

YOU THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held at Watersmeet, High Street, Rickmansworth on Thursday, 27 May 2021 from 7.30 - 9.44 pm

Present:

Councillors:-

Steve Drury (Chair)
Raj Khiroya (Vice-Chair)
Sara Bedford
Stephen Giles Medhurst
Chris Lloyd
Ruth Clark

Keith Martin
Alex Hayward
Stephen King
Debbie Morris
David Raw

Also in attendance: Councillors Margaret Hofman, Dominic Sokalski, Phil Williams, Croxley Green Parish Councillor Chris Mitchell, Batchworth Community Councillor Diane Barber, Chorleywood Parish Councillor Jon Bishop and Sarratt Parish Councillor John Gell.

Officers in Attendance:

Adam Ralton
Matthew Roberts
Kimberley Rowley
Claire Westwood
Sarah Haythorpe
Sherrie Ralton

PC1/21 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Alison Scarth with Councillor Stephen Giles-Medhurst attending as named substitute Member

PC2/21 MINUTES

The virtual/remote minutes of the Planning Committee meeting held on 22 April 2021 were confirmed as a correct record and were signed by the Chair of the meeting.

PC3/21 NOTICE OF ANY OTHER BUSINESS

The Chair advised that Item number 7, 173 Abbots Road and item number 13, Christmas Tree Farm had both been withdrawn.

PC4/21 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.”

Councillor Steve Drury advised that the Liberal Democrat Councillors wished to declare a non-pecuniary interest in Items 11 and 12. Members of the Committee were not personal friends of the Councillor who was acting as an agent on the application and did not feel there was any conflict of interest.

Councillor Jon Tankard made a pecuniary interest in agenda items 11 and 12 as the agent for the applications. The Councillor would be speaking on item 6 and would then leave the meeting.

Councillor Stephen King declared a non pecuniary interest as Chair of the Planning Committee of Watford Rural Parish Council. There were no items on the agenda but the Councillor had come with an open mind and was not bound by the views of the Parish Council.

PC5/21

20/1881/FUL - DEMOLITION OF EXISTING BUILDINGS FOR RESIDENTIAL DEVELOPMENT COMPRISING TWO-STOREY HOUSES AND THREE-STOREY BLOCKS OF FLATS (160 DWELLINGS IN TOTAL), TOGETHER WITH CAR PARKING, LANDSCAPING, AND OTHER ASSOCIATED WORKS AT KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3JJ

The Planning Officer gave the following update:

There had been one further objection letter that reiterated objections that had been set out in the Committee report, that the amended plans did not overcome the concerns, in relation to the use of Little Green Lane and to access the development, the impact on the Conservation Area and the impact on the amenities of the occupiers of number 5 Little Green Lane.

Councillor Sara Bedford said this was the third time the Committee had looked at this application. Three months ago the Committee had proposed the application be deferred in order to obtain an independent highways report. The report did not give an official seal on those highways issues that were believed to be a danger so the Councillor believed highway safety should be discounted from the reasons as to why this application was not right for the site. The Councillor pointed out that the Local Plan Inspector had allocated the site in the Local Plan and made an important statement: ‘the site was able to deliver significant housing whilst maximising the scope for sensitivity vis a vis the Conservation Area.’ That assumed access would be via Grove Crescent not Little Green Lane as proposed in this application. Grove Crescent access was proposed several years ago in talks with the previous owner of Killingdown Farm. The current developer did not attempt to take up that access until earlier this month and were still not committed to using this access. This application hinged on 2 points: Would the development cause harm to the Conservation Area? Can the harm be mitigated or was it outweighed by the public benefit? The Councillor supported the findings of less than substantial harm that this development would cause to the Conservation Area. The reason for that was almost entirely around the access due to be created from Little Green Lane. Widening the lane and increasing the traffic using the lane to the development would urbanise the semi-rural area. By removing the hedgerow and creating greater access the development would create a permanent scar in the Conservation Area. The large houses proposed looking across the Green would totally change the character of the area. The only reason for access across Little Green Lane was to increase the land value of saleability and profit.

New homes were needed in this area and this could be achieved by providing sole vehicular access via Grove Crescent and leaving Little Green Lane for pedestrians and cyclists only.

Councillor Sara Bedford proposed that the application be refused for the following reasons:

1. The proposed development by reasons of form scale and layout along the site's western edge would detract from the overall appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Croxley Green Conservation Area and Grade II listed buildings and that the loss of hedgerow to facilitate the new and widened vehicular access and the widening of Little Green Lane, together with the intensification of vehicular use of Little Green Lane would also result in a detrimental urbanising impact. This would further exacerbate the harmful impact on the rural character and appearance on the Croxley Green Conservation Area and result in less than substantial harm to the setting of the Conservation Area. It is considered that the identified harm is not considered to be outweighed by public benefits and the proposed development is therefore contrary to Policy CP1 of the Core Strategy to the Croxley Green Conservation Area appraisal and paragraph 196 of the NPPF.
2. The proposed development on Plot 26 by virtue of its siting, mass and design and proximity to the western boundary would result in an overbearing and visually intrusive and enabling form of development to the detriment of the residential amenities of the occupiers of No 5 Little Green Lane, and the development would therefore be contrary to Policies CP1 and CP12.

If refusal was agreed this would leave the Council without the required Section 106 agreement so a 3rd reason for refusal would need to be provided around that; in order to maximise sustainable travel options a travel plan and financial contribution towards supporting the implementation processing and monitoring of a travel plan was required. In the absence of a signed agreement under provisions of Section 106 of the Town Country Planning Act the development fails to meet this requirement. Officers were asked to add the relevant policies.

Councillor Chris Lloyd had met with the County Highways Officer, the County Chair of Planning and the Officer and was amazed there was no highway objection. The Councillor had requested the accident statistics for the junction and was sure if it were used the number of accidents would increase. Because of increasing deliveries people use that lane to get to Canterbury Way and go down an unmade road. The Councillor was of the opinion that, from the pond to the school, the road should be closed to vehicular traffic, apart from emergency and farm vehicles. The hedges had been particularly important for other applications on the Green. The impact of widening the road, adding lighting and a footpath would change the more rural part of the Green used by cyclists, walkers, runners and various leisure interests. The Councillor was happy to second refusal on the grounds given.

Councillor Debbie Morris said the Chair had said at the start of the meeting that Members should not come with prepared speeches but it did not look like one of the Members had followed that advice and the Councillor had concerns about how this played out to the public and all other parties.

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

District Councillor Margaret Hofman said the latest report stated that the heritage objection was strong. The Heritage Officer said despite its allocation, the development of the site to provide 160 dwellings was fundamentally harmful. The

application site used only parts of the allocation site so the numbers should be reduced to mitigate the harm. The addition of land off site for flood mediation distorted the density. The proposed new building at 1 to 3 The Green should be removed as it was too close to the boundaries and the access would open up the hedge. The listed farmhouse had been omitted from the application area. This application did not represent proper planning and was contrary to the objectives of the site allocation. Access should be from Grove Crescent where highway infrastructure already existed. Access from Little Green would have permanent harm and would impact on the character of the Green.

District Councillor Dominic Sokalski had four concerns at the February Planning Committee Meeting: the proximity of plot 26 to No5 Little Green; damage to the Conservation Area; damage caused by construction traffic and vehicle access should be changed to be via Grove Crescent. The amended application did not address concerns over access and construction traffic, had very little about the Conservation Area and insufficient changes to plot 26. Vehicular access should be via Grove Crescent, as the traffic flow would be better and more sustainable and better for the Conservation Area. It would benefit place making and community cohesion and called for the application to be rejected.

Croxley Green Parish Councillor Chris Mitchell asked for the application to be refused on Conservation Area grounds. The Independent Highways Engineer measured the road. To make it 4.8 metres wide the footway would need to be reduced to 1.45 metres rather than 2 metres which was unsatisfactory. The site lines from Little Green Lane to Baldwins Lane were poor and it was considered a dangerous junction. The Parish objected to the use of Little Green Lane for access. The mix of housing should more accurately reflect the Three Rivers and Local Strategic Housing Market Assessment and the Neighbourhood Policy Plan HO1.

Councillor Debbie Morris was pleased that Members, District Councillors for the Ward and Parish Councillors had taken on board everything said at the February meeting about the impact of the scheme on the Conservation Area and heritage assets and read out an email received from a resident. Councillor Debbie Morris supported the refusal.

The Planning Officer clarified as follows:

- The Site Allocations Document did not specify that access must be from Grove Crescent. The master plans prepared during the allocation process did indicate access from Grove Crescent but this was an indicative master plan that indicated how a site could be developed to accommodate development there. There was no requirement for any subsequent planning application to reflect an indicative master plan. Points had been raised regarding highway safety but Members had noted the independent report and therefore there was no support from County Council's Highways Authority or the Independent report for a highways refusal.
- The impact on No5 Little Green Lane, the applicant had made changes so the building on plot 26, both the detached garage and dwelling were set a significant distance from the boundary. Officers raised no objection to the initial scheme and additional spacing had been created to the boundary therefore the view was maintained that there would not be demonstrable harm to the occupiers at No5 Little Green Lane.
- With regards conservation impacts in terms of development on the western edge, the access and road widening, the Officer report identified that there was less than substantial harm so that needed to be weighed against public benefits and as set out in the report, Officers consider that there were public benefits that outweighed the less than substantial harm. Members may attach different weight to the public benefits and therefore conclude

differently, but the site was allocated and the allocation did not preclude development from within part of the site which was within the Conservation Area.

- Members were referred to Section 7.2.1 of the report. The Local Planning Authority could not currently demonstrate a five year housing land supply which meant Paragraph 11 of the National Planning Policy Framework (NPPF) was engaged. This required that should there be a presumption in favour of sustainable development and therefore if Members were minded to refuse planning permission they must be clear that the adverse impacts that they had identified were either less than substantial harm to the Conservation Area which was not outweighed by public benefits and harm to neighbouring amenity. Those needed to significantly and demonstrably outweigh the benefits in the policies in the NPPF as a whole.
- Regarding the access, the Planning Officers had to consider whether the application before them was acceptable. There were no highways objections and they considered there would be public benefit.
- The footpath was 2 metres wide in most places but was reduced in a couple of places but exceeded the County Council standards.
- The housing mix had been reviewed by the Housing Team at TRDC who were supportive. It was providing 45% of affordable housing.

Councillor Stephen Giles-Medhurst noted the Officer's comments in terms of the indicative masterplan and public inquiry that decided this was a site was for development. The Councillor said that masterplan would have featured in the Inspector's mind as an indicative proposal. The Inspector had not indicated access had to be from Grove Crescent but that would have been a factor. Removal of the hedgerow, urbanisation of Little Green Lane with lighting and a footway would completely change the nature of it as a rural country lane. The Councillor was surprised that the benefits outweighed the complete change and the effect on Killingdown Farm and the change on the Conservation Area. They hoped the owners and developers of the site would take on board the comments that had been made. The Councillor supported refusal of the application.

Councillor Raj Khiroya said the 346 objectors should not be ignored together with all the emails received and supported refusal of the application.

The Case Officer summed up that Members had explained they did not consider there were public benefits that outweigh the less than substantial harm to the heritage assets. Members would need to consider that as a whole and also the impact on No5 Little Green Lane, they would need to be clear they were identifying that these adverse impacts significantly and demonstrably outweigh any benefits when assessing the application as a whole.

Councillor Sara Bedford pointed out that the Council had to ensure they were getting the maximum amount of social housing, whether private social rented housing or shared ownership housing and getting the family houses that were needed.

The Chair advised that this was the third time this application had been heard by the Planning Committee in various forms. It was unfair to say views had been pre-determined as there had been updates at each meeting that had to be taken into consideration.

The Planning Officer summarised the three reasons for refusal as follows with the exact wording to be circulated to Members after the meeting:

1. The heritage assets and the fact they had referenced form, scale and layout particularly to the western edge. Detracting from the overall appearance of

the landscape and less than substantial harm, with reference to both the conservation area and the listed buildings, particularly the farm and numbers 1 to 3 Little Green Lane. The loss of the hedgerow in relation to the new access and widening of the vehicle and pedestrian access and Little Green Lane and associated with that intensification of the use of Little Green Lane. There were comments about that having a detrimental urbanising impact and causing further harm.

2. Plot 26 relates to the impact on No5 Little Green Lane, specifically in relation to the development on plot 6 with reference to its siting, massive design and proximity to No5 Little Green Lane resulting in harm to the amenities of occupiers of that property.
3. Section 106 agreement had not been completed to secure the travel plan and associated financial contributions.

Councillor Debbie Morris asked for the inclusion of the Grade II Croxley House and Well House that had been identified in the Heritage Officers report as being adversely impacted by the proposals.

Councillor Stephen Giles-Medhurst clarified that their comment were with regard to the urbanisation of Little Green Lane and therefore its detrimental effect on the Conservation Area.

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

RESOLVED:

That PLANNING PERMISSION BE REFUSED (overturn of the recommendation) for the following reasons: Refused on grounds relating to impact on heritage assets not being outweighed by public benefit; impact on amenity of occupiers of No. 5 Little Green Lane; and in the absence of a S106 agreement to secure a Travel Plan and associated financial contribution. The exact wording to be circulated to members of the Committee for agreement and as set out below:

R1 The proposed development, by reasons of its form, scale and layout along the site's western edge would detract from the overall appearance of the wider landscape and result in less than substantial harm to the setting and significance of the Croxley Green Conservation Area and Grade II Listed Buildings (Killingdown Farm, No's 1-3 Little Green Lane, Croxley House and Well House). The loss of hedgerow to facilitate the new and widened vehicular and pedestrian access and widening of Little Green Lane, together with the intensification of use of Little Green Lane, would also result in a detrimental urbanising impact, further exacerbating the harmful impact on the rural character and appearance of the Croxley Green Conservation Area and would result in less than substantial harm to the setting of the Conservation Area. The identified harm is not considered to be outweighed by public benefits and the proposed development is therefore considered to be contrary to Policy CP1 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies DPD (adopted July 2013), the Croxley Green Neighbourhood Plan (adopted December 2018), Croxley Green Conservation Area Appraisal (1996) and paragraph 196 of the NPPF (2019).

R2 The proposed development on Plot 26 by virtue of its siting, mass and design, and proximity to the western boundary would result in an overbearing, visually intrusive and unneighbourly form of development to the detriment of the residential amenities of occupiers of No. 5 Little Green Lane. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted

October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

R3 In order to maximize sustainable travel options, a Travel Plan and financial contribution towards supporting the implementation, processing and monitoring of the full travel plan is required. In the absence of a signed agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development fails to meet this requirement. The application therefore fails to meet the requirements of Policies CP1, CP8 and CP10 of the Core Strategy (adopted October 2011) and the NPPF (2019).

PC6/21

21/0317/RSP- PART RETROSPECTIVE: DEMOLITION OF EXISTING GROUND FLOOR SIDE EXTENSION AND BALCONY AND REPLACEMENT WITH DOUBLE STOREY SIDE EXTENSION, SINGLE STOREY SIDE AND FRONT EXTENSION, NEW PORCH OVER FRONT DOOR, LANDSCAPING TO INCLUDE A PARKING SPACE TO FRONT OF PROPERTY AND ASSOCIATED LANDSCAPING WORKS AT 4 ARTICHOKE DELL, DOG KENNEL LANE, CHORLEYWOOD, WD3 5EQ

There was no Officer update.

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

District Councillor Jon Tankard spoke on the process rather than the application. The Councillor said the Council needed to be taking the lead in creating processes and establishing principles for dealing with veterans.

Chorleywood Parish Councillor Jon Bishop raised the following points: Whilst Chorleywood Parish Council were sympathetic to the applicant, granting the application would have a negative impact on the wider community and would damage Chorleywood Common. The area for the parking space was registered as common land and granting planning permission would result in the permanent loss of the area to the Common. Provision of a License or Easement would enable the applicant to park closer to the property. The Committee were asked to refuse the application.

The Planning Officer advised that the Committee should look at the planning merits of the application. If planning permission were granted it would not negate the requirement for the applicant to overcome and satisfy any other legislation or consents that would be required. Licenses and Easements mentioned by the Parish Council would be completely separate as they would be a consideration outside of planning. The Committee should be looking at the planning harm as a result of the parking and also what the Officer recommendation was looking at which was the harm from the single storey front and side extension.

Councillor Debbie Morris asked if temporary personal permission could be granted for the applicant to use the area for parking and have a requirement that on the sale of the property it would lapse and have to be converted back to its current state. Was it correct that personal circumstances of an Applicant were not material to planning considerations?

The Planning Officer said it would not meet the tests for planning conditions and would not be reasonable. If they were to condition this there would need to be a planning reason why it should be a temporary consent. The 2nd question was in respect of whether or not personal circumstance are a material consideration. Personal circumstances could be a material consideration and it was felt in this case the weight given to that would not outweigh the harm to the Conservation

Area. Members could give weight to the personal circumstances but they would need to believe that the extension requirements for the occupiers use were exceptional to outweigh National and Local Planning Policy. Officers did not feel that was the case in this instance.

Councillor David Raw asked if there were any alternative options available from the Parish Council. The Planning Officer said they could only consider the application before them tonight.

Councillor Sara Bedford asked if planning permission was granted did the applicant still need permission to use the space as village green under the Countryside Rights of Way Act or any other legislation or if they were given that permission did they still need planning permission to use the land because they were carrying out engineering works on that land. Were both required in order for this development to proceed or was only one required in order for it to proceed and if so which one?

The Planning Officer confirmed that both would be required. They would need to satisfy themselves with both consents. For example planning permission could be granted for an extension but would still require building regulations and there may be issues from the building control perspective which could mean the extension could not be built. With regard the parking aspect, granting planning permission would not necessarily give them the right to park there because they would have to comply with other legislation which was for the applicant to satisfy.

Councillor Sara Bedford asked if planning permission were to be given by this Authority that would be a permanent permission and therefore would be up to any agreement made requiring it as Commons Land to provide any temporary or personal permission if that was what the Authorities or DEFRA believed was the thing to do. The Council would give a permanent permission and it would be up to other Authorities to say no it had to be a temporary permission personal only to the Applicant if that was the case? The Planning Officer confirmed this was correct.

Councillor Stephen Giles-Medhurst said there was harm to the Conservation Area and the circumstances of the applicant did not outweigh that in terms of any public benefit and therefore supported the Officer's recommendation for refusal.

Councillor Alex Hayward was sure it was not the case that the applicant had been treated unfairly by the Council. There would be ongoing harm to the Common. They supported the Officer's recommendation for refusal.

Councillor Stephen Giles-Medhurst moved, seconded by Councillor Alex Hayward, the recommendation set out in the report for refusal.

On being put to the Committee the motion for refusal was declared CARRIED by the Chair the voting being 5 For, 3 Against and 3 Abstention.

RESOLVED:

That PLANNING PERMISSION BE REFUSED for the reasons set out in the officer report.

Councillor Jon Tankard left the meeting.

PC7/21

21/0417/RSP - PART RETROSPECTIVE: EXTENSION TO EXISTING PATIO AND ADDITIONAL LANDSCAPING WORKS TO REAR GARDEN AT 173 ABBOTS ROAD, ABBOTS LANGLEY, WD5 0BN

Application withdrawn

PC8/21

21/0514/ADV: ADVERTISEMENT CONSENT: INSTALLATION OF 1 NON-ILLUMINATED TOTEM SIGN; 3 NON-ILLUMINATED FASCIA SIGNS TO WESTERN ELEVATION AND NON-ILLUMINATED FASCIA SIGNS TO SOUTHERN ELEVATION AT TRAVIS PERKINS, CHURCH WHARF, CHURCH STREET, RICKMANSWORTH

There was no Officer update.

Councillor David Raw had concerns about the totem sign at the front.

Councillor Raj Khiroya asked whether there were three signs previously.

The Planning Officer did not know exactly how many signs there were previously but there were signs on the building, entrance gates and fencing and there were flagpoles. With regard to the colours, the Officers felt they were acceptable. They were company colours, would be set back from the road within the site so they did not believe it would be prominent. It was not illuminated.

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

Batchworth Community Councillor Diana Barber said the Community Council objected to the proposed signage on the site. They felt it was inappropriate and obtrusive and detrimental to the street scene. Policy DM3 stated applications would only be supported where they sustain, preserve and enhance the character and appearance of the area and this did neither. They requested that the huge proposed signage on the west flank be refused as it would harm important views into and out of the area.

The Planning Officer clarified that because the application site was not within the Conservation Area Policy DM3 was not relevant in so far as it refers to preserving and enhancing Conservation Areas, however, it does also state that development outside of a Conservation Area should not be granted if it would adversely affect the setting of a Conservation Area or views into or out of that Conservation Area. The Conservation Area was approximately 40 metres north east of the site to the other side of Church Street and the Batchworth Roundabout and the Officer's view was that the signs on building would not affect the setting of the Conservation Area or views into or out of that Conservation Area. The totem sign was set back from the road within the site and consider it is acceptable. The application only relates to advertisement consent not operating consent.

Councillor Sara Bedford clarified what Officers had stated in that the site was not in the Conservation Area and the sign would not be illuminated. The application was about signs and not about the size or appearance of the industrial buildings and not about the operating hours. All that was being considered was some non illuminated signs. All the way alongside the canal from Kings Langley to Rickmansworth and Mill End the canal has historically been used for industrial purposes and this application was not out keeping with the canal side locations. This part of Rickmansworth was not a village location. The Councillor could see no problems with the signs as long as they were not to be illuminated.

Councillor Sara Bedford moved, seconded by Councillor Raj Khiroya, the recommendation as set out in the officer report the advertisement consent be granted.

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

RESOLVED:

That ADVERTISEMENT CONSTENT BE GRANTED subject to the conditions set out in the Officer report.

PC9/21

21/0542/FUL - DEMOLITION OF EXISTING BUILDINGS AND MANEGE AND CONSTRUCTION OF DETACHED BUNGALOW WITH ASSOCIATED PARKING, HARDSTANDING AND SOFT LANDSCAPING AT PETHERICK PASTURES, BUCKS HILL, SARRATT, WD4 9AE

The Planning Officer reported that there was no update.

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.

Sarratt Parish Council wished to object to the creation of a new dwelling in the Green Belt with no special circumstances sited. Construction of a new dwelling would have a considerable impact on the openness of the Green Belt compared to the existing buildings and would result in inappropriate development. A similar application was made on the site last December for a 3 bedroomed dwelling which was refused by the Council. This application had reduced the dwelling to two bedrooms with reduced form and scale and the applicant had volunteered to enter into a Section 106 agreement to pay a contribution towards affordable housing thereby seeking to address the reasons for refusal of the first application and the very special circumstances demonstrated. The changes did not mitigate the previous reasons for refusal. If a new two bedroom dwelling had originally been proposed this would also have been refused on the same grounds. Reducing its size and scale does not change the fact that it's inappropriate development in the Green belt and no special circumstances. The site remains unsuitable for this type of development due to its lack of essential services and transport infrastructure.

The Planning Officer clarified that in respect of Green Belt applications the correct approach was to first consider the NPPF and whether or not the development proposed would fall within Paragraphs 145 or 146. Within Paragraph 145 'the erection of new buildings' there are a number of exceptions to inappropriate development in the Green Belt, one of which includes the redevelopment of previously developed land. That was caveated by the fact that the development itself should not have a greater impact on the openness of Green Belt than the existing development that exists on the land. The approach taken by the officer here was that the equestrian established use of the land does fall within the definition of previously developed land as defined within the NPPF and consequently it could fall within one of the exceptions within Paragraph 145. This was subject to the fact that it should not have a greater impact than the existing development on the openness of the Green Belt. In respect of the previous application that was refused this was because it was considered there was a greater impact on the openness than the existing development. Following some changes in respect of the removal of a bedroom, a gable projection, the reduction in the height by 0.6 metres and the further removal of another building within the site towards the rear it was considered this time that there was not a greater impact on the openness of the Green Belt. Therefore the conclusion was that it would be an appropriate form of development and automatically that would mean there was no harm to the openness. If it was considered that there was greater impact then it would automatically mean it was inappropriate development and then you would also need to consider the impact on openness. A few speakers had highlighted the fact that it was inappropriate development but the officer's view was that it does fall within one of the exceptions within the NPPF. In terms of precedence one of the speakers said if anyone had a stable block that could allow the ability for a new dwelling but there does need to be a balance in respect of whether or not the harm was greater than what was there at present. If there was a very small stable this would not obviously enable a new dwelling for various factors. Affordable housing was also not voluntary it was a requirement as part of CP4 of the Core Strategy as it's a new dwelling and the gain of one dwelling means there is an automatic requirement that they pay a commuted sum. The applicants would

enter into this agreement if the application was approved but it would have to be delegated in order for that agreement to be secured before granting planning permission.

Councillor Debbie Morris thought that they had heard the speaker in support state that they had bred sheep on the land. If that was correct does this genuinely fall into equestrian use or if some of the buildings concerned had been part of the sheep farming business. Also what enquiries had officers made about the use of each of the buildings and had they been satisfied that there was total equestrian use here and also satisfied on the use of the fields.

The Planning Officer advised that in respect of the established use of the site the primary use in the officer's opinion was equestrian. A ménage was permitted which enabled equestrian uses to take place on the land. Furthermore there was a stabling block that was permitted which was again for the stabling of horses rather than grazing. Whilst the applicant had mentioned there was grazing of sheep that potentially was a limited part of the land. It is the officer's view that the primary use of the land was for equestrian use therefore any other purposes may meet the definition of agriculture but would only be a de minimus element as clearly by virtue of the fact that being a ménage stabling for horses would meet the definition of equestrian rather than agriculture

Councillor David Raw stated that looking at Paragraph 3.3 of the report it stated the proposed 2 bedroom dwelling had been reduced in width, height and depth from the previous 3 bedroom dwelling. Did officers feel the 2 bedroom dwelling was acceptable to grant planning permission? What would happen if the dwelling was built and they decided to build an extension?

The Planning Officer advised that if Members were minded to grant planning permission then the applicant would need to build in accordance with the plans permitted. If there was any deviation from that it would be an enforcement matter. Part of the recommendation for approval included a condition removing permitted development rights once the house was built. Any further extension would be controlled and they would have to apply for planning permission.

Councillor Alex Hayward knew the area well and a lot of concern had been raised on this application and the impact on the openness of the Green Belt and streetscene from footpaths across New Hall Farm where you have a view of the valley to which this site is extremely visible. Could officers clarify where it talks about protected trees that the property had to move a little to protect the trees?

The Planning Officer confirmed that the building had shifted away from the boundary with the woodland which it sits adjacent to.

Councillor Alex Hayward argued that this would make it more prominent in this open space. The Councillor was also concerned that it refers to a ridge height which is not considered significant of nearly 1 metre but in this setting this was significant when looking across the valley and does make the property significantly bigger.

Councillor Chris Lloyd said having seen the views mentioned previously it would have an impact from the Sarrat side of the valley.

Councillor Alex Hayward moved refusal in that it would be harmful to the openness of the Green Belt area, seconded by Councillor Debbie Morris.

The Planning Officer questioned whether the Councillors views were in respect of the impact of the views from lower in the valley having an impact on the character of the area rather than the Green Belt. Was it that the building would not fit in or is it that the development does not meet the Green Belt exceptions given the its ridge height meaning it would have a greater impact on the openness of the Green Belt than the existing development. This just needs to be made clear.

Councillor Alex Hayward confirmed that was what they were implying as the buildings as you look across at them are a mix of buildings and tucked into the trees but this is going to be more prominent and of a higher ridge height. If you look across the valley it is a very open space and the development would be very significant.

Councillor Stephen Giles-Medhurst sought clarification from the Officer that the ridge height had been lowered from the previous application. They understood it was higher could the officer confirm which was correct. Could the officers also clarify in terms of the photographs which the new building would replace and indicate what the difference was in what was currently there and what will replace it and what the new buildings would replace.

Councillor Alex Hayward said there had been a lot of comparison to the previous application which was refused. This application was lower than the previous but higher than the existing buildings.

The Planning Officer said it would be lower than the previously refused scheme but the new building is still higher than the existing building by 0.9 metres. In respect of where it is on site it was the furthest forward building towards Bucks Hill. If Members were minded to refuse then it would need to include the absence of a legal agreement covering the affordable housing contribution.

The Planning Officer clarified the reason for refusal proposed and seconded that the development proposed by virtue of its height exceeding the existing buildings on the site and by virtue of its size would result in a development that would have a greater harmful impact on the openness of the Green Belt than the existing development. Therefore it would be inappropriate development as it would not meet the exceptions of Paragraph 144 and 145 of the NPPF and by virtue of its inappropriateness there would be harm to the openness by virtue of its height, size and its bulk from views across the valleys and there is no circumstances put forward which would result in very special circumstances that would outweigh the inappropriateness of the development and harm to openness with the wording to be circulated to Members after the meeting to agree. The second reason for refusal being the absence of legal agreement covering the affordable housing contribution.

Councillor Alex Hayward asked if the siting could be included as it had been pushed away from the boundary. The Officer confirmed some wording could be included.

On being put to the Committee the motion to REFUSE the application was declared CARRIED the voting being 4 For, 3 Against and 4 Abstentions.

RESOLVED:

That Planning Permission be Refused for the following Reasons (the final wording having been agreed by Members after the meeting)

R1: The proposed new dwelling by reason of its height, siting (positioned away from the north western boundary) and its size would have a greater impact on the openness of the Green Belt than the existing development and therefore constitutes inappropriate development which is, by definition, harmful to the Green Belt. In addition to its inappropriateness there is also actual harm to the openness of the Green Belt. No Very Special Circumstances exist to outweigh the inappropriateness and actual harm to openness. The development is therefore contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

R2: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

PC10/21

21/0571/FUL - SINGLE-STOREY REAR EXTENSION AND ASSOCIATED INTERNAL ALTERATIONS AND ALTERATIONS TO EXISTING OUTBUILDING TO BE USED AS OFFICE AT 4 SOLESBRIDGE LANE, CHORLEYWOOD, WD3 5SN

The Planning Officer reported that there had been one further letter of objection received since the agenda was published and raised similar concerns to those

outlined in the report regarding the impact on the Conservation Area, impact on the neighbouring wall, inappropriate roof pitch, height and loss of light.

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

Chorleywood Parish Council advised that it seemed unusual to be speaking on a small extension but the nature of these cottages makes the impact of this very small extension quite severe on the neighbouring properties. These cottages have very small courtyards and is the only private garden that they have. No4 is positioned at the south western end of the terrace. No.5 has a particularly small courtyard. There are sheds at the back of the properties. The proposed extension will take up about half of the rear garden and due to its length and increase in height would have an impact on the light at the back of No5 and its courtyard. Policy CP12 makes it clear that residential amenity is a key need. The Committee need to consider the loss of light caused by this application and consider refusing it.

Councillor Debbie Morris asked if the application is approved could permitted development rights for Class A and E extensions be removed due to the small size of the amenity area.

Councillor Alex Hayward asked if there was any appetite to make a site visit? These are very small cottages and it was difficult to judge and it may be wise to look at this in more detail. Councillor Raj Khiroya wished to support a site visit. Looking at the property would give a better understanding.

Councillor Sara Bedford said this was a very tight set of small cottages, on small plots and close together but that's what they have always been and tended to think that the extension that was being suggested was modest and not unreasonable in the current climate. They thought the suggestion of withdrawing the Permitted Development rights would be acceptable and was happy to move that Planning Permission be granted subject to conditions with an additional condition regarding permitted development rights, seconded by Councillor Stephen Giles-Medhurst.

Councillor Stephen Giles-Medhurst wished to check what the conditions were in terms of the building work. It did still state building work could be undertaken on Saturdays and wished that to be removed. You were only talking about 4 hours on a Saturday and felt it was not unreasonable given how constrained this site is. Doing a site visit would not provide any more detail than what Members already had.

The Planning Officer advised that the working hours were controlled by other legislation but informative No2 sets out that working hours tend to be controlled by the Control of Pollution Act. If Members consider it would be reasonable and necessary to make the development appropriate and wished to have a planning condition it can be added but if the applicant was not happy with the condition they could appeal it.

Councillor Debbie Morris said the speaker also requested temporary screening could something be added on this. The Planning Officer advised that an informative could be added asking for that to happen but did not think that was something we could insist upon or enforce. The proposer of the motion was not be happy to add anything to the recommendation on temporary screening as a condition but happy to be included as an informative.

Councillor Stephen Giles-Medhurst advised that they would be happy for the construction work on Saturdays to be added as an informative and not as a condition and hoped that the applicant would be reasonable in undertaking this.

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

RESOLVED:

That Planning Permission be granted in accordance with the officer recommendation set out in the report with the inclusion of a further condition removing permitted development rights (Classes A and E). Amendments to informatives, to include request for temporary screening and no construction work on Saturdays.

PC11/21

21/0642/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF REPLACEMENT THREE STOREY DWELLING AND BASEMENT LEVEL ACCOMMODATION, RAISED TERRACE TO REAR, FRONT BALCONY AND SWIMMING POOL TO REAR AT 45 GALLOWS HILL, ABBOTS LANGLEY, WD4 8PG

The Planning Officer reported there was no update.

Officers were not objecting in principle to the application as set out in the report. The specific concerns related to the mass, bulk and depth in terms of both impact character and appearance but also impact on neighbouring amenity therefore the application was recommended for refusal on those two grounds.

Councillor Sara Bedford had no problem with the principle of the replacement dwelling but this application was just too big for where it is.

Councillor Debbie Morris moved the recommendation as set out in the officer report that the application be refused seconded by Councillor Raj Khiroya

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 reasons set out in the officer report.

PC12/21

21/0826/FUL- SINGLE STOREY SIDE AND REAR EXTENSIONS, CONVERSION OF GARAGE, ALTERATIONS TO FENESTRATION INCLUDING BAY WINDOW AND FRONT PORCH AT 18 FOLLETT DRIVE, ABBOTS LANGLEY WD5 0LP

The Planning Officer reported that there was no update.

Councillor Sara Bedford noted the reason why the report was coming to the Committee and could see no problem with the application and was happy to move the recommendation that planning permission be granted seconded by Councillor Keith Martin

On being put to the Committee the motion that planning permission be granted 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.

PC13/21 21/0850/PIP - PERMISSION IN PRINCIPLE: CHANGE OF USE TO RESIDENTIAL AND CONSTRUCTION OF TWO SINGLE STOREY HOUSES WITH ASSOCIATED RESIDENTIAL CURTILAGES AT CHRISTMAS TREE FARM, DEADMANS ASH LANE, SARRATT, HERTFORDSHIRE

Application withdrawn

CHAIR