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## Planning Committee MINUTES

Of a meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth on Thursday 21 October 2021 from 7.30pm to 9.30pm.

**Present:** Councillor Steve Drury (Chair) ,  
Councillor Raj Khiroya (Vice-Chair),  
Councillor Alex Hayward, Councillor Chris Lloyd, Councillor Sara Bedford,  
Councillor Stephen King, Councillor Keith Martin, Councillor David Raw and  
Councillor Alison Scarth

Also in attendance: Councillors Phil Williams, Alex Michaels and Paula Hiscocks and Batchworth Community Councillors Stephen Mander and Diana Barber

Officers: Kimberley Rowley, Jayne LaGrua, Claire Westwood, Adam Ralton, Scott Volker and Sarah Haythorpe

### **PC63/21 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Debbie Morris with Councillor Lisa Hudson as the named substitute Member.  
Councillor Alex Hayward sent apologies for Chorleywood Parish Council who unfortunately were now not able to attend the meeting.

### **PC64/21 MINUTES**

The Minutes of the Planning Committee meeting held on 23 September 2021 were confirmed as a correct record and were signed by the Chair.

### **PC65/21 NOTICE OF OTHER BUSINESS**

There were no items of other business.

### **PC66/21 DECLARATIONS OF INTEREST**

Councillor Stephen King declared a non pecuniary interest in agenda item 13 (21/1618/FUL: Change of use from golf course land to residential gardens and erection of open metal fencing at Land at MOOR PARK GOLF COURSE, BATCHWORTH HEATH, MOOR PARK, RICKMANSWORTH, WD3 1QN) as one of the Council representatives on the Moor Park Heritage Foundation but would be able to stay and vote on the application. The Councillor also declared they were a Member of the Watford Rural Parish Council Planning Committee but were entitled to take part in any debate at this Committee on an application within that Parish area provided that they:

- has an open mind about the application

- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits at Committee

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.”

**PC67/21      20/2659/RSP - RETROSPECTIVE: CHANGE OF USE FOR OPEN STORAGE OF BUILDER’S MACHINERY, EQUIPMENT AND MATERIAL AT MAPLE LODGE, DENHAM WAY, MAPLE CROSS, HERTS, WD3 9XD**

The Planning Officer reported that there was no update and details were as published in the report and in the plans on the website.

Councillor Raj Khiroya advised that the agenda for this meeting had a number of applications in Maple Cross. As far as the Councillor was concerned on this application weight should be given to Paragraph 4.1.1 which referred to an objection from the Environment Agency and supported the Officer recommendation of refusal.

Councillor Raj Khiroya moved, seconded by Councillor Keith Martin, that retrospective planning permission be refused.

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

RESOLVED:  
 That RETROSPECTIVE PLANNING PERMISSION be REFUSED for the reason set out in the Officer report.

**PC68/21      20/2774/RSP - RETROSPECTIVE: CHANGE OF USE OF THE SITE FOR VEHICLE HIRE ALONG WITH THE PROCESSING OF CONSTRUCTION WASTE MATERIALS AGGREGATES AND SOIL AT MAPLE LODGE, DENHAM WAY, MAPLE CROSS, HERTS, WD3 9XD**

The Planning Officer reported there was no update on this application but provided details on the location of this site in relation to the previous application and details on the site layout.

Councillor Raj Khiroya noted that there had again been an objection from the Environment Agency and supported the officer recommendation to refuse the application and moved that retrospective planning permission be refused.

Councillor David Raw asked if the applicant had supplied adequate information for the application or was this still required.

The Planning Officer advised that the applicant had still not provided the information that they required and was why the recommendation was for refusal.

Councillor Chris Lloyd welcomed the objections from the Environment Agency, Highways Authority and Affinity Water but asked if those objections were still valid.

The Planning Officer advised that there was not update on the report.

On that basis Councillor Chris Lloyd was happy to second the motion that retrospective planning permission be refused.

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

RESOLVED:

That Retrospective Planning Permission be REFUSED for the reasons set out in the Officer report.

**PC69/21**

**21/0424/RSP - RETROSPECTIVE: CHANGE OF USE OF HANGER FOR THE MAINTENANCE AND REPAIR OF LORRIES AT MAPLE LODGE, DENHAM WAY, MAPLE CROSS, HERTS, WD3 9XD**

The Planning Officer reported that there was no update but advised details on the site location and layout in relation to the previous two applications.

Councillor Raj Khiroya said the officer had prepared a robust report and the same weight should be given to the Environment Agency objection and moved that retrospective planning permission be refused, seconded by Councillor David Raw.

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

RESOLVED:

That Retrospective Planning Permission be REFUSED for reasons set out in the Officer report.

**PC70/21**

**21/0573/FUL - COMPREHENSIVE REDEVELOPMENT TO PROVIDE 2 NO. WAREHOUSE CLASS E(GIII)/B2/B8 UNITS COMPRISING A TOTAL OF 16,115 SQM INCLUDING 1,882 SQM ANCILLARY E(GI) OFFICE SPACE, ACCESS, LANDSCAPING AND ASSOCIATED WORKS, AT DEVELOPMENT SITE, MAPLE LODGE, MAPLE LODGE CLOSE, MAPLE CROSS, HERTFORDSHIRE**

The Planning Officer reported that two further neighbour objections had been received since the publication of the agenda and reiterated objections which were set out in the Committee report, namely that the proposed development would have an unacceptable impact on the amenity of the neighbouring occupiers and that the development is unsuitable for the area and would bring no benefits for residents. Officers considered that the material considerations were addressed in the report. Additionally following the submission of the Committee report the Council received a further objection from Herts and Middlesex Wildlife Trust (HMWT) which it was understood had been sent directly to Members of the Committee so they have had sight of the full comments. However, in summary HMWT do not consider that the DEFRA

metric had been correctly populated and as such the application does not achieve 10% Biodiversity Net Gain and the Forester Moth had not been appropriately compensated for. Officers considered that ecology matters are fully addressed in the Committee report. There were no further updates.

The Chair thanked the officer for a very comprehensive report.

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 support of the application.

Local Ward Councillor Phil Williams made reference to the map of the site and local area and the proximity to the resident's houses. The Councillor referred to the location of the M25 which was 2 miles away but the proposed warehouses would only be 13 metres away from resident's houses. How it was possible to say, the Member believed it was the Cole Jarman report that there was not going to be detrimental impact on those residents 13 metres away when we can hear the M25 here now from over 2 miles away. The Councillor felt the Cole Jarman noise report was flawed and it needs to be looked into. The residents had looked into it and had commissioned their own report. The primary focus of the noise assessment is to protect our residents and this report does not protect them. Members needed to throw the report into touch and protect our residents. We also need to be looking at the Water Framework Directive obligations to prove there would be no harm. The Council have an obligation to protect our drinking water. They were planning to put 3,000 piles into the aquifer or certainly above the aquifer and our duty was to protect that aquifer. The Councillor knew at the moment due to the emails they were receiving from the residents of Maple Cross we cannot police the parking there much less police the 3,000 piles going into the ground so how are we going to police those piles going in when we have trouble getting a wheelchair around the corner because of cars parked on the kerb. We have also got the ecology report to look at and the priority species the Forester moth although we must give a nod to the applicant for saying they are going to make provision for the Forester moth elsewhere. But the plants that the Forester moth feed on are plentiful in Hertfordshire. It was not the plants they want it is this location they want as that is the right land they had chosen to be on. The moth is a priority species and we have to protect it we can't just throw money at it and plant some plants elsewhere and hope the moth was going to turn up they are not. The Member asked that the Committee reject the application on the grounds made.

County Councillor Paula Hiscocks wished to oppose this application for three main reasons. Firstly the water supply from the chalk aquifer is used by the residents in the whole of Rickmansworth area and beyond. This development seriously threatens our water supply. As the previous Councillor said 3,310 piles would be put into the chalk aquifer and Affinity Water cannot guarantee that no harm would occur and in fact they state that risks still exist. Should we be gambling with this and future generation's ability to have enough clean water? The Councillor did not believe that this Council had enough manpower to adequately monitor and enforce on this development to ensure that the public drinking water was not impacted. Secondly the developers report stated that there would be a reduction in the flow of water by 4% to Maple Lodge Nature Reserve. With or without climate change this would have an adverse effect and even this 4% reduction could upset the ecological balance on the nature reserve causing an effect on wildlife and habits for in perpetuity. Once again should we be gambling with our eco systems for the generations to come for the sake of a warehouse? Finally we must protect very near residents and especially those in Longmore Close by changing condition C19 concerning

noise. An actual noise assessment had now been undertaken rather than the model one submitted previously. The Planning Inspector actually commented that they had reservations on the previous model noise assessment. With the new data acquired by this actual assessment they asked the Committee to change the wording to protect the resident's health which would be compromised by constant noise. This new report proved that residents would still suffer from sleep disturbance at night and thereby also ask that a new condition be added asking for restricted operating hours to protect our resident's health and wellbeing. Our residents deserve the right for an Independent Inspector to make the final decision at appeal if necessary but the application on the current evidence should be turned down tonight. This Green Belt site should be for an industry which would not destroy the lives of our residents or compromise our precious environment for generations to come.

Councillor Alex Michaels had requested to speak to which the Chair advised that the Councillor could not as they were not a Ward Councillor. It was up to the Chair's discretion and the Chair had used their discretion and would not allow the Councillor to speak.

The Planning Officer responded to the points made and as a point of clarification to a comment made by Councillor Hiscocks the site was not in the Green Belt and had been allocated as a local employment site. There was a very narrow strip of Green Belt by the access road but the built development i.e. the buildings, car parking etc. are not within Green Belt. As Members are aware and as set out in the report it is an allocated employment site and there had been a previous application which was refused and subsequently dismissed at appeal in relation to the impact on groundwater and for the reasons set out in the report officers consider that this issue had been addressed. In response to some comments that Members had raised in relation to noise, as Councillor Hiscocks mentioned, a noise report was submitted by the Residents Association which was reviewed by an Environmental Health officer and they agreed that some of the points made were valid and there should be amendments to the conditions. With reference to Condition C19 officers considered that it was a robust condition and would ensure that prior to the operation of the site by any prospective tenant a noise assessment had to be submitted. The condition was intentionally worded to refer to "prior to the operation of the site" rather than "prior to the commencement of works" because if it was prior to commencement at that point the tenant might not have been confirmed and therefore any assessment would still be based on assumptions rather than the known operation and officers considered the wording of Condition 19 to be appropriate and to deal with the impact of noise. This was not found to be an objection at the time of the previous appeal when the Inspector considered that point. In relation to the water supply and the comments of Affinity Water which were set out in full in the report and as Members had noted, they do identify that the risk to public water supply remains however they also say that they recognise those risks can be managed and that appropriate conditions can be attached to the recommendation that would deal with that. Officers do consider that the point had been appropriately addressed as set out in the report and with the number of conditions which were suggested. With regards to the Maple Lodge Nature Reserve and comments in relation to impact on the ground water officers feel that the Council had undertaken its statutory duties in accordance with the Water Framework Directive and ultimately there was not demonstrable evidence to show that the proposed development would cause any material deterioration of the Maple Lodge Nature Reserve wetland ecosystem or the Ground Water Dependent Terrestrial Ecosystem and feel that point had been addressed. With regard to the Forester moth a Section 106 contribution is proposed to enable the creation and management of an appropriate species

rich grassland which would provide suitable habitat conditions for the Forester moth and subject to this we would have complied with Act and our obligations in relation to our Biodiversity duty under Section 41 Species Responsibilities.

Councillor David Raw stated that the report referred to the TRIPP report and the Highways. The reports are dated 2017 which was four years out of date. The data here referred to the impact on the local roads but asked if there would be a new TRIPP report done as even with these numbers for the hotel as well as the site there would be a huge amount of transport clogging up the roads around here. We have schools here, people going to work and places tied up with cars and more lorries and vehicles are going to make it even more difficult.

Councillor Alex Hayward felt that all the points that had been raised were totally valid around the drinking water, the Nature Reserve, the noise and the 3,310 piles for 16,000 square feet was huge. Could officers clarify the position on access to this site and that there would be no access down Maple Lodge Lane through the houses would there?

The Planning Officer responded in relation to the TRIPP figures that there had been extensive modelling and the County Council as the Highways Authority had reviewed the data. Essentially the number of additional trips as a result of development would not be severe to cause a reason for refusal on Highways grounds. In relation to access, access was proposed through the private access road with the introduction of a signalised junction with the A412 and access was not proposed via Maple Lodge Close.

Councillor Alex Hayward asked if it would be a definite, although they knew it was not proposed, would it be blocked off or would there still be an opening.

The Planning Officer advised that it was not proposed to block that access but there would be improvements to the junction with the A412. Maple Lodge Close is a residential road with traffic calming measures and by improvements to the access with the junction with the A412 it was obviously making that access much more desirable for accessing the application site. It is the closest access and it would be upgraded but it was not proposed to block Maple Lodge Close. In terms of managing that in terms of aspects of construction there would be a construction management plan required by condition and obviously that would include details of routing of vehicles and access to the site can be controlled that way and at the end there would be requirement for travel plan and these generally would be required to include details of information which would be given to occupiers of the building to work/employers with regards to access to the site and the new access would be promoted. Officers consider that the access would be acceptable for the reasons set out in the report.

Councillor Alex Hayward knew the officer had said the appeal was not allowed because they had not addressed but had now addressed those issues and the report was very comprehensive but based on the local knowledge and the risk of these not being controlled properly and with the potential risk to the water the Councillor wished to propose refusal of the application.

Councillor Raj Khiroya as a Ward Councillor and a Member of this Committee had a duty to say what residents were feeling. We had 286 objections to this application and not a single letter of support. Enough is enough the residents have suffered enough and they keep on suffering. An application on this site was refused in 2019 and at an appeal in June 2020 and it was again refused. This is the same site and although the Councillor appreciated that most of the site was outside the Metropolitan Green Belt but part of it was still in the Green

Belt. The majority of the site was located in flood zone 1. The Councillor asked why TRDC Traffic Engineer had not responded.

The Planning Officer was not able to comment on why someone had not commented on an application. They were not obliged to respond on the application as they are not a statutory consultee. The Highways Authority had commented and their details were as set out in the report.

Councillor Sara Bedford stated that we are very lucky at Three Rivers as despite the fact that we have a lot of very complex and difficult planning applications here we have the professional assistance, knowledge and experience of a great team of Planning Officers. The Councillor was really unhappy with a number of people. Officers make a decision on their professional knowledge and judgement they are not biased and are not working for anyone except the Council and its residents and for them to have received some of the comments they have received and for Councillors to have received the comments they have done about officers in derogatory and slanderous tones depressed the Councillor. The Councillor had every faith in those officers and thought the other members of the Committee did too. The Councillor wished to place that on record and to thank Claire and the team for hundreds/thousands of hours of work that they had been put into the application and the support they had from other members of the team and thanked the officer for that. However just because we have officers who are professional and give us their judgement this Committee was still the Local Planning Authority. We delegate some decisions to officers and we make the rest ourselves and the ones that come to the Committee we have chosen as Councillors to make ourselves and not delegate and this was why the application was here tonight. Sometimes we do disagree with officers and officers are very good at taking those decisions and getting on with getting the best possible defence which might be needed for those cases which go to appeal. The last application did go forward to appeal on this site. For those of us who have gone through the 169 pages of the report not just once, twice but more than that we can all see that there are a number of situations where it is not necessarily easy to see how pre-commencement conditions might be satisfied or how some of the other conditions may be satisfied. Most Members of the Planning Committee and officers were in the room earlier this year when we first looked at the Killingdown Farm, Croxley Green application and at that point there was some concern from most Members of the Committee about the reports on the Highways and the report carried out by the applicant and the report carried out on behalf of the County Council. We were not happy with the remarks and asked for an independent report to be commissioned by this Council and funded by the Council to cover the aspects we were not happy with around Highways to the entrance of Killingdown Farm. We obtained that report and were able to bring the application back to the Committee three months later and determine the application and refuse it although not on highways grounds. The Councillor felt that at the moment there were so many contrary thoughts, comments and reports and everyone thinking they know better than anyone else and the only thing they felt we could do was get a once and for all report commissioned by this Council to settle those issues. What the Councillor wished to propose was an amendment to the motion to refuse with something along the lines of, they were sure they could get support to get the wording right, but something along the lines of a deferment to get that report commissioned to give us the evidence we need to have if we want to make a refusal on these grounds. The Committee is not satisfied that the risks the developments may pose to the neighbouring area and in particular the Maple Lodge Nature Reserve have not been fully understood or that the suggested conditions would meet the requirements of the various agencies to ensure that there was no harm caused and therefore call for the application to be deferred

for the Council to instruct their own expert hydrologist or ecologist or similar in order to review the application and advise the Committee. The Councillor wished to put that proposal forward so that the Council can get that information from a third party and an organisation not associated with either side in this application and felt at that point the Committee would be better able to make a decision.

Councillor David Raw was happy to second the proposal to refuse the application.

The Planning Officer sought clarification on the nature of the suggestion put forward for refusal.

Councillor Alex Hayward said their reason for refusal was that the previous application was also refused by the Inspector on the basis that the ground water issues had not been addressed properly and in the report they felt they still had not been. The Councillor felt they had not been dealt with adequately enough for the Committee to give permission and there was still too much risk involved.

The Planning Officer said that essentially the Councillor was saying they were not satisfied that the risks the development may pose to the ground water had been addressed

Councillor Alex Hayward said if another Councillor wished to contribute with any other reasons they could but nothing was put forward.

Councillor Keith Martin was happy to second the proposal to defer the application by Councillor Sara Bedford. Having read everything in the report and everything emailed to Members and having worked in risk management for years and years they did not understand some areas of this and whether the information given was the most accurate. Some information seemed inconclusive so thought it was a really good idea to an independent report, third party report as suggested by Councillor Bedford to look at these things so that once and for all we can get this right because we know we if we get it wrong it will be overturned at appeal.

The Planning Officer summarised the second motion for deferral was for the Council to instruct their own expert hydrologist or similar to review the application on the grounds that Members are not satisfied that the risks of development to the Maple Lodge Nature Reserve had been fully understood and the suggested conditions would meet the requirements.

The Head of Regulatory Services pointed out to the Committee that where Members may go against an officer recommendation, which both the terms of the motions put forward would, there was a risk of an appeal either against the refusal or non determination. The application had an extended timescale to a week on Friday. If that timescale was reached and the applicant did not agree an extension of time then they could go to appeal for non determination. Officers would point that out on any application and felt that it needed to be advised to Members.

Councillor Sara Bedford said Members were all aware of the risks of the applicant appealing on non determination however if we refuse the application the applicant would go to appeal anyway so either way we have the situation of appeal. They felt if we are going to be heading towards an appeal which would be long and which we will need to engage our own planning consultant and other consultants we should have that information first. If we have that



information we are already half way down the line of what we need to do for the appeal and we need to have that information. For us to refuse on the grounds that we don't believe an expert report and there is no evidence to prove why we should not believe that expert report leaves us open to real problems at appeal. If we believe that the reasons are strong enough we should be able to say instead of engaging our own expert to do this. We can't just go to appeal stating we feel like it is not right we need someone who knows in detail what they are doing to give us that information and if we actually believe that is true we should have the faith to do that otherwise we are putting people in an impossible situation at appeal.

Councillor Alex Hayward said where Affinity Water state that it is development neutral that backs it up for them that it is not a positive endorsement of this development and that the water is safe. They knew Councillors had commented on Policy DM6 and other issues as well and believed that there was an issue around landscaping in the surrounding area which had not been met but had not queried that at the time but it can come up in the paperwork. We talk about the residents suffering and we shall see who votes for another 3 months suffering.

The Chair advised that the motion to defer would allow the Council to appoint an expert to answer the questions the Committee were not quite sure about.

It was advised to the Chair by the officer that the amendment to the motion had to be taken first which was the motion to defer the application.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 7 For, 4 Against and 0 Abstentions.

RESOLVED:

That the application be DEFERRED.

**PC71/21**

**21/1081/FUL - CONSTRUCTION OF NEW ENTRANCE GATES AND BOUNDARY WALL TO THE FRONT AND FENCING TO THE FLANK BOUNDARIES AT DOVETAIL COTTAGE, 21 CHESTNUT AVENUE, RICKMANSWORTH, WD3 4HA**

The Planning Officer reported that there was no update.

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

Councillor Alex Hayward advised that they had driven past the property but wanted to be assured that there would be some planting because the houses in this avenue were not of an opened nature and there was lots hedgerow. The Member felt that it was really important that we keep as much landscaping as possible especially as we are all into the climate change emergency, being greener and to protect the trees so wanted the reassurance that was going to take place.

The Planning Officer advised that there were two conditions, Condition 6 and 7 which would require planting which must be retained, maintained and replaced should it perish.

Councillor Alison Scarth moved, seconded by Councillor Ruth Clark, that planning permission be granted subject to the conditions and informatives set out in the officer report.

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

RESOLVED:

That Planning Permission be GRANTED subject to the conditions and informatives set out in the officer report.

**PC72/21**

**21/1139/FUL - REMOVAL OF CONDITION 11 (AGRICULTURAL OCCUPATION) OF PLANNING PERMISSION 17/2169/FUL AT THE MULBERRY BUSH, FARM DAWES LANE, SARRATT, WD3 6BQ**

The Planning Officer reported that there was no update but had forwarded comments from Sarrat Parish Council which were received late today as one of their representatives was not able to attend the meeting.

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

Councillor Alex Hayward advised that they had been involved in this application back in 2017 and remembered visiting the site. They could not see a reason why it was needed to lighten the condition that was already in place. The Councillor thought the concerns about what agriculture was going on there was valid. There was very little signs of agriculture taking place although they knew poly tunnels were on the site. There was already accommodation on the site which could be used for agricultural use and we do not need to lighten the terms on this application.

Councillor Chris Lloyd had been to the site on many occasions and had walked passed it again at the weekend and was happy to support what Councillor Alex Hayward had said. There was no difference from what the Committee had seen before. The only question the Councillor had was he thought things did happen between 1991 and 2001 and wondered if we had left off some details that happened in the 90s although it did not affect what they wished to say as that material change had not happened. The Councillor had read the report and listened to the other speakers and was comfortable to support refusal.

Councillor Raj Khuroya felt the Committee should be consistent with its reasoning and was also uncomfortable supporting the recommendation to approve.

Councillor Alex Hayward moved to go against the officer recommendation to approve permission and to refuse the variation to change the condition, seconded by Councillor Chris Lloyd.

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

RESOLVED:

That Planning Permission be REFUSED for the following reason:

The proposed variation to the wording of Condition 11 (Agricultural Occupancy) of 17/2169/FUL would result in the dwelling not being secured for the exclusive occupation of agricultural workers to serve the agricultural needs of the Mulberry Bush Farm, despite the original permission being contingent on the need for on-site presence of workers to serve the Farm. This would impact on the future viability of the site as an agricultural holding and lead to future pressure for an additional agricultural dwelling on the site. The variation of the condition would therefore be unacceptable as it would lead to a dwelling which

would be inappropriate development in the Green Belt contrary to Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 and Appendix 3 of the Development Management Policies LDD (adopted July 2013).

**PC73/21**

**21/1271/OUT - OUTLINE APPLICATION: DEVELOPMENT OF UP TO 70 RESIDENTIAL DWELLINGS (USE CLASS C3) WITH NEW ACCESS FROM GOSFORTH LANE (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) AT FORMER LITTLE FURZE JUNIOR MIXED INFANTS SCHOOL, GOSFORTH LANE, SOUTH OXHEY, WATFORD, HERTFORDSHIRE, WD19 7RE**

The Planning Officer reported that with regard to Condition C3 which was the affordable housing condition at point (i) it should be amended to read: "rounded to the nearest whole number of units" and not rounded up. So if it was 10.1 to 10.4 it would be 10 and if it was 10.5 to 10.9 it would be 11.

Secondly Condition 19 which related to the flood risk assessment should be amended to read "the discharging into the Thames Water sewer would be restricted to no greater than 15 litres per second so essentially was just adding "no greater than". This was essentially to ensure that the drainage condition does not require a discharge range of 15 litres per second. This proposal will actually achieve a lower and better rate so essentially an improvement upon on that requirement and that the condition is the maximum.

Paragraph 7.9.6 requires 16% biodiversity net gain but as a point of clarification it is 18.16 area of habitat gained.

With regards to the tilted balance which is not specifically referenced in the report but relevant to note that in the absence of 5 year housing land supply presumption in favour of sustainable development applies and that planning permission should be granted unless there are any adverse impacts of doing so that would significantly or demonstrable outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Another point raised by the officer for Members was with regard to the history of the site and that outline planning permission was previously granted for up to 70 dwellings and a 75 bed care home. Subsequently to that outline planning permission this Committee considered a reserved matters application for approval of details for the residential care home element. Essentially that outline permission required the reserve matters for the residential element to be submitted by a date of 14 September 2021 but had not been done so essentially this was a new outline application to refresh the residential element of the scheme. However it is an outline application so would still require a subsequent reserve matters application to be submitted for consideration in due course.

Councillor Stephen King sought clarification on the entrance and any new entrance. Would the access be two vehicle wide?

The Planning Officer advised that there were two existing vehicular access points into the site and one existing pedestrian access. The application included alterations to the existing vehicular access arrangements to essentially create one new vehicular access in addition to a pedestrian drop kerb. So there would be one vehicular access. The access met the requirements of Hertfordshire County Council as the Highways Authority who raised no objections to the application. Access was the only detail that is provided at this outline stage with other matters reserved.

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

Councillor Stephen King sought clarification of the officers on whether the application was in Gosforth Lane or Northwick Road as the speaker had mentioned it was Northwick Road twice.

The Chair advised it was Gosforth Lane.

The Planning Officer advised that the site is in Gosforth Lane and would be accessed from Gosforth Lane.

Councillor Keith Martin moved, seconded by Councillor David Raw that outline planning permission be granted subject to the conditions and informatives set out in the officer report with the amendments to Conditions 3 and 19.

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

RESOLVED:

That outline planning permission be granted subject to the conditions and informatives set out in the officer report with the amendments to Conditions 3 and 19.

**PC74/21**

**21/1542/FUL - SINGLE STOREY FRONT INFILL EXTENSION, ROOF EXTENSION INCLUDING HIP TO GABLE ALTERATIONS, INSERTION OF FRONT DORMER AND ROOFLIGHTS, INSERTION OF REAR DORMER AND INSERTION OF FIRST FLOOR FLANK WINDOWS AT WOOD VIEW, 11 GREENBURY CLOSE, CHORLEYWOOD, WD3 5QT**

The Planning Officer reported there was no update.

Councillor David Raw asked for clarification on the dormer and that it does not go from left to right fully but ends a metre in from each end.

The Planning Officer advised that the dormer was set in from the sides but did not have the exact dimension.

Councillor Alex Hayward remembered at the last meeting on another application there was great concern about the Chorleywood Neighbourhood Plan and their preservation of bungalows in the area. Could officers remind Members on where we stand on that?

The Planning Officer advised that in terms of whether this is a bungalow the officer did not know how relevant that was as it was a matter of planning judgement on the Chorleywood Neighbourhood Plan policy which essentially supports the retention of bungalows. The policy had been taken into account as part of the consideration of this application and was a material consideration. But for the reasons set out in point 7.18 of the report, officers did not consider there was any evidence this would not be suitable for old peoples living in the same way that the existing was or was not suitable. The policy had been taken into account and officers had judged the development to be acceptable.

Councillor Alex Hayward asked how many bungalows are we determined to save in an area or not and was that something planning can or cannot do.

The Planning Officer advised that was not something that could be answered at this meeting as we need to consider the merits of this particular application and will come down to the evidence and the merits of a particular application.

Councillor Raj Khuroya sought clarification that weight had been given to Policy 4 of the Chorleywood Neighbourhood Plan and had been taken into consideration.

The Planning Officer advised that was correct.

Councillor Keith Martin moved, seconded by Councillor Stephen King that planning permission be granted subject to the conditions and informatives set out in the officer report.

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

RESOLVED:

That Planning permission be Granted subject to the conditions and informatives set out in the officer report.

**PC75/21**

**21/1618/FUL: CHANGE OF USE FROM GOLF COURSE LAND TO RESIDENTIAL GARDENS AND ERECTION OF OPEN METAL FENCING AT LAND AT MOOR PARK GOLF COURSE, BATCHWORTH HEATH, MOOR PARK, RICKMANSWORTH, WD3 1QN**

The Planning Officer reported that there was no update.

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

Councillor Keith Martin moved, seconded by Councillor Ruth Clark, that planning permission be refused as set out in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 6 For, 0 Against and 5 Abstentions.

RESOLVED:

That Planning Permission be REFUSED for the reason set out in the officer report.

**PC76/21**

**21/1742/RSP - RETROSPECTIVE: INSTALLATION OF AN EXTERNAL ELECTRIC ROLLER-SHUTTER AT 4 ODEON PARADE, HIGH STREET, RICKMANSWORTH, WD3 1EE**

The Planning Officer reported there were no updates.

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

Batchworth Community Councillor Stephen Mander advised that BCC had reviewed the application and had raised no objection or comments although are aware of the nature of the Conservation Area and took this into their discussions. They felt this would be acceptable to all parties and were somewhat surprised that it had been recommended for refusal. From reading the officer's report it seemed the key objection came from the Conservation Officer. None of the neighbours (7 in total) had raised any objections. From their own research no-one seemed to be worried about it having impact an impact on streetscene. Whilst they understood the Conservation Officer

comments they believed each case in a Conservation Area should be looked at individually and considered on its merits. We all need to support the High Street and the retail generally in Rickmansworth. As part of the lease negotiations the shutter was an important topic but no direction was given either way. As to the respective landlord and the property being within the boundaries of TRDC would it not be expected that at the negotiations stage the prospective tenant would have been directed to the planning department on this issue if it was likely to arise. For the tenant the need of the shutter is an insurance issue. We are advised structurally it would be very difficult to mount a similar shutter internally. The roller shutter casing had been installed in such a way that it disappears into the background of the surrounding culls and paintwork and the roller shutter actually protrudes less than the adjoining units either side. The roller shutter is not over prominent or intrusive in the street scene and is doing no harm to the Conservation Area. BCC asked the Committee to accept the application and grant permission as the tenant had done everything they can to mitigate potential problems and meet the requirements of the insurance company to enable them to trade.

Councillor Sara Bedford asked the officer whether under the reason for refusal where it stated no public benefits are considered to exist which would outweigh the harm whether the officer had considered the vitality and vibrancy of the High Street. Would the High Street be detrimentally effected should the premises close and other premises were similarly to close.

The Planning Officer advised that the nature of the application was a private commercial premises and the less than substantial harm had to be weighed up against the public benefits. The Officer appreciated there may be public benefit in terms of shopping at the jewellers but that was not considered sufficient to outweigh the less than substantial harm to the Conservation Area or the Heritage asset.

Councillor Sara Bedford thought that was a matter of opinion. We are encouraging more people to use the High Streets. We are encouraging those people to use these High Streets after dark, we are encouraging a café culture in our High Streets and we need to have a good mix of different businesses running in our High Streets. Otherwise we run the risk of losing the important part of our High Streets which was to have a range of businesses which may not attract people on a daily basis, weekly, monthly or annual basis but provide such a mix of businesses that draw people to them and keep them going otherwise we are going to lose our High Street. There is a least one High Street in the District where permission for shutters had been given in Abbots Langley and they did not find this shuttering had created a hostile form of development. It did not make you feel scared or under attack and felt the risk of losing the business was far greater than the risk that someone might feel in a hostile environment because they see that shutter as walk or drive past it. The Councillor was having problems with the recommendation to refuse the application. If it was a full blackout roller blind they would objecting but it was not and it was a matter of opinion whether you put the vitality of the High Street ahead of the need to prevent a small shutter being put down which looks like a venetian blind.

Councillor Alex Hayward had concern about the Conservation Officer report which was a very generic report and it seemed they had not come and seen the site. To say it was generally considered unacceptable in Conservation Areas did not feel a strong enough refusal. The Councillor had walked up and down the road several times and never noticed the roller shutter box above. They

agreed that the bits left and right were more prominent and the roof of the adjoining shutter with its light is more prominent than this box but we need to protect our High Streets. Fundamentally for the Member it was the Conservation Officers report which they felt was very generic and did not fit this application.

Councillor Chris Lloyd said having listened to the speakers and read the report they wished to move approval of the application due to the grounds on the balance of evidence. The Councillor had seen far worse shutters. We want to keep businesses in the High Street. We are looking at this application on its own merits and would look at an application next door on its own merits. This was seconded by Councillor Sara Bedford.

The Planning Officer appreciated what Members were saying but Planning Enforcement had served an enforcement notice on 88 High Street with regard to the external shutters (hardware premises) and officers were of the opinion that both sites are comparable. The roller shutters at 88 The High Street had recently been removed (as of today) and officers felt that the sites are comparable.

The Team Leader advised that the photographs were very similar of both sites but understood Members were talking about the specific circumstances of this site and the particular benefit of approving this application but just felt that for the benefit of the minutes and the nature of the enforcement notices it was relevant to note.

Councillor Lisa Hudson was puzzled by the report and its comments on shutters. In the High Street you have a lot of shutters and a precedent had been set and some shutters looked a lot worse than this one. They appreciated they did not know how long the shutters had been there.

It was confirmed that the Member had no interest in the site and no declaration was required.

Councillor Raj Khiroya had sympathy with the applicant as no shutter no insurance and no business. It is a jewellery shop so without the shutter they would not be insured. Each application had to be judged on its own merits. It is difficult to compare a hardware store with a jewellery shop they are very different and could not support the refusal. We should be supporting the shop.

Councillor Sara Bedford understood what the officer had advised regarding the enforcement action being taken against the hardware shop which they believed was a discount store and a slightly different premises but also believed that once we start enforcement action we should invite the applicant to submit a planning application had we not done so on this occasion.

The Planning Officer advised that a letter was sent out to the owners of the premises inviting an application to be submitted but also advised that in the best interests they should apply for an internal shutter.

Councillor Sara Bedford noted that they had received the same treatment that everyone else receives with regard to enforcement to be told that what they have done is against current planning and they need to apply for permission as it is not under permitted development and that is what we do for everyone. This applicant was trying to regularise the situation they were in. The fact we had put in enforcement against another business who had a shutter does not mean we should refuse this application and if the hardware store were to put forward an application we would consider that application on its own merits.

Councillor David Raw considered what Councillor Bedford said about the hardware store and the all metal shutter but this was not that bad and should be considered on its merits.

Councillor Chris Lloyd thought that some conditions may need to be added but as it is already in situ this may be different.

The Planning Officer advised because it was retrospective application there were no conditions.

On being put to the Committee the motion to go against the officer recommendation and grant permission was declared CARRIED by the Chair the voting being unanimous.

RESOLVED:

That Retrospective Planning Permission be GRANTED with no conditions or informatives.

**PC77/21**

**21/1745/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 4NO. DETACHED TWO-STOREY DWELLINGS WITH ROOF AND BASEMENT LEVEL ACCOMMODATION, DETACHED GARAGES, FORMATION OF NEW ACCESS DRIVE, ALTERATIONS TO EXISTING ACCESS, LANDSCAPING WORKS AND OTHER ANCILLARY WORKS AT GLENWOOD, CHORLEYWOOD ROAD, RICKMANSWORTH, WD3 4ER**

The Planning Officer reported that on Page 5 of the report within the Highways Officers comments it stated that the nearest station was Chorleywood. The site was positioned between Chorleywood and Rickmansworth stations but was closest to Rickmansworth station but this did not change the Highways assessment of the proposal. Hertfordshire Ecology had provided comments. They do not object to the application but consider a preliminary bat roost assessment should be undertaken prior to determination. The applicant had been advised of this and an assessment had now been undertaken and submitted to the Council today. The survey had been forwarded to Herts Ecology for them to review. As such it was recommended that the decision be delegated to the Director of Community and Environmental Services to grant planning permission subject to the preliminary bat assessment being accepted by Herts Ecology and subject to the conditions set out in the report and any other conditions as required by Herts Ecology.

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 support of the application.

The Planning Officer noted the comments made by the speaker against the application but ultimately it is the application before Members tonight which had to be assessed with the access as proposed at this time. As set out in the report the Highways Authority had considered the application and are satisfied that the proposal would not have a diverse impact on the safety or operation of the highway network and raised no objections subject to conditions.

Councillor Alex Hayward thought these would be significant sized houses looking at the square footage with basements and roofs etc. but asked if the parking would be adequate for them.



The Planning Officer said the parking policy would be complied with the. The parking requirements were met and the amenity space provided was well in excess of standards for properties of this size. Also as set out in the character section of the report we require a 1.5 metre spacing between properties but these dwellings would achieve a spacing of at least 5 metres between the adjoining flank walls. It was acknowledged they are large detached properties but consider that they are in keeping with the character of the area and there would be very good spacing maintained around the properties and the standards are maintained for the properties on amenity and parking.

Councillor Alex Hayward wished to clarify details for the middle property which would not have a garage.

The Planning Officer advised that there was indicative cars shown on the plan and you could fit more cars on that driveway. It might not have a garage but would have sufficient space on the driveway for the two cars indicated but you could also fit two cars in front of those.

Councillor David Raw was shocked that highways had not commented. Chorleywood Road is a really busy road and could not believe they have not made any comments concerning traffic build up.

The Planning Officer advised that Highways had commented and these were set out in the report and they had raised no objection. They may not have made specific comments on that point but if they felt there was issues or concerns they needed to raise they would have raised those. They had raised an initial objection to the application due to the access but with the amended plans as submitted they confirmed that following those amendments they raise no objection.

The Chair confirmed that the road was very busy with traffic.

Councillor Stephen King moved, seconded by Councillor Keith Martin that planning permission be delegated to the Director to grant planning permission subject to the preliminary bat assessment being accepted by Herts Ecology and subject to the conditions set out in the report and any other conditions as required by Herts Ecology and subject to the conditions and informatives set out in the officer report

On being put to the Committee the motion was declared carried by the chair the voting being 8 For, 0 Against, 3 Abstentions.

**RESOLVED:**

That planning permission be delegated to the Director to GRANT PLANNING PERMISSION subject to the preliminary bat assessment being accepted by Herts Ecology and subject to the conditions set out in the report and any other conditions as required by Herts Ecology and subject to the conditions and informatives set out in the officer report

**CHAIR**