30 - 8.12 pm.

Present: Councillors

Chris Whately-Smith, Chair
Philip Hearn
Chris Lloyd
Debbie Morris
Matthew Bedford
Sara Bedford
Elinor Gazzard
Chris Mitchell
Harry Davies

Officers in Attendance:

Adam Ralton, Development Management Team Leader
Lauren Edwards, Senior Planning Officer
Anita Hibbs, Committee Officer

PC28/23 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PC29/23 MINUTES

The Chair, Councillor Chris Whately-Smith advised that there was a correction made to the minutes of the Planning Committee meeting, held on 23 May 2024, and Councillor Debbie Morris advised the Committee that the reference to parking in *'the wooded area'* was changed to *'The Woods'* in the minutes under item 23/1797/FUL - CEDAR HOUSE, SANDY LANE, NORTHWOOD. The Chair advised that the public minutes will also be updated to reflect this change.

With that correction to the minutes, the Committee approved the minutes of its meeting of 23 May 2024, and authorised the Chair to sign them as a correct record.

PC30/23 DECLARATIONS OF INTEREST

There were no declarations of interest.

PC31/23 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC32/23 24/0620/FUL – REMOVAL OF CONDITION 2 (PD RIGHTS - DEVELOPMENT TO BE USED SOLELY FOR PURPOSES INCLUDED IN CLASS B1) OF PLANNING PERMISSION 14/1294/FUL AT DRAKE HOUSE, HOMESTEAD ROAD, RICKMANSWORTH, HERTFORDSHIRE, WD3 1FW

Lauren Edwards, Senior Planning Officer advised that there was no update, and provided a brief summary of the application.

The building was originally approved in 1988, to which there was a condition requiring that the whole building only be used for B1 office purposes. In 2014 this condition was varied to remove the condition, but only so far as it related to Swan House, not Drake House. Officers have included references to Permitted Development Rights within the description of the development.

The attachment of this condition to the original 1988 permission would have effectively revoked the ability for the building to benefit from any Permitted Development Rights that may have pertained to any other use than was offices. Therefore, effectively it is a Permitted Development Right condition removal, albeit that it does not specify exactly that it is the removal of Permitted Development Rights within the wording. However the only part of the development which is up for discussion this evening is the removal of that condition, and not any other potential subsequent future use.

Mr. Hosking spoke against the application.

Ms. Frost, planning agent spoke in support of the application, on behalf of the applicant.

A District Councillor spoke on the item, proposing additional conditions to be added to the application.

A Parish Councillor also spoke against the application on behalf of Batchworth Community Council.

The officer reiterated that this application is seeking the removal of a condition. Officers are only able to assess the harm arising from the removal of a condition, in this case the building not being in office use. Officers are not able to consider any other material planning considerations of an alternative use as this isn't proposed at this time. We can only identify harm, that would arise from it not being an office, for which the officer report sets out in full why that is acceptable.

The legislation does allow for alternative conditions to be added but officer don't consider that to be reasonable at this time.

Members raised concerns regarding the challenges associated with the conversion of office blocks into residential accommodation, highlighting the dissatisfaction with the resulting living spaces that has been seen in other cases within the district. Members also talked about the lack of local planning authority control, due to rights granted by central government. Members expressed their discomfort with the existing legal framework that limits imposing conditions contrary to national legislation, and concerns about justifying actions that contradict the established legal framework.

Further points were raised by Members highlighting the necessity of controlling and imposing conditions on future residential development projects. Members emphasised the importance of ensuring adequate car parking, pedestrian access, waste management, crime prevention measures and affordable housing in such developments. It was questioned why it would be unreasonable to attach conditions to achieve the best outcomes for future residential projects.

The officer explained these factors are not a consideration for this evening. Should a prior approval application be made, it would have to go through the relevant parts of the prior approval process, which do differ from the material planning considerations of a full application.

In this case, the Committee is asked to consider whether there is harm arising from the building not being an office, as opposed to considering whether there would be harm arising from another use. Therefore, considering whether it is not an office, doesn't mean that we are

considering it being something else. That would be subject to another process, potentially, the prior approval process.

The officer further explained that members are considering the removal of this condition, and alternative conditions should not be used for the purposes of outweighing or trying to mitigate harm that is resulting from its removal. It is trying to prevent something that could or could not potentially come forward in the future.

In response to questions raised by Members, the officer clarified that to use a condition, it needs to, in some way, to mitigate or outweigh identified harm. Therefore, officers are of the view that this building not being an office, forgetting, any other alternative use, is not harmful. For officers to then attach a condition, they would be going against something that in itself is not considered to be harmful.

The officer further advised the Committee should a prior approval application be received that officers would be able to consider whether units would provide adequate means of natural light, any highways and transport impact, contamination, flood risk and noise limitation, which would be subject to consideration, in addition to a number of technical limitations surrounding its existing, or last known use. However, the permitted development order legislation does not allow officers to apply policy CP4 in respect to affordable housing, because it is not one of the prior approval requirements.

Members discussed concerns about Permitted Development Rights allowing office blocks to be converted into substandard residential accommodations, bypassing affordable housing requirements. Members also discussed the option to utilise the Article 4 option to remove these rights, however, the site in question is not covered by Article 4.

Members during their discussions highlighted the complexity and challenges faced in dealing with national frameworks, local regulations and the apprehension about facing appeals and potential loss.

Councillor Harry Davies moved, seconded by Councillor Chris Whately-Smith that Condition 2 is removed, and that Planning Permission be granted.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 6 For, 0 Against and 3 Abstention.

RESOLVED:

That Condition 2 is removed, and that Planning Permission be granted.

PC33/23 24/0535/FUL – VARIATION OF CONDITION 3 (WINDOWS) PURSUANT TO PLANNING PERMISSION 94/234/8 TO INCLUDE ALTERATIONS FIRST FLOOR FENESTRATION CONTAINED WITHIN THE NORTH AND SOUTH ELEVATIONS OF THE DWELLING AT THE OLD GATE, BUCKS HILL, KINGS LANGLEY, HERTFORDSHIRE, WD4 9BR

Lauren Edwards, Senior Planning Officer advised that there was no update on the application.

Mr. Knight spoke against the application.

In response to questions raised by Members of the Committee regarding the obscure glazing of the windows in question, the officer clarified that when the applicant originally replaced the windows, shown on the images, they were both fitted with clear glass with top opening windows. Upon the commencement of an enforcement investigation, the applicant changed the bottom pane of one of the windows to be purpose made obscure glazing, but the top pane remained clear glazed.

The officer confirmed that, for reasons set out in the report, it is considered acceptable to solely have the bottom half of one flank window obscured.

The officer proceeded to demonstrate to the Committee the height of the locking mechanism of the top opening of the window serving the bedroom facing Friar Cottage, being at 1.9 metres, and the perspective from which the photographs of the window were taken. The first photograph taken at eye level of the officer with a height of 1.72 meters, and the second photograph, which was taken by the officer above her head.

Members found the demonstration of the officer regarding the viewing perspective from a window, highlighting the difference in perception when standing at different heights very helpful.

The officer clarified that the second window facing the other neighbour does also breach the condition as both panes are clear glazed. However, it overlooks the frontage of the neighbouring property. Therefore, the officer is of the view that it is acceptable to be fully clear glazed. The first floor window on the other side of the property is effectively compliant with the original condition, save for the fact that the top fanlight is clear glazed. Otherwise, its size, proportion and sighting are in accordance with the condition. The only part that breaches the condition is the clear glazed top pane.

Councillor Sara Bedford moved, seconded by Councillor Harry Davies that Condition 3 (Windows) be VARIED and that PLANNING PERMISSION IS GRANTED.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being by general assent.

PC34/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

CHAIRMAN