

## THREE RIVERS DISTRICT COUNCIL

**At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, WD3 1RL on Thursday 18 January 2024 from 7.30pm – 9.05pm**

**Present:** Councillors Sara Bedford (Chair), Steve Drury (Vice-Chair), Matthew Bedford, Ruth Clark, Andrea Fraser, Philip Hearn, Khalid Hussain, Stephen King, Chris Lloyd, Debbie Morris and David Raw

### **Also in Attendance:**

Councillors Ciaran Reed and Chris Whatley-Smith

### **Officers in Attendance:**

Matthew Barnes, Planning Solicitor

Tom Norris, Senior Planning Officer

Matthew Roberts, Development Management Team Leader

Kimberley Rowley, Head of Regulatory Services

Claire Westwood, Development Management Team Leader

### **External in Attendance:**

Councillor Jon Tankard, Abbots Langley Parish Council

### **PC39/23 MINUTES**

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 14<sup>th</sup> December 2023 be approved as being a correct record and are signed by the Chair.

### **PC40/23 DECLARATIONS OF INTEREST**

The Chair made a group declaration on behalf of the Liberal Democrat members of the Committee in respect of item 10 23/1766/FUL: 38b Abbots Road, Abbots Langley as the applicant's agent was a Liberal Democrat Councillor.

Councillor Ruth Clarke declared a personal interest in respect of Item 56 23/0761/FUL No.1 and land to the rear Toms Lane, Kings Langley as her aunt lived in close proximity to the dwelling concerned.

### **PC41/23 NOTICE OF OTHER BUSINESS**

There were no items of other business.

### **PC42/23 22/1945/FUL: LAND TO THE EAST OF LANGLEYBURY LANE AND INCLUDING LANGLEYBURY HOUSE ESTATE, LANGLEYBURY LANE, LANGLEYBURY, HERTFORDSHIRE**

The application was a hybrid application for the creation of a film hub following the demolition of a number of existing buildings and change of use of Langleybury House and Aisled Barn for filming, new car parking provision, alterations to existing access points as well as alterations to the existing cycle path and pedestrian network within the site.

Due to the size and scale of the proposed development it was considered that a site visit was required to ensure that the Committee was fully cognisant of the applications complexity before a decision was made.

**RESOLVED** that Members agreed that a site visit be arranged for Planning Application 22/1945/FUL.

**PC43/23 23/0761/FUL: NO.1 AND LAND TO THE REAR TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 8NA**

The application was for the construction of five two storey detached dwellings with accommodation in the roof space served by dormer windows and rooflights with associated access including works to verges, parking and landscaping works including raised terraces following the demolition of the existing building and associated outbuilding.

The application had been called in by three members of the Committee who had cited concerns relating to over development and highway safety.

The Committee was informed that additional pre-commencement conditions were recommended to protect and mitigate the impact on the adjacent railway line and these would be in line with the comments received by Network Rail. These conditions would require prior agreement with the applicant in the event of an approval and covered trespass proof fencing, erection of scaffolding, drainage close to the railway boundary and a risk assessment and method statement.

Condition 11 regarding materials would be amended to include reference to the submission of double glazed or triple-glazed windows and details pertaining to the means of controlling overheating to ensure the minimum sound reduction requirements are met as set out within Table 7 at 5.3 of the Noise & Vibration Impact Assessment. The reason for the condition would also be amended to reference noise mitigation and refer to Policy DM9.

In light of the addition of pre-commencement conditions, the recommendation to grant which was currently delegated to the Head of Regulatory Services would need to also refer to seeking prior agreement from the applicant.

In response to a query as to why the value of the Section 106 (S106) contributions associated with the proposed development had reduced so dramatically following the completion of the viability assessment it was clarified that a number of factors including land values, construction costs and the scale of a development were taken into account during a viability assessment. It was stressed that the assessment had been completed by an independent organisation; furthermore, as a general rule developments of less than ten units were exempt from S106 contributions and the Council was only able to leverage S106 contributions on this development due to the existence of a historic Council policy.

Concerns about access to the site and the lack of footpath at that part of Toms Lane were noted. It was confirmed that Hertfordshire County Council in their capacity as the Highways Authority had no objections to the development on highways grounds. Remodelling of the site entrance, including the removal of trees and vegetation on the boundary with the road, would take place as part of the redevelopment and this would be secured with a Section 278 Agreement.

It was noted that under the National Planning Policy Framework (NPPF) limited infilling within village boundaries was considered to be an allowable exception to restrictions on developments within the Green Belt. The proposed development was located within the village boundary, in a relatively built up area and would not be visible from the road; as such it would not impede on the openness of the Green Belt. Consequently the development was considered to present an exception from Green Belt policies.

The Officer recommendation to approve the application, subject to the conditions set out in the report and the update provided at the meeting, was recommended by Councillor Steve Drury, seconded by Councillor Matthew Bedford, put to the vote and carried.

The voting in favour of the recommendations was as follows For 7, Against 4, Abstain 0.

**RESOLVED** that Planning Application 23/0761/FUL be approved.

**PC44/23 23/1068/OUT: PARCEL OF LAND NORTH OF MANSION HOUSE FARM,  
BEDMOND ROAD, ABBOTS LANGLEY, HERTFORDSHIRE.**

The application was for outline permission for the construction of a data centre of up to 84,000sqm delivered across 2no. buildings including ancillary offices, internal plant and equipment and emergency backup generators, engineering operations and earthworks to create development platforms, site wide landscaping and the creation of a country park. Along with the construction of an ancillary training centre, internal roads and footpaths, cycle and car parking, hard and soft landscaping security perimeter fencing, lighting, drainage, a substation and other associated works and infrastructure following the demolition and clearance of existing buildings and hardstanding.

The application had been called in by three members of the Committee who had cited concerns over the impact the development would have on the Green Belt.

It was noted that, following the publication of the agenda, an article published by Data Centre Dynamics regarding the Government's plans to boost UK data centres had been provided by the applicant and had been circulated to the Committee for information although it did not change the Officer recommendations. Agents acting on behalf of the owner of the land to the south of the site, to the rear of Mansion House Farm had responded to the planning application consultation raising concerns including regarding the potential impact of the development on the proposed adjacent site allocation. In response, it was stressed that the emerging Local Plan was at an early stage and was therefore afforded very limited weight at this stage. In addition, nine further objections to the proposed development had been received which reiterated comments already summarised at paragraph 4.2.4 of the committee report and one neutral comment had been received stating that it seemed a reasonable and necessary development given the forthcoming expansion of Artificial Intelligence.

The agent spoke in support of the application citing the investment and economic benefits that the development would bring to the local area and the improvements that would be made to the site's biodiversity. A local resident and a representative from Abbots Langley Parish Council spoke in objection to the application citing concerns about the adverse impact that the development would have on the Green Belt and the accessibility of the site.

It was clarified that it had not yet been established who would have ongoing responsibility for the maintenance of the proposed country park had not yet been established. It was noted that there were already a number of existing rights of way through the area earmarked for the country park and the site was close to Leavesden Country Park which was publicly accessible.

Whilst the Committee acknowledged that there was a need for a development of this type it was felt that the site proposed on this occasion was not an appropriate location and the proposed development was of a size and scale that would be detrimental to the openness of the Green Belt site. It was considered that the proposed application presented no exceptional circumstances to warrant building on the Green Belt.

The Officer Recommendation to refuse the application on the following grounds:

1. The proposed development would constitute inappropriate development in the Green Belt, would result in harm to openness in both spatial and visual terms, and would conflict with two of the five purposes of including land within the Green Belt. Substantial weight is given to the harm to the Green Belt. Other harm has been identified to the character and appearance and landscape of the area. The harm to the Green Belt and other harm is not clearly outweighed by other material considerations such as to constitute the Very Special Circumstances necessary to permit inappropriate development within the Green Belt. The development is therefore contrary to Policies CP1, CP11 and CP12 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF (2023).
2. The proposed development by virtue of its siting, scale, height and massing would fail to protect and enhance the natural environment from inappropriate development or to conserve or enhance the character of the area and would therefore result in significant demonstrable harm to the character and appearance of the area and the natural environment, contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM7 of the Development Management Policies LDD and the NPPF (2023).
3. In order to maximize sustainable travel options, a financial contribution towards supporting the improvement of cycling and walking routes in the vicinity of the site is required. In the absence of a relevant completed undertaking 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 and the NPPF (2023).

Was proposed by Councillor Debbie Morris, seconded by Councillor Ruth Clark, put to the vote and carried unanimously.

**RESOLVED** that Planning Application 23/106/OUT be refused.

**PC45/23 23/1128/FUL: CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE**

The application was for the construction of 7no. new dwellings (ClassC3) in the form of bungalows with roof accommodation, new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking following the demolition of existing garages.

The application had been called in by Chorleywood Parish Council citing a range of concerns including the impact on the Chorleywood Conservation Area, the impact on the setting of the lodge and main building and inadequate parking provision. It was noted that consideration of the application had been delayed to enable a site visit to be carried out.

A representative of Chorleywood Parish Council spoken reiterating their concerns about parking and the impact that the development might have on flooding and surface water run-off. Councillor Ciaran Reed spoke in his capacity as a ward councillor citing concern about the impact that the development would have on traffic levels and the Conservation Area.

The Committee was informed that since the agenda had been published the Lead Local Flood Authority had submitted further representation citing technical objections and a petition objecting to the development signed by 25 residents had been received.

Committee concerns that the Car Parking Management Plan implied that mitigating measures would only be implemented in the event of 100% occupancy of the development and that the parking spaces nearest to the development should be restricted to residents use only were acknowledged. It was agreed that Condition 14 would be amended to:

- i) condition that the Car Parking Management Plan and associated mitigation measures must be implemented prior to first occupancy occurring and thereafter maintained.
- ii) Include a requirement for the provision of parking enforcement by the management company
- iii) Identify the location of car parking for staff and visitors.
- iv) Specify the parking provision for Blue Badge holders.
- v) Strengthen the reasoning

It was agreed that the final wording of Condition 14 would be agreed in consultation with the Committee.

It was clarified that application being considered was only concerned with formal parking bays. The possible provision of three additional parking bays on an existing gravel area referenced in the Car Parking management Plan would be informal parking spaces which would, should they be implemented may require permission in their own right.

It was agreed that Condition 5 would be amended to specifically reference the use of soft landscaping around the lodge site and new buildings.

It was noted that the Lead Local Flooding Authority had maintained their objection on technical matters and the applicant was working with the Authority to provide additional information.

The Committee acknowledged that consideration of the application should focus on the impacts of the seven new dwellings on the surrounding area and not any existing issues on the wider site.

The Officer recommendation that that subject to the recommendation of approval, and/or no objection from the Lead Local Flood Authority and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to grant planning permission subject to the conditions set out in the report and as amended by the Committee, and any conditions requested by the Lead Local Flood Authority was proposed by Councillor Sara Bedford, seconded by Councillor Stephen King, put to the vote and carried.

The voting in respect of the recommendation was as follows: For 7, Against 3, Abstain 1.

**RESOLVED** that the decision on Planning Application 23/1128/FUL be delegated to the Head of Regulatory Services.

**PC46/23      23/1352/FUL: MARGARET HOUSE RESIDENTIAL HOME, PARSONAGE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BQ**

It was noted that this item had been withdrawn from the agenda and would be brought back to a future meeting.

**PC47/23      23/1766/FUL: 38B ABBOTS ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BG**

The application was for the construction of a single storey side extension, extension of existing roof to facilitate first floor extension, alterations to site frontage and new access to lower ground floor following demolition of the existing garage.

The application would ordinarily have been considered under delegated powers however the agent for the applicant was a Three Rivers District Council ward councillor.

It was noted that the recommendation should have been 'That the decision be delegated to the Head of Regulatory Services to consider any representations received and that Planning Permission be granted.

Committee concern that the layout of the proposed extension could lend itself to the creation of a standalone dwelling was noted. It was agreed that a further condition aimed at ensuring the extension retained its ancillary use to the existing dwelling in perpetuity would be added to any approval.

The Officer's amended recommendation that approval of the application, subject to the additional condition, be delegated to the Head of Regulatory Services was proposed by Councillor Chris Lloyd, seconded by Councillor Debbie Morris, put to the vote and carried.

The voting in favour of the Officer's amended recommendation was as follows: For 7, Against 0, Abstain 4.

**RESOLVED** that approval of Planning Application 23/1766/FUL be delegated to the Head of Regulatory Services.

**CHAIRMAN**