
Planning Committee MINUTES

Of a meeting held in the Watersmeet Theatre on Thursday, 24 June 2021 from 7.30 - 9.47 pm

Present: Councillor Steve Drury (Chair) ,
Councillor Raj Khiroya (Vice-Chair)
Councillor Alex Hayward
Councillor Chris Lloyd
Councillor Sara Bedford
Councillor Keith Martin
Councillor David Raw
Councillor Alison Scarth
Councillor Ruth Clark
Councillor Reena Ranger OBE (Reserve) (In place of Councillor Debbie Morris)

Also in Attendance:

Councillor Jon Tankard

Officers in Attendance:

Sarah Haythorpe
Adam Ralton
Kimberley Rowley, Head of Regulatory Services
Jamie Russell, Committee Manager
Scott Volker
Claire Westwood

External in Attendance:

Parish Councillor Andrew Gallagher
Hertford County Council: Alan Storey and Lindsay McCauley

PC14/21 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Debbie Morris with Councillor Reena Ranger attending as a named substitute Member. Apologies were also received from Councillor Stephen King.

PC15/21 MINUTES

The Minutes of the Planning Committee meeting held on 27 May 2021 were confirmed as a correct record by the Committee and were signed by the Chair of the meeting.

PC16/21 NOTICE OF OTHER BUSINESS

The Chair advised that there was no other business.

PC17/21 DECLARATIONS OF INTEREST

Councillor Steve Drury 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.”

PC18/21 19/0646/OUT - OUTLINE APPLICATION: CONSTRUCTION OF NEW MOTORWAY SERVICE AREA (MSA) TO COMPRISE: AMENITY BUILDING, 80 BEDROOM LODGE, DRIVE-THRU COFFEE UNIT, FUEL FILLING STATION WITH RETAIL SHOP, TOGETHER WITH ASSOCIATED CAR, COACH, MOTORCYCLE, CARAVAN, HGV AND ABNORMAL LOAD PARKING, ALTERATIONS TO THE A41 INCLUDING CONSTRUCTION OF A NEW ROUNDABOUT AND VEHICULAR ACCESS, WORKS TO THE LOCAL HIGHWAY NETWORK AND AT JUNCTION 20 OF THE M25 MOTORWAY. PROVISION OF LANDSCAPING, SIGNAGE, INFRASTRUCTURE AND ANCILLARY WORKS. (OUTLINE APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT WITH MATTERS OF APPEARANCE, LANDSCAPING AND SCALE RESERVED) AT LAND SOUTH WEST OF JUNCTION 20 OF M25 AND WEST OF A41, WATFORD ROAD, HUNTON BRIDGE

A Planning Officer update was provided advising that two additional letters of objection had been received since the publication of the report. The Committee was also informed that an application to build a motorway service station had been refused by Buckinghamshire Council the previous evening on grounds relating to the landscape impact and impact on the Greenbelt.

In accordance with Council Procedure Rule 35(b) a member of the public spoke against the application and a member of the public spoke in favour of the application.

Local Ward Councillor Jon Tankard spoke, pointing out that the speaker in support of the application did not mention any benefit to the area, other than employment, and believed the development would create an out of character addition to the area. The tiered and stacked nature of the proposal would become overbearing and would not be in keeping with the Wards of Gade Valley, Kings Langley and Abbots Langley.

Councillor Sara Bedford thanked the Planning Officer for the amount of work that they had put into this application. Councillor Bedford said this was the wrong application in the wrong place being too close to the South Mimms service station and too far from Cobham services, and would be too big, bringing unnecessary noise, light and air pollution to the area. It was a Greenbelt site and there would be no public benefit if the application was approved. Jobs would be provided during the construction phase and would occur wherever a new Motorway Service Station (MSA) was built. While employment must always be looked at, it cannot be looked at in isolation and would require anyone to have the ability to drive in order to get to work,

particularly at night. Councillor Bedford added there would be a huge adverse impact on traffic at junction 20 of the M25, even with the migration of extra lanes, which would only serve to bring extra traffic, noise, pollution and fumes. Councillor Bedford asked if a further reason for refusal could be added, due to the application being an 'offline' service station, and therefore contrary to Government policy and circular 02/2013?

Councillor Alex Hayward said they were very protective of the Greenbelt.

Councillor Raj Khiroya thanked the Planning Officer for a fantastic report. Councillor Khiroya considered that the material consideration was the impact to the Green Belt and the locality. As previously pointed out, access should be direct, not via an already busy local road. The impact on local High Streets also needs to be considered when mentioning retail opportunities.

Councillor Chris Lloyd said that it was rare to get an objection from Herts County Council, so this was important to consider, and thanked the Planning Officer for the hard work put into the report.

Councillor Reena Ranger said that there were no special circumstances, you either believe in the Green Belt and localism, or you do not. Local people had said this was not the right location or the right size for the area, so there was no reason to do anything other than refuse the application. Councillor Ranger said it sat uneasy that there was still a number of documents outstanding.

The Planning Officer said an additional reason for refusal relating to the government circular could be considered, but it was their opinion that a standalone reason for refusal could be difficult to defend, and the wording referred to was not absolute, and rather a preference, and could be difficult to defend at appeal.

Councillor Sara Bedford said it could sit nicely within reason for refusal R3, as this talks about congestion at the junction. This could be removed if it were to be an 'in line' service station, as offered at other sites.

Councillor Alex Hayward said that as there were already firm reasons for refusal, could tweaking the reasons for refusal endanger the position?

The Planning Officer said a reference to the non-compliance to the government circular could be added within the third reason for refusal, and the wording could be circulated to Members after the meeting for approval.

Councillor Alex Hayward clarified that the amendment did not benefit the application in the future.

The Planning Officer said a new application would be materially different so would be considered on the same points, such as the Green Belt location.

Councillor Chris Lloyd, seconded by Councillor Reena Ranger, moved the Officer recommendation, with the amendment to the Reason for Refusal R3 to include reference to the non-compliance to the government circular and the amended wording to be circulated to Members after the meeting for approval.

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

RESOLVED:

The Planning Permission be REFUSED for the reasons set out in the Officer report with an amendment to the Reason for Refusal R3 to include reference to the non-compliance to the government circular and the amended wording to be circulated to Members after the meeting for approval.

Amended Reason R3 to read:

The application and accompanying documentation fails to demonstrate that the adverse impacts of the additional traffic volumes that would be attracted to the MSA on the A41 and using the M25 J20 roundabout, including the likely exacerbation of existing traffic queues and congestion on the approaches to the application site from the A41 and from the A4251, can be satisfactorily mitigated. It fails to demonstrate that the adverse impacts on the A41 would be less than severe. The proposed development would create an increase in traffic demand at local junctions by failing to provide an on-line facility contrary to Department for Transport Circular 02/2013, would fail to minimise the impact of travel by motor vehicle, would fail to provide a safe and adequate means of access and would be detrimental to the free flow of traffic and highway safety contrary to Policy CP10 of the Core Strategy (adopted October 2011) and the NPPF paragraph 109.

PC19/21

21/0392/FUL - DEMOLITION OF EXISTING GARAGE/STORE AND CONSTRUCTION OF SINGLE STOREY SIDE EXTENSION AT 2 WINTON CRESCENT, CROXLEY GREEN, WD3 3QX

There was no Planning Officer update.

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

Parish Councillor Andrew Gallagher spoke to say this was originally a small property on a small plot, which had increase from two to four bedrooms over time, thus changing the character of the street scene.

Councillor Chris Lloyd asked if an additional condition removing the ability to split the property in future and permitted development rights could be appropriate to add. Councillor Lloyd also asked the distance from the property boundary on the corner of Winton Crescent and Winton Drive.

The Planning Officer said that officers didn't feel it appropriate or necessary to add these conditions, but could add a condition with regard to ancillary use if Members felt this was appropriate.

Councillor Reena Ranger asked if there were any windows overlooking Winton Drive?

The Planning Officer said there were no windows on the side. There were two roof lights but there was separation from the road opposite.

Councillor Alex Hayward asked what the distance was from the boundary and the other properties boundaries.

The Planning Officer confirmed the distance was 0.6m, and there was a generous garden.

Councillor Steve Drury said the reason this application had come to this meeting was because a member of staff lives within the consultation area. Councillor David Raw asked why there were windows included on the plan for the loft.

The Planning Officer said there was a ladder for loft hatch access. Councillor Chris Lloyd, seconded by Councillor Keith Martin, moved the recommendation that Planning Permission be Granted, with an additional condition restricting the use of the extension to be ancillary to the main house.

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

RESOLVED:

That Planning Permission be GRANTED subject to the conditions set out in the Officer report with an additional condition restricting the use of the extension to be ancillary to the main house the wording of the Condition to be as follows:

The extension hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

PC20/21

21/0540/FUL - DEMOLITION OF EXISTING FIVE BEDROOM DWELLING AND CONSTRUCTION OF TWO FIVE-BEDROOM DETACHED DWELLINGS INCLUDING BASEMENT, BIN STORES TO FRONT AND ASSOCIATED WORKS AT VIVIKT, CHORLEYWOOD ROAD, RICKMANSWORTH, WD3 4EP

The Planning Officer confirmed there was one additional letter of objection received which reiterated points set out and addressed in the committee report.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in favour of the application and a member of the public spoke against the application.

Ward Councillor Lisa Hudson spoke to say this site was very over developed and the basement would set a precedent, and was excessive making the property stand out for the wrong reasons.

Councillor Reena Ranger asked where on the plans the development would end underground, and stated there were concerns about flooding and surface water issues. The Councillor asked if more onsite parking was required as the spaces included in the plans were completely habitable.

The Planning Officer confirmed the property was not in a flood zone, and Thames Water had suggested informatives which would be attached to any grant of permission and would be covered under current building regulations. The site plan showed a large driveway which would provide the required amount of parking spaces and allow for entry and exit to the property in a forward gear. No objections were received from the Highways Officer.

Councillor Reena Ranger asked if a future application to extend the basement the full length of the garden would that be classed as over development as it would be underground?

The Planning Officer confirmed this would be assessed on its own merits should an application be received.

Councillor David Raw was concerned about the basement and potential damage to nearby properties due to the amount of digging required. Councillor Raw asked if it would be out of character with the area to have two properties so close to one another.

The Planning Officer said that as this was a second application the principal of the subdivision had already been granted, and there was no increase in the footprint apart from the increase to the ground floor rear projection. Concerns about nearby damage isn't a material planning concern that would be for building regulations. Neighbours have the ability to seek independent advice if they have further concerns.

Councillor Alex Hayward asked if the dimensions on the existing permission was the same as the current application.

The Planning Officer confirmed this as the case, with the addition of the basement and the increase to the single storey rear extension, removal of garages and additional of a front porch. The width, siting of the main dwellings and distances to boundaries were as previously approved

Councillor Reena Ranger said she didn't have an issue with basements but would it be reasonable to remove permitted development rights?

The Planning Officer said that officers didn't think that was reasonable but this could be added if Members requested.

Councillor Alison Scarth said it was disappointing there was no contribution to affordable housing.

Councillor Chris Lloyd asked how enforceable the informatives were, particularly I9 and I10?

The Planning Officer said that these were new informatives included for this application. As advisory notes they are not enforceable but trust the applicants would acknowledge them and take the necessary steps.

Councillor Sara Bedford, seconded by Councillor Alex Hayward, moved 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 2 Abstention.

RESOLVED:

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

PC21/21

21/0832/FUL - SINGLE STOREY FRONT, SIDE AND REAR EXTENSIONS AND FIRST FLOOR EXTENSION INCLUDING INCREASE IN RIDGE HEIGHT TO CREATE TWO STOREY DWELLING AND PROVISION OF RENDER AT THE CONIFERS, SOLESBRIDGE LANE, CHORLEYWOOD, WD3 5SW

The Planning Officer stated that the Landscape Officer raised no objections to the inclusion of tree protection details prior to the development.

Councillor Steve Drury asked if, due to the size of the road, there could be a Traffic Management Plan, and could deliveries be restricted outside of peak times for nearby schools, and where would contractors park their vehicles.

The Planning Officer confirmed a condition could be added to include both of these points.

Councillor David Raw said there was a considerable height difference, and asked if Officers were happy with this?

The Planning Officer said this was noted within the report and while higher the property would be well set back from neighbouring properties.

Councillor Raj Khuroya highlighted the existing traffic problems and reiterated the requirement for a Traffic Management Plan.

Councillor Alex Hayward asked if there was enough parking for the number of bedrooms?

The Planning Officer confirmed there was.

Councillor Steve Drury, seconded by Councillor Keith Martin, moved the recommendation that Planning Permission be Granted with two additional conditions requiring the submission of details on Tree Protection measures and requiring the submission of a construction management to include timings of deliveries, location of material storage and contractor car parking.

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

RESOLVED:

That Planning Permission be GRANTED in accordance with the officer recommendation, with an additional condition requiring submission of details of Tree Protection measures and additional condition requiring submission of construction management condition to include timings of deliveries, location of material storage and contractor car parking. The wording of the conditions to be as follows:

Tree Protection:

No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Construction Management Plan (CMP):

No development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

PC22/21

21/1048/FUL - PART TWO-STOREY, PART SINGLE-STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION, ROOF ALTERATIONS TO INCLUDE A REAR DORMER WINDOW AT 31 LEWES WAY, CROXLEY GREEN, WD3 3SW

There was no Planning Officer update.

Parish Councillor Andrew Gallagher spoke to say there was a recent example of an application at a nearby property being refused on appeal as the scheme benefit did not outweigh the harm it would cause to the character and appearance of the area, and had concerns the same would happen on this property.

The Planning Officer noted these comments. The pending Certificate of Lawfulness Application was separate and the planning application needed to be considered on its own merits, however, it would be appropriate to add an informative to advise that any planning application and Certificate of Lawfulness would need to be implemented as separate building operations.

Councillor Sara Bedford, seconded by Councillor Raj Khuroya, moved the recommendation that Planning Permission be granted with an additional informative added reminding the applicant that the development works cannot be undertaken at the same time as any development which was the subject of a separate Lawful Development Certificate application.

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

RESOLVED:

That Planning Permission be GRANTED in accordance with the officer recommendation, with an additional informative reminding the applicant that the development works cannot be undertaken at the same time as any development subject of a separate Lawful Development Certificate application the wording of the informative to be as follows:

The applicant is reminded that the development works subject of this grant of planning permission cannot be undertaken at the same time as any development subject of a separate Lawful Development Certificate Application. Please contact the Planning Office on 01923 776611 if you have any queries.

PC23/21

21/1118/RSP - PART RETROSPECTIVE: VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 19/0622/FUL: (FIRST FLOOR SIDE EXTENSIONS AND TWO STOREY REAR EXTENSIONS) TO AMEND PLANS TO INCLUDE REDUCTION IN DEPTH OF FIRST FLOOR REAR EXTENSION, ALTERATIONS TO WIDTH, ALTERATIONS TO PATIO TO REAR, ALTERATIONS TO FENESTRATION AND REGULARISATION OF THE SITE BOUNDARIES AT ABBOTSFORD, WOODSIDE WALK, NORTHWOOD

There was no Planning Officer update.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in favour of the application and a member of the public spoke against the application.

Councillor Joanna Clemens spoke to say the property in the application was enormous, going right to the boundaries, and supported the objections from Batchworth Community Council.

Batchworth Community Councillor Alan Moss said the enjoyment and view of the nearby residents was being affected by the development of this property. The Community Council believed the reduction in boundary space was not acceptable, and believed the welfare of trees on the property were being negatively affected by this development.

The Planning Officer confirmed the report addressed the issues raised. Councillor Reena Ranger said that planning permission was approved in 2019 and there are seven or eight planning histories or enforcements since then and it didn't seem fair for neighbours to pay for the mistakes of others, even if it was a small difference in distance. The Councillor asked about the door that had been moved, the size of the infringement, and whether the trees being planted would last long enough to act as a screening measure. A recent application on the same street was refused on the basis of being detrimental to the streetscene. The Councillor suggested a site visit be made.

The Planning Officer stated the other application referenced was materially different to this one, and while appreciating the extensive planning history this application had to be judged independently on its own merits. This application complied with space standards.

Councillor Sara Bedford asked what the minimum separation to the boundary at ground floor level was and asked if the property was within a Conservation Area.

The Planning Officer said 0.75m was the minimum distance and 1.1m was the maximum, and confirmed the property was not within a Conservation Area.

Councillor Sara Bedford said having an inferior sized side passageway can be detrimental to the residents living conditions and that the application property would be too big for the plot.

Councillor Raj Khuroya stated they put weight on the Planning Officers recommendation.

Councillor Reena Ranger, seconded by Councillor Sara Bedford, moved for a site visit to be conducted.

Councillor Chris Lloyd, seconded by Councillor Raj Khiroya, moved an amendment that the recommendation as set out in the report that Part Retrospective Planning Permission be Granted.

The proposer of the amended motion proposed a further amendment that a vote take place on the site visit motion first.

On being put to the Committee the motion to make a site visit was declared LOST by the Chair the voting being 4 For, 5 Against and 1 Abstentions
On being put to the Committee the amended motion was declared CARRIED by the Chair the voting being 5 For, 3 Against and 2 Abstentions.

RESOLVED:

That Part Retrospective Planning Permission be GRANTED subject to the conditions set out in the Officer report.

PC24/21

21/1170/FUL - VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 20/1748/FUL: (DISTRICT COUNCIL APPLICATION: DEMOLITION OF EXISTING TWO STOREY OFFICE BUILDING, TWO STOREY STACKED PORTABLE CABINS, AND EXISTING SINGLE STOREY SHEDS AND STORES, AND THE CONSTRUCTION OF A REPLACEMENT SINGLE STOREY OFFICE BUILDING WITH MEETING SPACE AND ANCILLARY FACILITIES TO EAST OF SITE. ALTERATIONS TO CAR AND LORRY PARKING). VARIATION TO INCREASE HEIGHT OF BUILDING AT BATCHWORTH DEPOT, HAREFIELD ROAD, RICKMANSWORTH WD3 1LU

A Planning Officer update was provided, advising that a drawing reference number in Condition 1 needed to be corrected to refer to the most up to date revision of that drawing.

Councillor Sara Bedford spoke to say the change was a small increase, and was essential for operation reasons.

Councillor Chris Lloyd asked if there had been any objections.

The Planning Officer confirmed there hadn't been any.

Councillor Sara Bedford, seconded by Councillor Chris Lloyd, moved the recommendation that Planning Permission be Granted with the amendment to Condition 1 as updated by the Planning Officer.

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

RESOLVED:

That Planning Permission be GRANTED subject to the conditions set out in the Officer report with the update to Condition 1.

CHAIR