

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 23 May 2024 from 7.30 - 10.00 pm.

Present: Councillors

Chris Whately-Smith, Chair
Philip Hearn
Chris Lloyd
Debbie Morris
David Raw
Elinor Gazzard
Chris Mitchell
Harry Davies

Officers in Attendance:

Adam Ralton, Development Management Team Leader
Claire Westwood, Development Management Team Leader
Scott Volker, Principal Planning Officer
Lauren Edwards, Senior Planning Officer
Anita Hibbs, Committee Officer

PC1/24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sara Bedford and Councillor Matthew Bedford.

PC2/24 MINUTES

The minutes of the Planning Committee held on 18 April 2024 were confirmed as a correct record and signed by the Chair of the meeting.

PC3/24 DECLARATIONS OF INTEREST

Councillor Elinor Gazzard declared a non-pecuniary interest in agenda items 5, 6 and 7, stating that she was a member of the Abbots Langley Parish Council when the above items were considered and she has formed an opinion on these items.

PC4/24 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC5/24 23/1277/OUT - LAND AT TOMS LANE (NOS 114-118), TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE

Councillor Elinor Gazzard left the meeting at 19:34.

Adam Ralton, Development Management Team Leader advised that there was no update to the report, however, confirmed this application was an outline application where the applicant had applied for the details of the access to the site.

The officer informed the Committee that as the application is an outline application, the considerations tonight are the access and the principle of the development. Therefore, the Committee will only be approving the principle of building, and the access, if planning permission is granted, not how the site is laid out.

The objector, Dr. Langley, spoke against the application.

Mr. Bennet spoke in support of the application.

Members of the Committee requested clarification on the exact location of the access to the site and the officer described the location of the access on the images available on the screens.

Members raised concerns regarding the fact that the area is in the Green Belt. The officer explained that the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt but it includes a number of exceptions to that. One of those exceptions, which applies in this case, is if a limited infilling in a village is proposed. The officers' assessment concludes that this is appropriate in the Green Belt, and therefore there is no need for the applicant to demonstrate very special circumstances.

Members also requested further information on how officers concluded that the proposal of 5 new buildings is a limited infilling in this case and whether the site is indeed in a village, rather than in between two villages.

Responding to the request, the officer referred to a previous appeal decision which makes reference to a continual ribbon of built development along there, with no obvious gap, when looking at Toms Lane as a whole, where the end of one village could be determined.

The officer further advised that the conclusion of the 5 new build being limited was based on evidence that was put before the officers, in part led by the illustrative layout that shows that 5 plots could comfortably be contained within that site, and still have land around them. It also demonstrates that it is possible to have plot sizes that are similar to those on the opposite side of Toms Lane.

Members raised a question regarding the management of the traditional orchard that is contained within the site.

The officer advised that Condition 7 (C7) on the recommendation secures the submission of a Landscape and Ecological Management Plan (LEMP) which outlines the features that would be managed within the site and the aims of the objectives of that management, as well as the details of the ongoing monitoring.

Councillor Debbie Morris moved, seconded by Councillor Philip Hearn that the application is delegated to the Head of Regulatory Services to grant outline planning permission, provided that Hertfordshire Ecology raise no objections to any further information submitted including the required reptile surveys, and following the completion of a Section 106 agreement and subject to conditions and any additional conditions recommended by Herts Ecology.

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

RESOLVED:

That the application is delegated to the Head of Regulatory Services to grant outline planning permission, provided that Hertfordshire Ecology raise no objections to any further information submitted including the required reptile surveys and following the completion of a Section 106

agreement and subject to conditions and any additional conditions recommended by Herts Ecology.

PC6/24 23/1352/FUL - MARGARET HOUSE RESIDENTIAL HOME, PARSONAGE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BQ

Claire Westwood, Development Management Team Leader provided the following update:

- The Lead Local Flood Authority (LLFA) have provided further comments advising that; *The applicant has provided an updated Drainage Strategy to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents we have no objection subject to conditions...*
- The conditions requested relate to a method statement for interim/temporary drainage measures; Additional details of the scheme for disposal of surface water; Details of flood resilient and resistance measures; A Management and Maintenance Scheme; and submission of a Verification Report. The applicant has queried the wording of suggested condition 5 so this is being discussed with the LLFA, however, the principle of the conditions is agreed.
- As the LLFA have now confirmed that they have no objection, the recommendation should be updated to read;

Recommendation: That subject to 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 below, and the conditions requested by the LLFA.

Mr. Meldrum spoke against the application.

Ms. Newbury, representative of the applicant; Herts Living, spoke in support of the application.

In response to concerns that were raised around the impact on the conservation area and the Grade I listed church, the officer advised that the conservation officer was aware of the level of details shown in the plan at the time of the review of the amended drawings. The conservation officer considers that the design and the material amendments are positive but retains some concerns about the scale of the flatted element, and remained of the view that there was a low level of less than substantial harm to the heritage asset.

In terms of the Grade I listed church; the conservation officer didn't identify harm to the setting of the church.

Members also raised concerns around the amenity space and the public open space near the site.

The officer provided clarification on the figures within the report; the figure of 42 square meters is for a one-bedroom dwelling, the figure for a one-bedroom flat is 21 square meters, and an additional 10 square meters per each additional bedroom. In this case the scheme is a mix of flatted and dwelling houses; the proposed dwellings would each have private amenity gardens which would exceed the above standards in size and provide a good useable area of private amenity space. While the total amenity space provision would fall short of the above standards in terms of size, the balconies would provide a good useable area of private amenity space for the flats.

In response to a question about overdevelopment, the officer pointed out that the proposed development is a 3-storey building and in the opinion of the officers, it is not a high-rise development. Furthermore, the officer advised that the reasons why officers consider the development acceptable are set out in full in paragraph 7.4 of the report.

Increased traffic, generated by the nearby school and insufficient parking have also been raised by members of the Committee, and the officer responded by clarifying that there are two separate issues; one is the highway safety, and the other is the parking provision. HCC's Highways Authority have reviewed the case and consider it acceptable from the highway safety point of view.

The officer suggested that Members could consider an amendment to bullet point g) under C7 to exclude school drop off and pick up hours.

In terms of the shortfall of the parking spaces; the officer advised that the standards set out, that in areas of good accessibility, some reduction against standards may be appropriate, and confirmed that this is an accessible location. In addition, the shortfall of parking is not significant in the view of the officers.

The officer also provided clarification to another question relating to an earlier question raised by members of the Committee about the impact on the conservation area, confirming that officers have come to the decision that the scheme would preserve and enhance the conservation area, which is different from the conservation officer's professional observation, who identified a low level of less than substantial harm. If Members were to consider that there was less than substantial harm, the NPPF requires that that should be weighed against the public benefits of the proposal.

Further questions were raised around the Grade I listed church, in terms of the design, to which the officer responded that, as a result of earlier concerns about the design, the applicant has made amendments to the design, and introduced different materials and windows to respond to the conservation area's proximity to the church. Therefore, officers are of the view that the amendments have addressed their initial concerns.

Councillor Harry Davies moved, seconded by Councillor Chris Whately-Smith, that subject to 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 below, and the conditions requested by the LLFA. In addition, to include an amendment to section g) under C7; excluding school drop off and pick up hours.

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

RESOLVED:

That subject to 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 below, and the conditions requested by the LLFA. In addition, to include an amendment to section g) under C7; excluding school drop off and pick up hours.

PC7/24 23/1618/FUL – LAND REAR OF 63 TOMS LANE, KINGS LANGLEY, WD4 8NJ.

Adam Ralton, Development Management Team Leader provide the following update:

In reviewing the report following publication, officers noted that there was no landscaping scheme condition in the report. Therefore, officers are proposing adding an additional condition requiring landscaping details to be submitted for approval.

Ms. Warner, representing the Toms Lane Action Group, spoke against the application.

The officer informed the Committee that HCC have not responded to their request for information on whether sufficient sites have been provided for travellers, although their website suggests that there is no capacity and other sites are full. Regardless of this, the comment says; *"If this is not the case, then there is no case for very special circumstances"*. It's important to note that the case for very special circumstances that the report has set out contains a number of different elements, which considered together to form a very special circumstances.

In response to a request describing the requirements for very special circumstances, the officer advised that they are set out in paragraph 7.11 through to 7.18 in the report, and provided a summary of those requirements.

Concerns were raised around the development being proposed in the Green Belt. The officer explained that the officers' judgement is that the circumstances of this case outweighs the harm to the Green Belt.

Members requested more detailed information on personal circumstances concerning this application to understand the evidence that is required to meet the personal circumstances criteria.

The officer explained that the condition would say that the site should not be occupied by people other than those who would be listed. As long as those individuals are the only ones on the site, it would conform with that planning permission. Should those names be no longer relevant; should they move somewhere else or pass away for example, the condition would still stand. It would be for the applicant to apply to vary the terms of that condition if there was an alternative person who wanted to be on that site, and the application would still need to come with evidence to support that particular change.

Furthermore, the officer explained that it would not be a reasonable condition to add for the occupants to have to provide evidence regularly that they are present on the site.

A question was raised by members of the Committee regarding the European Convention on Human Rights (ECHR) in the report.

The officer responded by informing the Committee that a planning inspector would consider the ECHR as a material consideration for these applications.

Councillor Philip Hearn moved, seconded by Councillor Chris Whately-Smith, that PLANNING PERMISSION BE GRANTED subject to the conditions, with the additional landscaping condition to be added.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 4 For, 1 Against and 2 Abstention.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions, with the additional landscaping condition to be added.

PC8/24 23/1797/FUL - CEDAR HOUSE, SANDY LANE, NORTHWOOD

Councillor Elinor Gazzard returned to the meeting at 20:37.

Scott Volker, Planning Officer provided the following update:

- Comments have been received from the LLFA who have now removed their objection and recommend approval of the application subject to the inclusion of two conditions requiring submission of:

- construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement.
- details of the maintenance and management of the sustainable drainage scheme.
- The former condition is a pre-commencement condition which has been agreed with the applicant.
- As such, reference to the LLFA will be removed from the recommendation and any approval will be subject to the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection.
- Condition 13 and 19 are a duplication and therefore one will be deleted.

A Parish Councillor and Ward Councillor spoke against the application.

Mr. Bateman spoke in support of the application.

Members raised concerns around overdevelopment, particularly around the benefits that would outweigh the harm.

Officers have worked extensively with the applicant to try and find a suitable scheme for the site considering that the previous application was refused. The differences between the two schemes are listed in paragraph 7.1.3.

The previous scheme and the unamended scheme were considered to be rather squat and cramped in its design and refused through a recommendation by officers. The increase in height by approximately 1 metre created a greater area of roof space and allowing the dormer windows to sit more subordinately within the roof space. Those dormer windows were also reduced in size, and there were changes to the layout reducing its overall footprint to move it away from the boundary with Knoll Oak, increasing the distances between the boundaries.

The officer confirmed that there is a shortfall of parking. That parking shortfall has increased in comparison to the previous refused scheme, however, that increase in shortfall is of one space, and that is a result of the retention of T3 (Douglas Fir), which is close to the access, into the site.

Given the objection and concerns raised by the landscape officer, it was considered more appropriate to retain that tree as more of a characteristic feature of the Sylvain character, and that is the reason for the shortfall in spaces.

There is a sufficient number of assigned parking spaces which meets the needs of the 17 units within that scheme. In addition, there are sufficient spaces for visitors, including EV charging spaces and two accessible spaces.

There's also sufficient cycle storage within the basement.

Although, there is identified harm to the Sylvain character, that harm is outweighed by the benefits of the 17 units on the site.

Councillor Debbie Morris summarised the concerns of the Committee and moved for refusal of this application on grounds relating to over development demonstrated by lack of parking and lack of and quality of amenity space; and lack of S106 to secure affordable housing review mechanism and private refuse collection.

In response to the summary, Claire Westwood, Development Management Team Leader reconfirmed her understanding of the concerns raised by Members, and the recommendation for refusal in relation to the shortage in parking and amenity space, and overdevelopment. The officer then informed the Committee that in relation to parking, it is important for officers to understand if the recommendation for refusal is based on highway safety, as the NPPF is clear that applications should only be refused on highway safety ground if the residual impacts would be severe, or if the refusal is more linked to the shortage of parking and over development, rather than a highway safety issue.

In relation to the amenity space point; officers need to understand, whether the decision for refusal is based on both the lack of quantity and quality of the amenity space. If Members are minded to refuse this application, they need to be clear that the impacts of doing so would significantly and demonstrably outweigh the benefits, which includes the provision of housing, i. e. 16 net new dwellings in the context of only having a 1.9-year housing land supply.

Councillor Morris agreed that as far as the parking provision is concerned it would not be advisable to relate it to highway safety if there are no highway objections. The parking shortage would impact on residents who live nearby, however. They would be adversely affected if the overflow parking was relocated to The Woods as well as the users of the nature reserve would also be adversely affected, as they would not be able to park in the small car park or the nearby roads.

Councillor Morris reiterated that the lack of quantity and quality of the amenity space, and the shortfall of parking were both evidence of over development. Furthermore, the area does not fall in a built-up residential area, but rather it is a Sylvain area with individual houses.

The officer provided the final summary of the recommendation, stating that; the original recommendation for approval was subject to the completion of the S106 agreement, which serves two purposes; to secure an affordable housing review mechanism and also the private refuse collection which are not in dispute, but at this point the agreement hasn't been made. Therefore, those would need to form separate reasons for refusal at this stage in the absence of a S106 agreement, in addition to the concerns Members have raised regarding the shortage of parking, lack of amenity space and over development. Officers will circulate the exact wording to members of the Committee after the meeting.

Councillor Debbie Morris moved, seconded by Councillor Philip Hearn that grounds relating to overdevelopment demonstrated by lack of parking and lack of and quality of amenity space; and lack of S106 to secure affordable housing review mechanism and private refuse collection with the exact wording to be circulated to Members for approval.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 7 For, 0 Against and 1 Abstention.

RESOLVED:

That PLANNING PERMISSION BE REFUSED for the following reasons:

1. The proposed development would fail to provide sufficient on-site parking spaces to meet demands arising from the proposed development including the provision for on-site visitor parking given the parking constraints on Sandy Lane. The failure to provide adequate off-street parking is likely to result in unacceptable pressure for parking on nearby residential roads and at Oxhey Woods Nature Reserve to the detriment of the amenity of existing residents and visitors to Oxhey Woods. The proposed development would fail to provide adequate amenity space for future occupiers and the usability of the space provided would be restricted due to shading by trees present. Whilst there is public access to Oxhey Woods, this is not usable public open green space. This shortfall in amenity space would be detrimental to the residential amenity of future occupiers. The shortfall in parking and amenity space are both indicative that the development represents overdevelopment and is

contrary to Policy CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

2. In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 to secure an affordable housing review mechanism, the development would be unable to protect the objectives in relation to affordable housing and therefore would fail to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
3. In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, no mechanism can be established to control the private refuse collection for residents of the site, failing to accord with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

PC9/24 23/1875/FUL - 20 BATCHWORTH LANE, NORTHWOOD, HA6 3DR

Adam Ralton, Development Management Team Leader provided the following update:

Paragraph 7.3 .6 of the report makes reference to the need for screening to be provided to the sides of the raised patio, and that screening to be secured by condition. However, officers have omitted to put that condition on the recommendation. Therefore, officers would like to add to the recommendation one further condition that requires details of screening to the rear patio to be submitted for approval and then installed thereafter.

Additionally, the Council's Environmental Health team have written to officers informing them that there is an increase in light disturbance complaints from residents. However, the presence and positioning of internal lighting doesn't fall within planning control.

Where artificial lighting does cause an unreasonable disturbance, that is something which is covered by the Environmental Protection Act. Therefore, officers don't consider that this has any material impact on the planning assessment.

A Parish Councillor spoke against the application.

A Ward Councillor also spoke against the application.

A member of the public, Mr. Sullivan also spoke against the application.

The applicant, Mr. Shah spoke in support of the application.

Members of the Committee raised concerns around the extent of front glazing, increased height and prominent corner location with the proposal being out of character. Members also requested comments from officers on the raised patio.

The officer informed the Committee that there were comments about lots of water flows through the area because of the sloping topography, therefore it is not unusual to have a raised patio in this context. Planning permission has been granted to a neighbouring property, 24 or 22, where there will be raised patios.

The raised patio in this case is in a different position on the plot compared to the existing one; it is further back as a result of the lay of the land, and the judgment in the report is that it's not harmful, subject to a condition requiring screening, and that screening would probably be integrated into the boundary fencing.

It is likely to be sufficient to mean there's no overlooking from that patio over to the adjacent neighbour.

Members requested further information on the parking spaces and garage, and whether there will be a condition, if the application were to be approved, for the garage to be permanently maintained for parking purposes.

The officer confirmed that there isn't a condition on the recommendation on the paper, and if Members wanted to put that forward, officers can make a note to include a condition to ensure sufficient car parking.

The loss of trees on the boundary was also raised as another concern.

In response to this concern, the officer explained that the trees that are there at the moment are not protected so there's no restrictions to them coming down. There's a lot of vegetation and there's less proposed back in replacement. Officers assessed the landscape impacts on the report and ultimately don't think that it's something that they can sustain as a reason for refusal in its own right.

Councillor Whately-Smith moved, seconded by Councillor Elinor Gazzard, that PLANNING PERMISSION BE GRANTED subject to the following conditions and the additional condition that requires details of screening to the rear patio.

On being put to the Committee the motion failed, the voting being 2 For, 5 Against and 1 Abstention.

Councillor Debbie Morris moved for refusal of the application, seconded by Councillor Philip Hearn, on grounds that the proposed dwelling by virtue of the extent of front glazing, increased height and prominent corner location would result in demonstrable harm to the character and appearance of the street scene and area.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 5 For, 3 Against and 0 Abstention.

RESOLVED:

That planning permission be refused for the following reason:

The proposed replacement dwelling, by reason of the large amount of glazing to the front gable, and the increase in height on this prominent corner plot would result in a development which does not respect the character of the area and would have an adverse impact on the street scene. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

PC10/24 23/2134/FUL - 29 RUSSELL ROAD, NORTHWOOD, HERTFORDSHIRE, HA6 2LP

Adam Ralton, Development Management Team Leader provider a brief update that officers received an additional letter of objection questioning the reasons for the recommendation and emphasizing the change this development will cause the character of the area. The letter has been circulated to members of the Committee.

A Parish Councillor spoke against the application.

A Ward Councillor also spoke against the application.

The officer responded to the points raised by explaining that this application doesn't propose to change the driveway, that's a previous proposal, and therefore, that element is not for consideration tonight.

The application contains all the information officers need to assess an application and that is what the recommendation was based on.

With regards to consistency, the officer explained that each application is assessed on its own merits.

The example application that was given was fundamentally different to this application and should not be compared to this application for the reasons previously mentioned, that each application is considered on its own merits.

The Moor Park Conservation Area Guidance has been considered in the application. Its set out in the assessment, as is the reason why officers have ultimately departed from the opinion of the conservation officer's judgement and formed an alternative judgment.

Councillor Debbie Morris explained to the members of the Committee that properties that are pre 1958 properties, merit extra protection being part of the Moor Park Conservation Area and any development must preserve and enhance in that area.

Councillor Morris referenced the conservation officer's second response from the report and stressed the importance of less than substantial harm, which still constitutes harm.

Councillor Morris further argued that the roof height is highly visible and flat roofs are recommended not to be incorporated in the conservation area.

Councillor Morris pointed out a discrepancy in the percentage of the frontage that is covered by the width of the dwelling and asked for clarification from the officers.

In terms of the width coverage, the officer confirmed that they measured it from the fairest, even space between the property and none of the objectors have come back and disagreed with those measurements or commented on them.

Members requested clarification on why the officers have come to the conclusion that the property is referenced as set back in the report.

The officer explained that in it is in paragraph 7.1.8 of the report, which says the side extension will be set back from the main front facade with the modest roof. The officers' reference is that it is set back from the main front wall, so that gives a little bit more primacy to the two-storey building.

Councillor Debbie Morris moved for refusal, seconded by Councillor Philip Hearn, on the grounds that the proposed development, given its flat roof and design would fail to preserve or enhance the character or appearance of the conservation area.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 5 For, 1 Against and 2 Abstention.

RESOLVED:

That planning permission be refused for the following reason:

The proposed single storey side and rear extension, by reason of its flat roofed design would fail to preserve or enhance the character or appearance of the pre-1958 host dwelling and the conservation area and would undermine the positive contribution the property makes to the character and appearance of the conservation area. The proposed development would cause less than substantial harm under paragraph 208 of the NPPF however the identified harm is not outweighed by public benefits. The proposal would therefore be contrary to 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), the Moor Park Conservation Area Appraisal (2006) and the NPPF (2023).

The meeting adjourned at 22.00.

PC11/24 24/0120/FUL - PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE

To be considered at future meeting.

PC12/24 24/0187/FUL - 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LF.

To be considered at future meeting.

PC13/24 24/0215/FUL - 39 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3DP

To be considered at future meeting.

PC14/24 24/0267/FUL - BURY LAKE, THE AQUADROME, FROGMOOR LANE, RICKMANSWORTH

To be considered at future meeting.

PC15/24 24/0338/FUL - 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP

To be considered at future meeting.

PC16/24 24/0426/FUL - STREET RECORD, SCHOOL MEAD, ABBOTS LANGLEY, HERTFORDSHIRE

To be considered at future meeting.

PC17/24 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

None

CHAIRMAN