

## THREE RIVERS DISTRICT COUNCIL

**At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 22 June 2023 from 7.30 - 8.25 pm**

### **Present:**

Councillors:

Sara Bedford (Chair)

Matthew Bedford

Ruth Clark

Stephen Cox (substitute for Cllr Stephen King)

David Raw

Chris Lloyd

Philip Hearn

Debbie Morris

Khalid Hussain

Raj Khiroya (substitute for Cllr Steve Drury)

### **Also in Attendance:**

Councillors Louise Price and Phil Williams

### **Officers in Attendance:**

Matt Roberts, Scott Volker, Sarah Haythorpe

### **PC12/23 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Steve Drury and Stephen King with the named substitutes being Councillors Raj Khiroya and Stephen Cox.

An apology for absence was also received from Councillor Ian Morris.

### **PC13/23 MINUTES**

The minutes from the Planning Committee Meeting held on 25 May 2023 were confirmed as a correct record and were signed by the Chair.

### **PC14/23 NOTICE OF OTHER BUSINESS**

There were no items of other business.

### **PC15/23 DECLARATIONS OF INTEREST**

The Chair read out the following statement to the Committee:

All fellow Councillors should come to the Committee meeting with an open mind and be able to demonstrate that they have not pre-determined our decision in any way. We must only reach a decision after consideration of all the information provided by the officers, applicants, members of the public and other Councillors and the planning policies of the Council and should not do anything which may lead others to believe that we have already made up our minds as to whether to approve or refuse an application.

Councillor Raj Khiroya declared a non-pecuniary interest in agenda item 5 (22/1912/OUT - Outline application: Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters) at 24

Denham Way and Land to the Rear, Maple Cross) as they had visited the site as a Local Ward Councillor and would leave the meeting.

Councillor Raj Khuroya left the meeting.

**PC16/23**

**22/1912/OUT - OUTLINE APPLICATION: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 50 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE, LANDSCAPING AND SUDS BASIN (APPEARANCE, LAYOUT, LANDSCAPING AND SCALE AS RESERVED MATTERS) AT 24 DENHAM WAY AND LAND TO THE REAR, MAPLE CROSS**

The Planning Officer reported that Herts Ecology had provided comments but had raised no objection to the development of the site. All the detailed matters raised can and will be addressed via the Section 106 obligations securing 10% biodiversity net gain and at reserved matters stage where details on layout and landscaping will be provided. An air quality assessment had been provided by the applicant in response to the initial comments from the Environmental Health Officer. The Environmental Health Officer had reviewed the report and considered its conclusions acceptable subject to the inclusion of a pre-commencement condition requiring submission of a dust management plan. The recommendation would therefore be amended to remove any reference to the Environmental Health Officer. Condition 13 is duplicated within the wording of Condition 5 and thus Condition 13 will be deleted.

The Planning Officer summarised this is an outline application for up to 50 units of which 50% would be affordable. The matters for consideration this evening are only access and the principal of the development of the site. The finer details of layout, appearance, landscaping and scale would be assessed at a subsequent reserved matters stage should this outline application be deemed acceptable. Any consent would be subject to the completion of a Section 106 which would include Heads of Terms to secure on site affordable housing, biodiversity net gain and open space provision.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in support of the application emphasising points on the balance of flats and houses, layout, height of buildings, 50% affordable housing, sustainability, biodiversity net gain, play area provision and urban wildlife strategy.

In accordance with Council Procedure Rule 35(b) a member of the public spoke on behalf of local residents against the application emphasising points on how the development would impact on the open green space around their properties, biodiversity loss, loss of wildlife and habitation, invasion of privacy, pollution, out of character, implications of additional traffic on the highway junction, impact on local services including the local doctors and loss of significant local building.

Members of the Committee made the following points:

There was not much reference or weight given to the loss of commercial business. Whilst they appreciated that there was only one business on site at present the report did state that there was no evidence that the site would not be attractive for other commercial uses.

In justifying the recommendation reference is made to the impact of the residential development being only at a localised level. Any development in Green Belt has an impact on a localised level and queried why there was a justification for building on the Green Belt.

On the impact on the Local Heritage asset and the statement the applicant had provided that there would be no impact on the Grade II listed buildings and locally

listed building, there was no Conservation Officer comments and wondered why the Conservation Officer had not been instructed when there is potential for impact on these assets.

The site is in flood risk zone 1. The LPA had appointed a consultant to comment on the potential flooding issues and part of their recommendation had been accepted with the inclusion of permeable paving to be maintained by a management company. Management companies may not be around forever and did not feel this was a perfect solution. On Plots 31-35 surface water would be dealt with by rear garden soakaways but the consultant had said that surface water would not be managed successfully and this was not an acceptable solution.

With regard to a dust condition it was felt this was essential.

On the larger buildings proposed they would prefer to see them smaller or put in a more appropriate location so residents don't feel overlooked.

Noted there had been no highways objection.

There had been a not too dissimilar application come forward to the Committee where it was a disused industrial site in the Green Belt and where the Committee had come to the conclusion that redeveloping the site for housing based on the rules, we need to follow was probably the best option although were mindful there is great pressure on the Green Belt in terms of housing sites. If we are not going to look at sites like this, it puts further pressure onto open Green Belt sites around the District. It was difficult to see there could be an objection with would stand up.

All reserved matters would come back to the Committee at a future meeting. Nothing can happen on the site until the applicant comes back with more details for the Committee to consider.

Whilst some of the site had previously been used for industrial purposes, it was only around a quarter of the site.

With regard to building on the Green Belt, the report stated that there would be significant harm to the Metropolitan Green Belt but then seems to misquote the NPPF on this. The report highlights why very special circumstances exist but the most principal one relates to 5 years housing land supply and sights this location as being very sustainable, but the Member struggled to see the site as being very sustainable. This is an edge of village/town development which if approved would set a precedent for many other Green Belt locations which are on edge of settlements. The NPPF includes details on limited infill development which this does not meet the definition of.

If the site is not going to be used anymore it should be put back to fields.

The development would provide for 44 flats and 6 houses but did not represent the sort of development we want in the area and did not represent the local context of housing, amenities and the qualities of the area.

There needs to be a balance between harm to the Green Belt and the need for affordable housing but what sort of affordable housing will we get.

On the split of affordable housing they thought they had looked at the South West Herts details and not what we require.

Had concerns about the 3 storey flats backing onto Crosslands on the southwest side of the site which would be unneighbourly in that setting. Flats are not out of keeping in Maple Cross but all flats on the site would be out of keeping.

Not in favour of any development here and it should remain open.

The indicative plan shows 28 flats and 22 houses which would provide for a mixed development. The weighting between the affordable homes and the private housing is something the developer will need to look at the detailed stage.

Would like to see in the Construction Management Plan that unless wheel washing facilities are available and usable no work can start.

Could we go back to the Highways Authority and ask if reducing the speed limit on the service road is a possibility and relook at the concerns raised before any further application comes back.

There was no prospect of a single non-private four bedroom house being on offer.

Local Ward Councillors spoke raising points on the 3 storey buildings on the site and the impact on residents in Denham Way and Crosslands, impact on Bats, like the developer to reconsider their plans and should development go ahead the best possible outcome for the neighbours, setting precedent on building on the Green Belt, traffic impact on Denham Way and access to the site, highways safety issues and impact on local facilities.

The Planning Officer advised that with regard to the loss of employment detailed at section 9.3 of the report it acknowledged there is a bit of tension with regard to Policy CP6 which discusses the loss of existing employment space. It is a balancing act between the loss of the employment space and the provision of much needed houses (up to 50 units). There will be a loss of employment space, but it is considered the provision of houses outweighs that loss. The impact on the Green Belt at a localised level as detailed in section 9.4 of the report discusses the impact on the Green Belt and sets out the reasons why it is considered that the impact is at a localised level. There is a clear defensible boundary along the northeastern and northwestern areas of the site and development will be contained by the existing urban development. Those boundaries would be defensible against any further encroachment into the Green Belt preventing any further urban sprawl and the merging of towns which is consistent with the NPPF and the purposes of the Green Belt. In terms of Heritage Assets, the report had taken into account the impact. The Listed Buildings are 300 to 400 metres away to the north, closer to Woodoaks Farm and there is a Locally Listed building at Crosslands, around 35 metres away. Given those distances and the positioning of the Locally Listed building it was not considered that there would be demonstrable harm to those heritage assets. Details would follow at the reserved matters stage in respect of any impact and officers can ensure that the Conservation Officer is consulted as part of a subsequent application. On drainage, a consultant was instructed in the absence of the LFA. There is a suggestion of a covenant that would ensure that the private owners of those properties would allow access to the management company to access those properties to ensure that the drainage was maintained throughout the development with the finer details provided at reserved matters stage.

The Planning Officer advised that the application was only indicative at this stage to provide a mixture of flats and terraced/semi-detached properties but this had not been confirmed with details to be provided at the reserved matters stage.

Councillor Matthew Bedford moved the recommendation that outline planning permission be granted with the amendments to remove any reference to the Environmental Health Officer, deleting Condition 13, including a dust management condition and completion of a S.106 legal agreement to secure 50% affordable housing of the total number of dwellings and agreement to a tenure mix of 70% social

rent, 25% first homes and 5% shared ownership, biodiversity net gain and open space provision seconded by Councillor Ruth Clark.

The Planning Officer said it was important that certain details were secured at this time with regard to the Section 106. The layout and mix was indicative but officers will require agreement in terms of the affordable housing mix and tenure. On the information provided so far, we are looking at 70% social rent, 25% first homes and 5% shared ownership which is in accordance with our policy. The Committee need to agree the mix and tenure at this stage. The reference in the report on a 3-bed flat should be a 3-bed house. In terms of the recommendation the Committee will also need to agree the Heads of Terms of the commitment of the applicant to provide 10% biodiversity net gains which is important as part of the planning balance, the open space provision to be secured as part of the Section 106 and being maintained for the lifetime of the development and affordable housing.

The Chair clarified with regard to Point 3.2 of the report on the details of the development, if the Committee were to grant permission tonight, we would be agreeing that it would be 50% affordable housing broken down to 70% social rent, 25% first homes and 5 shared ownership and we are not going to be agreeing the size of the properties. It is not possible to build just houses there has a mixture of houses and flats and goes against all our policies with regard to the number of dwellings provided per hectare.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 5 For, 3 Against and 1 Abstention.

RESOLVED:

That Outline Planning Permission be Granted (in accordance with the officer's recommendation) and to include additional condition regarding dust management plan, removal of Condition 13 (Submission of verification report) and the agreement to the following Heads of Terms as part of the S106:

- agreement to 50% affordable housing of the total number of dwellings
- agreement to tenure mix of 70% social rent, 25% first homes and 5% shared ownership
- open space provision
- 10% biodiversity net gain.

Additional Dust Management condition and Materials:

Prior to the commencement of the development hereby permitted, a Dust Management Plan, shall be submitted for the written approval of the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by the permitted operations and to prevent the emission of dust from the site. The management of dust emissions shall thereafter be carried out in accordance with the approved plans.

Reason: This is a pre-commencement condition in the interests of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2019).

Materials

Prior to any further construction works on site, samples and details of the proposed external materials including details of the proposed windows, doors, eaves, verges and cills (at scales between 1:20 and 1:1 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

Councillor Raj Khiroya returned to the meeting

PC17/23

**23/0657/RSP – PART RETROSPECTIVE: CONSTRUCTION OF TWO STOREY REAR INFILL EXTENSION, REPLACEMENT OF EXISTING ROOF FORM AND PROVISION OF NEW ROOF FORM TO ACCOMMODATE ACCOMMODATION IN THE ROOF SPACE, INCREASE IN HEIGHT OF TWO STOREY SIDE PROJECTION, INSTALLATION OF REAR DORMER WINDOWS, CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION AND ALTERATIONS TO FENESTRATION DETAIL, AT 63 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTS, HA6 2ER**

The Planning Officer reported that this application had come forward following a decision made in March by the Committee who had refused the previous scheme on the grounds that the replacement roof had failed to replicate the original roof and loss of the stepped roof form leading to an unsympathetic replacement. Upon the finalisation of the officer report, Batchworth Community Council advised that following a review of the amended plans they wished to withdraw their call-in request. They had commented that “we note the revised scale and that the bulk and massing of the roof now seems to have corrected previous comments raised and seemed acceptable. The proposed design was more in keeping with the original form and design. This is a Pre 1958 property and the rear dormer windows are now the same size but request that the Council ensure that the windows do not have a negative impact on neighbouring dwellings. Any windows in the side elevation to be obscured glazed and any velux windows to be top level opening only. They also commented on the importance of all future works to be constructed in accordance with the approved plans.” The Conservation Officer was reconsulted with regard to the amended plans and had no objections. In response the Community Council comments officers do not consider that the dormer windows would have an impact on privacy of neighbouring dwellings as set out in the report. Condition 3 requires a Construction Demolition Method Statement to be submitted prior to any further works on site. The plans do not include any flank roof lights as they were removed during the planning process. There would be no additional first floor flank windows which are required to be obscurely glazed. The ground floor windows are such that officers do not consider they would result in harm to neighbours.

Members made the following points:

Condition 4 talks about the requirement for samples and details of proposed external materials to be provided and asked if the condition could be amended to incorporate the Conservation Officer comments on the new windows and the details on doors, eaves, verges and cills to be submitted. Did the door reference include the garage door.

Councillor Debbie Morris moved, duly seconded, that permitted development rights be removed. There will be 16.5% plot coverage but under the Conservation Area Appraisal the recommended plot coverage was 15%.

The Planning Officer advised that if Members believe that the condition needs to be strengthened in accordance with the Conservation Officer comments the condition could be amended. The garage door is being retained and not replaced. On removing permitted development rights, the Committee need to consider whether it is reasonable and meets the test as set out in the NPPF as we can be challenged. With regard to this development, they would not be able to utilise much permitted development rights

in respect of extensions to the house because they had been used up from this application. The Conservation Area does have specific restrictions applied via the Article 4 so some care would be needed on whether or not that would be reasonable to prevent development. It could be considered on whether to remove permitted development for outbuildings. There are things which can be done under permitted development unless there are very special circumstances why we should restrict it. The 15% is a guideline and is not a rule and it would not justify the removal of permitted development.

Councillor Matthew Bedford moved that Planning Permission be Granted (in accordance with the officer's recommendation) with the addition of amendments to Condition 4 (Materials) to include details of proposed new windows, doors, eaves, verges and cills, seconded by Councillor Raj Khiroya.

On being to the Committee the amendment that permitted development rights be removed was declared LOST by the Chair the voting being 3 For, 6 Against and 1 Abstention.

On being put to the Committee the motion to grant planning permission and the amendments to Condition 4 (Materials) was declared CARRIED the voting being 7 For, 0 Against and 3 Abstentions.

**RESOLVED:**

That Planning Permission be Granted (in accordance with the officer's recommendation) with the addition of amendments to Condition 4 (Materials) to include details of proposed new windows, doors, eaves, verges and cills.

**Amended Condition 4:**

Prior to any further construction works on site, samples and details of the proposed external materials including details of the proposed windows, doors, eaves, verges and cills (at scales between 1:20 and 1:1 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

**CHAIR**