

PLANNING COMMITTEE**MINUTES**

Of a Planning Committee meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 20 April 2023 from 7.30pm to 9.45pm.

Councillors present:

Steve Drury (Chair)	David Raw
Matthew Bedford (Vice Chair)	Raj Khiorya
Ruth Clark	Abbas Merali (substitute for Cllr Hudson)
Philip Hearn	Hudson)
Chris Lloyd	
Stephen King	

Also in attendance:

Councillors: Councillor Lisa Hudson, Reena Ranger OBE, Batchworth Community Councillors Diana Barber, Craige Coren

Officers: Matthew Roberts, Claire Wilson, Lauren Edwards & Sarah Haythorpe

COUNCILLOR STEVE DRURY IN THE CHAIR**PC 119/22 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Stephanie Singer, Lisa Hudson and Sara Bedford with the named substitute being Councillor Abbas Merali (for Cllr Hudson).

PC 120/22 MINUTES

The minutes from the Planning Committee Meeting held on 23 March 2023 were agreed as a correct record and were signed by the Chair.

The Vice Chair, who Chaired the meeting on 23 March 2023, had been contacted by residents in Woodlands Road who wanted to raise concerns regarding the minute relating to the Woodlands Road item. The Vice Chair had looked at what they had sent, and although they were querying some of the statements made in the meeting they were not actually querying the accuracy of the minutes as drafted as far as they could tell from the correspondence sent to them.

The minutes from the Reconvened meeting held on 30 March 2023 were agreed as a correct record, subject to adding Councillor Stephen King as being present at the meeting and were signed by the Chair.

PC 121/22 NOTICE OF OTHER BUSINESS

There was none.

PC 122/22 DECLARATIONS OF INTEREST

The Chair 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 information provided at Committee. 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 particular view.”

Councillor Matthew Bedford declared a prejudicial interest in agenda item 8 as they lived in the consultation area and would leave the meeting when this item was considered by the Committee.

Councillor Raj Khiroya declared a prejudicial interest in agenda item 9 as they lived in the consultation area and would leave the meeting when this item was considered by the Committee.

PC 123/22 22/1875/OUT – Outline application: Demolition of existing buildings and redevelopment to provide 29 residential flats (Use Class C3) (Landscaping as a reserved matter) at KNOLL OAK, SANDY LANE, NORTHWOOD, HA6 3EZ

The Planning Officer reported that the drainage consultant had confirmed that the applicant had demonstrated a half-drain down time within 24 hours with a safety factor of 5 applied to the proposed infiltration features which form part of the SUDs drainage strategy. On the basis that the amended drainage strategy is considered acceptable the recommendation is now to grant planning permission subject to the completion of the S106 agreement securing an affordable housing review mechanism, conditions as already set out within the officer report and including the additional conditions as requested by the drainage consultant as follows:

A detailed surface water management scheme which will include further details of the blue/green roof which will be required to be submitted and agreed in writing by the LPA and a further condition relating to the management and maintenance plan.

There was a slight wording change which is required to Condition 3 which related to the play area with alterations to ensure that the play area is constructed and made available to residents prior to the first occupation of the development. The latter element was missing from the report.

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

Batchworth Community Councillor Diana Barber said the Community Council had considered the application in the context of an earlier withdrawn application and requested that the views and comments put forward should be considered again. A significant percentage of the proposed site sits within the Green Belt with adjoining ancient natural woodland. It is imperative that measures are in place to ensure the conservation of protected trees and hedgerows on parts of the site which form a green corridor and foraging habitat for protected species. High priority must be given to mitigation of the possible devastating effects of the site clearance for this development. The movement of heavy plant and support vehicles for the removal of waste and spoil from the site cannot be achieved without huge damage environmentally. It would take many years if not never to recover from such a devastating loss of so many mature trees and biodiversity. Other objections were the huge scale and mass of the building on such a small area, detrimental effects of the privacy of the neighbouring residents, the potentially adverse effect of the basement excavations on the water table / flooding of the area. Questioned the traffic report assessment which was underestimating the impact of projected journeys to and from the site on local traffic. They realised this was an outline application but there is a long way to go before any plan of this scale could be considered acceptable. Urged Members to refuse this application. The development should be reduced in height, size and number of units and changes to the architectural style to make it more acceptable.

Ward Councillor Reena Ranger said the principal of development was accepted but the scale of 29 flats was unacceptable. They felt that the recommendation for refusal detailed at Paragraph 1.1 still stands and the scheme fails on character and appearance and is totally out of keeping with the area. One large home becoming 29 flats with 59 bedrooms is inappropriate which you could see from the access arrangements. If the gate proposed at the entrance should fail with traffic would back up into the major road. The neighbour would lose priority over access to their own home. If the application was approved, we would change the character and appearance of this section of the road for ever. The Council had refused similar schemes nearby and should this be approved there is little hope in being able to refuse anything again in the area. This is not a sustainable location with just one bus stop. It is at least a 30-minute walk to the train station and the report itself comments that there are no frequent bus stops open to the public in this area. On parking if it was assumed that the 8 visitor spaces on the ground floor are for guests/visitors but would there be a rota system to see which flats could invite people over. The parking needs to be in excess not less due to the location and the circumstances. We do not need to compromise on this development to a scale which would be detrimental to the area and residents especially when the nearest neighbour is the Ministry of Defence (MoD) who had objected on impacts to safety and security and risk to road users at Northwood HQ. Can officers confirm that these flats do conform to space standards. The scheme should fail on all the reasons stated including Green Belt and its impact, the protected mature ancient woodland, being near a Conservation Area and character and appearance, bulk and scale, safety and not having adequate parking.

The Planning Officer responded that as the report set out the site is partially within the Green Belt to the north however there is development already

encroaching within the Green Belt and historically was used as a garden. This scheme seeks to confine the development to the Green Belt boundary and the only elements which would be encroaching within the Green Belt is the northern terraces serving the flats. To compensate against the encroachment the Green Belt would be more open in character which offsets that balance and was considered acceptable as stated within the report and therefore falls within the necessary exceptions outlined within the NPPF. On hedging and trees, the site is protected via a Tree Preservation Order but as the site is derelict over time a significant number of trees have grown within the site most of which are of limited value and will be removed to facilitate the development as well as other trees which are not of a good quality. There are category B trees being removed to provide the access requirements which any scheme coming forward for the site would require to satisfy based on the comments from the Highway Authority. On the other trees set further within the site towards the rear there had been no objection from the Landscape Officer on their removal on the basis of a substantial replacement planting scheme which is proposed and to be secured by condition. There would also be a significant betterment of the onsite management which was not happening now. This was one element which was within the planning balance and given a degree of weight in favour of the scheme. In terms of waste removal there is a basement proposed and there is a concern due to the amount of spoil to be removed and the movement of large vehicles that the formal access needs to be built prior to the commencement of development in accordance with the Highway Authority requirements to provide acceptable highways visibility splays to enable construction vehicles to gain acceptable access. The current access is not suitable for construction vehicles. Details would also form part of the Construction Management Plan. There is also a site waste management condition included. It is acknowledged within the report that the mass, scale and design of the building would have an impact on the character, but this is outweighed by the benefits as the report sets out. There had been some amendments since the withdrawn scheme that seek to reduce the elevated bulk by introducing balconies rather than having a complete 4 storey elevation. The 4 storeys do look big on plan however the site is significant, and the building would be set back from the road and there are protected trees before the front boundary and within the highway woodland. These mitigation measures seek to soften the impact of the building. Due to the land levels across the site, although it is 4 storeys at the front, as you go towards the rear it drops to 3 storeys with a flat roof. On privacy there is an acknowledgement that the neighbour can see the house to the east, but this is the only adjacent property to the side of this site but is set quite far back and they do have quite a large front garden which provides a degree of privacy. It is acknowledged in the report that there is a degree of impact on that property from this development but the flats themselves are set back between 14 to 28 metres and the boundaries are extremely wooded and they are protected which provides suitable mitigation to enable it to be acceptable. On highway safety there had been local concern. Two access proposals had been put forward with the highway authority accepting one of them on the basis that it passed the relevant audits and provided priority to this development but did also improve the access currently to Cedar House which currently had an informal arrangement before you reached Sandy Lane. On the highway boundary, there had been comments made on ownership, and whether those at Cedar House

could gain access. Their ownership extends to the point where the brick pier is and all the informal space to the front of the property is owned by the Highway Authority which includes and extends to the wooded verge. It is a pre-commencement requirement that those works are undertaken before the building is developed. Design is subjective and the design is different to the arts and crafts styles in the locality however if you drive slightly further into Eastbury Avenue and further afield there are degrees of variation in designs across the locality and we should not be so confined to the immediate locality. The report acknowledges that it is on the outskirts of Eastbury and is a good 20-minute walk to the station and residents would be heavily car reliant. In terms of parking standards, it does meet them when applied to the scheme and is in excess. There will be some difficulties in us refusing the scheme based on parking alone. Whilst there are concerns that parking maybe displaced onto the adjacent roads that would not be able to happen on Sandy Lane but there are concerns on whether the parking issues would be moved onto the Woods which is generally free of cars throughout the week. There is a parking management plan attached to the recommendation and based on the submitted plans a significant number of visitor spaces were highlighted to mitigate this. Most of the residents should be parking on site as the parking is policy compliant. With regard to the MoD this is a unique situation and officers have had meetings with them. They had reviewed the application and could not object from a planning perspective however the onsite management team have highlighted their concerns due to the scale of this development and the site lines from the dwellings in the front looking onto the entrance of Northwood HQ. They were asked to provide details of any specific security arrangements that the LPA need to take into account but had not provided those. Based on our planning policies officers have made a judgement and by virtue of the distance to the site, the tree screen and that the trees are protected and that the buildings within Northwood HQ are set back within the site it is considered acceptable. However, that is a judgement based on the facts and the proposal before the Committee tonight. On space standards they do all comply with the national space policies. We do not have a specific space Local Plan policy, but we can have regard to the national one and the flats comply.

Councillor Chris Lloyd asked about the issue of security and would have liked more information from Northwood HQ. This site is unique and the largest development they could recall near to the base. They asked if it would be appropriate to defer the application to have further discussions. They may not be prepared to provide any information in public, but the Councillor would not want to give permission if it would jeopardise security although there might not be planning grounds.

The Planning Officer advised that the application had been delayed for a number of months because of ongoing discussions where officers had tried to get more information from them and had made a site visit and met with those who lodged the objection. They advised their principal and primary concern was the site lines / overlooking from the development. Officers had pushed to have more information provided and following discussions with their planning consultant they had advised that there are certain buildings in the country which have specific security arrangements. If that is the case, we would have to have regard to this which could mean that development would need to be reduced. Lawfully there could be a house on the site and there is one currently which is

2 storeys. It is a public road and people are able to walk pass the site but it is heavily secured by fencing and there is a significant amount of cameras and CCTV. There are further mitigations measures subsequent to those discussions with Northwood HQ with some of the balconies along the front now to have screening so that there is now no external circulation spaces where people can stand and look. There is still going to be views from windows at 4 storeys however parts of the site will look over the pond which is adjacent to the access. Only part of the building will overlook the access and the access for those who know the site it does curve down significantly, and a lot of the buildings are set back considerably from the road. From officers view it is very difficult to see how we can refuse the application on security grounds based on the information we have obtained.

Councillor Matthew Bedford said on the principal of development we all keep saying we want to put the maximum amount of development we can onto our existing built-up areas. This is one of those areas. If we are going to say that we can't put a lot of development into this sort of area, where do we think we are going to put the development in the District. All it does is put more and more pressure onto open Green Belt land. It had been mentioned that part of the site is in the Green Belt, but it is previously developed land within the Green Belt which is similar to Woodlands Road. If we don't put houses onto previously developed land it will go onto open fields. This has to be the sort of site we are looking at for development if we want to try and minimise the pressure on the open Green Belt. With regard to the comments on the design of the building and wanting everything to be arts and crafts we should not forget it is directly opposite a military base. With regard to the basement, we could assume that the building opposite also has a basement. We have no grounds on parking or highways to object and they were struggling to find something to not approve it. If we have asked the base for valid reasons why this should not go ahead, and they have not come back with anything then they did not see why delaying it for another cycle is going to be of benefit.

Councillor Abbas Merali appreciated the complexity of the application, but the Committee still do not have full disclosure of the security concerns. They could not approve something where the Committee are making an assumption on behalf of the MoD on what the security concern might be and overlooking. They understood that deferral might not disclose any further information but with the information currently provided they felt uncomfortable to support the application. On the planning matters, the site is partially in the Green Belt and referred to Paragraph 7.3.6 where we justified that on the basis of 36g and 36b it is an existing site which is derelict and needs to be improved but what is being proposed is disproportionate to what exists and has a disproportionate impact on the openness of the Green Belt. The proposed design does not conform to the character of the area and thought the design could be improved along with the massing.

Councillor Matthew Bedford said almost all of the development is not in the Green Belt and we are not able to use that as a reason for refusal.

The Planning Officer confirmed that a large amount of the building was not in the Green Belt but the balconies on the northern elevation would be slightly within the Green Belt boundary. There are terraces which will fall within the

Green Belt however, as advised earlier, that is offset by the loss of the garage and the retaining walls. The swimming pool would be returned to open land and woodland which is an enhancement, especially on openness. The play area would be an appropriate use in the Green Belt. Everything to the south is outside of the Green Belt. The site is adjacent to woodland to the north and houses to the south so any encroachment into the Green Belt is minimal and does not conflict with the purposes. On the security concern, comments had been submitted outlining the issues at Paragraph 4.18 and officers had tried to get some compromise. They did appreciate the town planning position but unfortunately, they cannot provide further details on specific security arrangements and can only express comments in general terms. Based on our current planning policies in terms of overlooking that is all officers can judge it on. There is a requirement for a distance of 28 metres, and this will be far in excess of this. If they provided their specific security issues, we could have made amendments, but we don't have that information, and this is their final response.

Councillor Abbas Merali said despite the discussions the base had come back still objecting but were not able to say why. They felt the Committee could not make the assumption on their behalf if there would be security breach. Had the Council taken any external advice on this.

The Planning Officer reported that they had sought advice on the basis that it is a unique situation and that advice stated it is a planning judgement based on our development plan and the information provided. If information had been provided that suggests that this is a high-risk situation and it cannot be overlooked in any way then clearly this would change. There are call in powers from the Government and if this was a substantial concern there are trigger points where the Secretary of State (SoS) could call the application in.

Councillor Raj Khiroya noted the application was first made in 2021 with a number of changes made since then but wondered if the applicant had engaged with the planning team and if a pre application was made.

The Planning Officer advised a pre application was made some years ago and a planning application was then submitted but was later withdrawn. The changes which had been made were highlighted in the report but included a reduction in the internal floor height, reducing the height of the building from 12.7 metres to a maximum of 12.3 metres, there had been changes to the design on the front and south west facing corner which is the most visible from Sandy Lane, the external appearance has altered from white render to dark red brick and greater landscaping was proposed across the site as well as additional information regarding the impact from the basement excavation on the trees on the boundary. With a basement you require significant excavation and a lot of that was going to be very close to some of the protected trees therefore the basement was amended so it would be much further off the boundary with Cedar House where you have a line of protected trees which are worthy of retention. The basement was changed in terms of its positioning to be set much further off the boundary to Cedar House where you have a line of protected trees which would be significantly enough away to stop damage throughout construction and there are tree protection measures which had been put forward which would need to be adhered to as well as a site

supervision condition would require at key stages of the development an arboriculturist to check that those measures are in place at key points.

Councillor Philip Hearn said there was a lot they liked about the development, and we do need a lot more housing and this area had been previously developed and we are not able to just reject any proposal. They did have a lot of concern on the security grounds and highlighted what the NPPF says which is “planning policies and decisions should promote public safety and take into account wider security and defence requirements.” It then goes on to state that we should recognise and support development requirements for operational defence and security purposes and ensuring that operational sites are not affected adversely by the impact of other developments proposed in the area. Based on the comments from the MoD they were struggling to go past this.

The Planning Officer said if that is a concern Members, they need to start considering moving a recommendation but could not see a deferment having any benefit for the reasons already advised.

Councillor Chris Lloyd said on planning grounds if there was not a base there it would be very different. What the officer was saying was they had been given ample opportunity to get the application called in. If the Committee were to approve the application, would they still have the opportunity within a certain number of days to call it in. They felt from a security point of view they had not provided enough information to enable Members to make a decision on this matter. Could the Committee delegate to the Director that we are minded to approve but we are not going to issue the notice for 2 weeks to give them one last chance to say if this is really a security issue you have two weeks to go to the Minister to get the application called in and for the Minister to determine it.

The Planning Officer said they would have to defer on that point to seek legal advice.

Councillor Chris Lloyd wished to move that the application be deferred to seek the legal advice on the security points as they would not be comfortable passing the application. The MoD have a choice of either calling in the application by the SoS or it is likely to come back to Committee in May and get approved.

Councillor David Raw also had concern on the MoD objection and being partially on Green Belt land therefore they felt it could be refused. The design is out of character, and it is overdevelopment for the area.

Councillor Stephen King said the aerial inside the base is a point for ingoing and outgoing aircraft from northwest London.

The Chair wished to go one step further and defer on the basis that the Committee are minded to approve on planning grounds but as the MoD have not come back and given a specific reason not to approve we are going to ask the Director to write to the SoS to ask if there is any particular reason why they are not prepared to provide any information.

Councillor Abbas Merali was minded to support the Chair's suggestion.

Councillor Matthew Bedford said the Committee needed to be clear whether they wish to approve the application or not. They were looking to move the application for approval. In terms of overlooking all they had said is a general

concern of line of sight into the main entry point. If the existing building was reinvigorated into a single house, there would be line of sight from the upstairs windows to the entry to the base today and you would not need planning permission and could occupy the house. You could easily put rooms in the loft so that you would have a 2nd storey window with line of sight into the base and this application only provides for one further floor. Members need to think about either passing the application or if we do defer send a very clear message that in our view this is an acceptable development and that they have a period of time by which to call it in after which it would be approved.

The Planning Officer advised that Members need to reach a decision which would be delegated to the Head of Regulatory Services because there is a legal agreement which needs to be secured and completed. If Members do make the decision to approve it could be on the basis that officers try to make contact with the MoD one last time to give them a timescale for them to respond and if they do respond then subject to their response it would be for the Head of Regulatory Services to consider whether or not the application should come back to Committee. If they are still saying the same things there is no point the application coming back. However, if they add some more information which is material to their objection and concern then it could come back to Committee which would still allow the S106 agreement to progress and we could be in a position where we are not stalling on the development, and we would not have non determination.

Councillor Matthew Bedford moved an amendment to the motion that the Committee delegate to the Head of Regulatory Services the approval of the permissions but allowing a fixed period of time for the MoD to respond in the knowledge that the permission will be given unless they get the application called in. If it is not called in, then the Head of Regulatory Services will approve it.

Councillor Chris Lloyd said if there is a significant security concern then we should give them this last chance. All the other points around planning are not sufficient to turn it down and was happy to second the motion amendment by Councillor Matthew Bedford.

On being put to the Committee the amended motion was declared CARRIED by the Chair the voting being 5 For, 4 Against and 0 Abstentions.

RESOLVED:

Approved Outline Planning Permission to be delegated to the Head of Regulatory Services to grant planning permission subject to a Section 106 Agreement (securing an affordable housing review mechanism), amended conditions regarding drainage and play area and on the basis that the Secretary of State (SOS) do not seek to "call in" the application on security grounds at Northwood Headquarters within a timescale to be agreed and circulated to members for agreement after the meeting.

PC 124/22 22/2025/FUL: Construction of mixed use scheme comprising 244 sqm of retail space (Class E(a), 36 flats (16 x one bed, 20 x two bed), associated access, car parking, bin and cycle storage and landscaping at ALPINE PRESS, STATION ROAD, KINGS LANGLEY, HERTS, WD4 8LF

The Planning Officer reported that Condition 2 should be updated to make amendments to the plan numbers but had no impact on the report.

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

Following the public speakers, the Planning Officer reported that with regard to parking as set out in the officer report we do recognise that there is a shortfall in car parking on the site however as stated applications within the vicinity including Shannon House and West Herts College had been refused on parking grounds, but the LPA have been unsuccessful in defending the reasons for refusal. The Inspectors had found that given their locations, as they are in close proximity to Kings Langley station, footpath and cycle paths and that there are parking restrictions within the locality there is nowhere for displaced vehicles. With the signage in the area regarding parking restrictions any future residents would be fully aware of what they are purchasing prior to any purchase. The appeal decisions relating to Shannon House and West Herts College are relatively recent and it is officers view that the decisions needed to be afforded weight in the decision-making process and referred Members to Condition 29 which related to the submission of a Parking Management Plan. The wording of that condition could be changed if Members felt that the parking needed to be more specific for example if the two-bedroom units in that location needed to have at least one space it could be amended. In terms of the height of the building, officers do recognise that it is going to be higher than other buildings in the vicinity, including the adjacent traditional two storey buildings, however the building is articulated such that the additional two storeys do not expand for the whole width of the built form and the flank elevations are to be set in and some set back which would reduce the impact. The materials to be used also helps minimise the impact and there is to be spacing across the site which would also help minimise impact. There are varied forms of buildings and varied heights in the road and the site is adjacent to Kings Langley station and could support a development which is a bit higher. Privacy had been addressed in the report and officers don't feel there would be an impact on privacy. The plans have been amended during the course of the application with the terrace at the 4th floor level only being accessible for maintenance purposes and could be controlled by a condition and officers suggested that be the case.

Councillor Philip Hearn said the Council have parking standards for a reason, they could not visualise what it would be like if they were not able to have a car to get around. The Councillor could not imagine the residents who lived there will not at some point think that they want a car. If the Inspector wants to go against our standards that's their view but if someone who lived there had a car they would want to know where they are going to park it.

Councillor Raj Khuroya said the report indicates that there is no parking for visitors and not enough for residents. Also had concern this will be tallest building on Station Road.

Councillor David Raw said car parking is an issue and was concerned about the impact on the other residents already living in the area. The building would be huge, and they felt would be overdevelopment and out of character for the area being too big and too high.

Councillor Matthew Bedford said this is a site we would like to see developed but want to see used well. Having seen the appeal rulings on the sites immediately opposite we are not going to be able to defend a reason for refusal on parking but would like to hear officers' comments on this. One issue which did concern them was the height of the building which would be on an elevated site above Station Road as opposed to the site which was given permission on appeal on the opposite side of Station Road which is on a sunken down site below the level of Station Road. The adjacent cottages, which are on an elevated site, from the road are the equivalent of a three-storey buildings, but what is proposed next to them is six storeys. Normally we are comfortable with two storey buildings and an adjacent three storey block of flats and have the exact configuration at several points along Station Road. But here you are looking at three storeys higher than the adjacent cottages which is where they get most of their light and sun from. The first cottage in particular is going to be impacted if we give permission for a six-storey building and a four-storey building would be more appropriate.

The Planning Officer advised that officers views were fully set out in the report. On parking we have been unsuccessful in defending two refusals on the grounds of parking. Alpine Press is closer to Kings Langley station than either West Herts College or Shannon House both of which were allowed by the Inspector based on significant shortfalls in parking. Officers feel that it is a sustainable location, close to the station and there are parking restrictions in place. With regards to visitor parking, we have suggested a car parking management plan which would hopefully alleviate some of the concerns, but officers don't think a reason for refusal based on parking is defensible. With regard to the overall height of the building yes it would be higher than others in the vicinity however the whole footprint would not be six storeys and feel that it would be articulated enough to not have a significant impact. It would change the appearance of Station Road but given the variation in the area the site lends itself to that scale of building. With regard to neighbour impact the issues have been set out in the report as to why we don't perceive there would be an impact and feel that there would be sufficient spacing between buildings and there are conditions to control aspects of overlooking and officers feel it is acceptable.

Councillor Matthew Bedford found the officer comments useful and agreed they would be reluctant to put a reason for refusal on parking however the sheer scale and height of the building were still a concern. On parking they could not see a condition which would make the residents of this block not eligible for the residents parking scheme along Station Road and thought such a condition should be included which would reduce the impact of the new residents on the already limited parking in Station Road.

The Planning Officer said officers would look at where the controlled parking zones were in the area and would control this via a S106 if Members felt it was appropriate.

Councillor Philip Hearn said if this was to be approved, a condition be included to make sure the spaces are not sold to people off the site. They felt allocated parking was not a sufficient use of space.

Councillor Raj Khuroya said a four-storey building is acceptable and a six-storey building not acceptable.

Councillor Ruth Clark said the development would be very high and have a big impact. Residents parking along the road is only Monday to Friday 9 to 5 and it would impact on the existing residents in the road in the evenings and at the weekends.

Councillor Chris Lloyd said the Committee had two choices to approve it or reject it due to the bulk and massing because of the contrast of the surrounding buildings and would be potentially happy to propose refusal with Councillor Matthew Bedford's agreement.

The Planning Officer advised that if Members were minded to consider refusal as set out in section 7.17.1 of the report the LPA cannot currently demonstrate a 5 year housing land supply and as such Paragraph 11 of the NPPF would be engaged which requires that there would be a presumption in favour of sustainable development and that it must be clear that the adverse impact identified significantly and demonstrably outweighs the benefits when set against the policy in the NPPF as a whole. In addition, if Members are minded to refuse the application, an additional reason for refusal would need to be included on the lack of a S106 agreement with regard to affordable housing not being completed.

Councillor Chris Lloyd had listened to the points the officer made but felt there were sufficient grounds to refuse based on the impact, bulk and massing. They moved refusal on those grounds with a second reason for refusal with regard to the absence of a S106 agreement securing the affordable housing contribution, seconded by Councillor Matthew Bedford.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 6 For, 0 Against and 3 Abstentions.

RESOLVED:

The Planning Permission be REFUSED, due to height, bulk and massing of building adversely affecting streetscene and in the absence of a S106 agreement securing the affordable housing contribution the reasons for refusal being:

R1: The proposed building by reason of its elevated bulk and massing and excessive height which is exacerbated by virtue of its elevated positioning above Station Road would result in a visually prominent form of development which would adversely affects the character and appearance of the streetscene, contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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).

PC 125/22 23/0191/FUL - Variation of Condition 2 (which requires the construction of a solid rendered wall to be erected to the first floor rear balcony) of

planning permission 22/1120/RSP at 44 SANDY LODGE ROAD, MOOR PARK, HERTFORDSHIRE, WD3 1LJ

The Planning Officer reported that Members had considered a part retrospective planning application at the December meeting whereby they resolved to grant planning permission subject to a condition requiring a solid rendered wall up to the eaves height on the flank of the first floor balcony. The applicant has sought to vary the condition by reverting back to an obscure glazed privacy screen at a height of 1.7 metres. A sample of the screen had been provided. The application for the flank roof lights within the flank rear projecting gable was allowed at appeal recently and followed a delegated refusal and overlooking as set out at Paragraph 1.2.

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

Batchworth Community Councillor Diana Barber said the property had been the subject of many applications and debate over the last few years and here we were again due to the applicant's refusal to comply with the conditions. What they wanted to protect was the right of the residents to privacy in their own back gardens and bedrooms. The applicant had been non-compliant with the decision taken by the officers and the Committee. The Community Councils objections remain unchanged that the proposed balcony finish has to be changed from an obscure glazed privacy screen to a solid rendered wall matching the external appearance of the existing dwelling and put up to the eave's height of the adjacent gable roof and to the depth of the first-floor balcony. The previous decision made by the Committee should be upheld and implemented.

Local Ward Councillor Reena Ranger said this Committee recommended the condition and agreed it and now we are here being asked to vary the condition which this Committee felt was required. Nothing had changed since the previous application and the condition should stay and we must protect our decisions and our planning process.

The Planning Officer said the recommendation previously was as per the original recommendation which was to revert back to a glass privacy screen. Members moved an alternative recommendation to require a solid wall. A photo of the proposed glazed panel was shown to the Committee and in the officer's view it would negate the privacy and overlooking concerns but acknowledge Members previously wanted a wall.

Councillor Abbas Merali said it sets a dangerous precedent when the Committee has rejected a proposal and then it comes back, and we should defend our decision.

Councillor Raj Khiroya said the Committee proposed a condition and now the applicant wants to vary it and we should ask the applicant to comply with what the Committee agreed.

The Planning Officer said Members need to be clear that what is being put forward is not appropriate and need to highlight the reasons and that the solid wall as originally required would serve the purpose to safeguard the neighbour's privacy.

Councillor Philip Hearn had a slight reservation of going down the line we were as a Committee, that we made a decision, and we should keep to it. What we asked was for the wall to go up to the eaves of the roof and felt that this may look rather incongruous and if this went to appeal are we confident that the glass screen would not provide privacy for the neighbours and was not convinced it would not.

Councillor Matthew Bedford said it was impossible to argue that a screen at level 5 privacy would not do what it needed to and in reality, if they go to appeal, they are going to win. But from the point of view of the neighbour it will not feel like that and do what is needed in the same way as a solid wall and does not address the neighbour concern which is they will feel overlooked. Why had the applicant not simply appealed the original condition why had they come back in this way.

The Planning Officer stated that it was contrary to what was advised to the applicant and the most appropriate route would have been to have appealed the condition attached to previous condition granted in December however we are not able to not determine an application submitted. What was being talked about was actual perceived overlooking rather than actual overlooking which Members may wish to discuss. Officers would be slightly wary if the application was refused as it may well be overturned on the basis that similar screens are provided across the district to prevent overlooking. Condition 2 does not require details to be submitted but it could be added. The plans show the depth of the screen to be the depth of the balcony and Condition 2 requires that the obscure privacy screen has to be at a height of 1.8 metres which includes the retaining wall which is currently in situ and for the depth of the balcony. The condition could be amended to be clear on the whole depth of the balcony in accordance with the drawing numbers and once erected permanently maintained in terms of siting, depth, height and security level.

Councillor Matthew Bedford asked if perceived overlooking was a valid concern like actual overlooking and clarification on any change to Condition 2 which the Committee could consider.

The Planning Officer said at the moment Condition 2 requires an obscure level 5 screen be erected but it does not require them to submit a physical sample to the Council although a sample was shown to the Committee. If Members wanted there to be clarification on what exactly they would build this could be provided to us within a timescale and once agreed, it would need to be erected on site as per the agreed details of the condition in terms of its positioning and height and securing it permanently there. Perceived overlooking is a material planning consideration but given where the balcony is sited, which is set quite far in from the boundary, and recently we had an appeal decision concerning the roof light on the rear gable where the Inspector did make comment in respect of the vegetation on the boundary also helping even though officers do not try to give too much reliance to that officers would be of the view that this is now acceptable. Condition 2 could be slightly amended to submit details to the LPA and maybe to include wording for the entire depth, so it is clear what is expected.

Councillor Chris Lloyd thought with those changes they would be happy to move the officer recommendation because if the glass cannot be seen through

and we get the other additional details included then the neighbour would not be able to look in. If the screen at some point in the future broke or was not replaced the Councillor assumed, we could take enforcement which would mean they would have to put the screen back.

The Planning Officer confirmed this was correct and it would be a breach of condition notice and there is no right of appeal.

Councillor Raj Khiroya said the application had been discussed at great length when it came before the committee, and we had heard from a neighbour and overlooking into the bedroom, and they still thought there was a question of perception as well. The proposal may or may not do what it is intended to do but what we agreed in the first place is what we should be imposing and moved refusal on perceived overlooking seconded by Councillor David Raw.

Councillor Abbas Merali thought the Committee had fair planning grounds to refuse the application and that if the application was agreed would set a dangerous precedent. This was yet another retrospective application coming to the committee with enforcement issues.

On being put to the Committee the motion was declared CARRIED the voting being 5 For, 0 Against and 4 Abstentions.

RESOLVED:

That Planning Permission be REFUSED due to unacceptable level of perceived overlooking from the lack of a solid screen at the first-floor balcony the wording of the reason for refusal being:

R1: In the absence of a solid rendered wall, the proposed obscurely glazed screen to the first-floor rear balcony would fail to adequately address the unacceptable level of perceived overlooking which would result to those adjacent residents at 46 Sandy Lodge Road. The variation of condition 2 would therefore be unacceptable and 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).

Councillor Matthew Bedford left the meeting.

PC 126/22 23/0248/FUL – Demolition of detached garage, store and conservatory; erection of single storey rear extension and two storey side extension at 102 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ

The Planning Officer reported that there were no updates.

Councillor Chris Lloyd moved, seconded by Councillor Raj Khiroya that Planning Permission be Granted as set out in the officer report. There had been zero comments received following the consultation.

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

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives as set out in the officer report.

Councillor Matthew Bedford returned to the meeting.

Councillor Raj Khiroya left the meeting.

PC 127/22 23/0304/RSP – Part Retrospective: Erection of front porch and alterations to external materials including render at 32 BEACON WAY, RICKMANSWORTH, HERTFORDSHIRE, WD3 7PE

The Planning Officer reported that there were no updates.

Councillor Chris Lloyd moved, seconded by Councillor Stephen King that Planning Permission be Granted as set out in the officer report.

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

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives as set out in the officer report.

Councillor Raj Khiroya returned to the meeting.

PC 128/22 23/0356/RSP Retrospective: Conversion of two dwellings into one with associated internal works, erection of replacement front porch and demolition of existing garage at 162 AND 164 HIGH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BA

The Planning Officer reported that there was no update.

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

Batchworth Community Councillor Diana Barber stated that the Council's previous reasons to refuse should be upheld. There continued to be disregard for the architectural heritage of not only the town but this dwelling but more importantly the loss of the dwelling. The typical two up and two down cottages were a first-time buyer's home or a small home for low rent which we now call affordable. This is exactly the type of home we are desperate for in TRDC and the loss of the home is what we should be considering here and must regain the four bedrooms for two families rather than four bedrooms for one family. The Council must ensure the house reverts back to two dwellings with reconfigured stairwells. The reason for the original refusal and subsequent appeal remains the same for this application.

Ward Councillor Lisa Hudson said the applicant had made mistakes, but they were unintentional and may have been due to lack of guidance. The applicant would like to live with their family in this house and had spent a considerable amount of time and funds creating a family home sympathetic to the street scene providing sizeable accommodation without diminishing the bedroom count. To request that the applicant turn the clock back is futile. Taking into account the relevant H&S laws on the staircases they felt it required a different approach and wished to seek an up-to-date solution which retains the integrity

of the property for the foreseeable future and asked whether this could be through a CIL contribution

The Planning Officer reported that the report at Paragraph 7.2 onwards talks about the policies which officers had assessed the development by. The policies are still current and there had been no change in planning policy to provide a supply of homes which is stated in Paragraph 60 of the NPPF. Likewise, our local policies do not support the loss of dwellings. The application has gone to appeal and was upheld by the Inspector who found that it would not be acceptable for a loss of a dwelling to occur. We feel the current policies do apply and there has been no change and feel that the application should be refused. With regard to policy CP4 and commuted sum payment formulas – the policy relates to affordable housing and a net gain in dwellings and the policy does not make provision for compensation measures or loss so in terms of how you would calculate what the contribution should be the policy does not relate to that and officers don't feel that is relevant and can be applicable.

Councillor Matthew Bedford said they would not wish to see a loss of a dwelling but asked officers to clarify if we do refuse the application what would happen and would there be enforcement action.

The Planning Officer advised that the next steps would be to prepare an enforcement notice but the applicant would still have the ability to appeal this decision so there may be a period of delay in the enforcement notice being served. The enforcement notice would seek to reinstate two dwelling houses, but the officer could not say what the steps would be to ensure that position. The effect of enforcement notices is twofold it remedies the breach by making the development comply and restoring the land back to its condition before the breach took place which means that the notice would seek the house turn back to what was on the pre-existing plans. Alternatively, it does state that you can remedy any injury caused but the notice would still require two dwelling houses to be put back within the land, but the steps may not be as specific to reinstate the status quo. It might be that certain windows internally might need to be blocked up and doors blocked up and there might have to be a degree of separation within the gardens to provide separate amenity spaces. How it would work internally would require a lot of remodelling given the extent of the internal changes which have been made. It is regrettable we are in this position and unfortunately pre app advice was not sought prior to the works. There is a degree of negotiation officers can have with the owner but ultimately it would have to turn back into two family dwellings as per our policy. If we do require it to go back to the pre-existing condition the applicant would be able to appeal certain parts of the notice and one of the appeal elements could be that the steps within the notice are excessive and there could be lesser steps that could take place to achieve the desired result which would be something for officers and the Planning Inspectorate to consider. It will depend on what is put within the notice, but the applicant still has the ability to appeal the notice which gives the chance to ascertain whether what we put in notice is acceptable to them. It is likely that this process will take some time, but we will try to negotiate with them first.

Councillor Abbas Merali asked if there were any grounds to find a solution.

The Planning Officer advised that they thought it would be difficult. There are various material considerations which you could give different weight to which could outweigh the harm, the harm being the loss of the dwelling, which had been backed by The Planning Inspectorate. The offer of an affordable housing contribution is a material consideration, but it is not of weight or has any context behind it and how much is an acceptable amount to outweigh the harm. Officer's view is there is no material consideration available at the moment to suggest that we should be outweighing the harm.

Councillor Chris Lloyd had sympathy with the applicant but there had been no pre app advice sought but if they were to come back with another application and we are going to more of a contribution to affordable housing, a rhetorical question, we might look at it in a different light as we might get another dwelling. The Councillor would accept turning the application down, but it maybe found there was another way but at this time we should go with what the Inspector did.

Councillor Philip Hearn said the applicant had mentioned there was different requirements around building control on staircases and if the Committee refused the application and went down an enforcement route is it possible to return the dwelling to two, two-bedroom family homes. If the answer is no, we could end up in a long-drawn-out situation to try and resolve. It will be hugely expensive to split the house.

The Planning Officer advised that they were sure it was possible, but it would cost a lot of money. They doubted the notice would specify it had to be two-bedroom properties but would specify it had to be returned to two dwelling houses and the steps within the notice which seek to change some internals will then dictate how many bedrooms. The pre-existing situation was that there were 2 two bedrooms, but they had the availability of bedrooms in the loft, and someone could use the bedroom for a different purpose, and you do not require planning permission for internal changes. The concern will be what is put into the notice. There is a mechanism for the applicant to appeal the notice if they feel the Council have been onerous on the steps and for the Planning Inspector to consider this. There was a pre application submitted but it was post the works not pre the works.

Councillor Abbas Merali commented on the principle of providing more affordable housing contribution.

Councillor Chris moved that retrospective planning permission be refused seconded by Councillor Matthew Bedford. The applicant may wish to put forward a new application which provides more contribution towards affordable housing.

On being put to the Committee the motion was declared CARRIED the voting being 8 For, 0 Against and 1 Abstention

RESOLVED:

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

PC 129/22 23/0381/RSP - Part Retrospective: Loft conversion incorporating hip to gable extension; front and rear dormer windows; front rooflight and flank window at 133 FRANKLAND ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3AS

The Planning Officer reported that there were no updates.

The Chair knew the road and did not have any issue with what was being proposed.

Councillor Matthew Bedford moved, seconded by Councillor Raj Khiroya that Part Retrospective Planning Permission be Granted as set out in the officer report. The only reason the application was coming to Committee as it related to an employee of the Council.

Councillor Philip Hearn was surprised that the application had got through validation as they could not find any pre-existing plans of the site and see what the existing layout of the site was against the proposal before the Committee.

The Planning Officer advised that the application was considered to have sufficient information for officers to assess the scheme. For clarification the officer showed the location of the pre-existing hip and the pre-existing position of the chimney.

Councillor David Raw referred to Croxley Green Parish Council's comments that the hip to gable loft extension is contrary to the Neighbourhood Plan Policy CA2 and CGB and sought clarification on what they were referring to on the plans.

The Planning Officer advised that hip to gable or roof alterations was effectively when one alters a roof from a hip to a gable. They also referenced the front dormer but there is no resistance to front dormers within the Croxley Green Neighbourhood Plan.

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

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives as set out in the officer report.

CHAIR