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THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 14 September 2023 from 7.30 - 9.05 pm

Present: Councillors

Steve Drury, Vice Chair (in the Chair), Ruth Clark, Philip Hearn, David Raw, Chris Lloyd, Debbie Morris, Khalid Hussain, Louise Price, Rue Grewal and Chris Whately-Smith

Officers in Attendance:

1. Adam Ralton, Development Management Team Leader, Regulatory Services
2. Scott Volker, Principal Planner, Regulatory Services
3. Anita Hibbs, Committee Manager, Legal and Democratic Services

PC33/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Matthew Bedford, Sara Bedford, Ian Morris and Stephen King who were substituted by Councillors Louise Price, Chris Whately-Smith, Rue Grewal and Stephen Cox.

PC34/23 MINUTES

RESOLVED: That consideration of the minutes of the Planning Committee meeting held on 17 August 2023 deferred to the next meeting of Planning Committee.

PC35/23 DECLARATIONS OF INTEREST

Councillor Whately-Smith declared an interest in Agenda Item 9, stating that he was acquainted with a neighbour objecting to Item 9.

PC36/23 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC37/23 23/0319/FUL - INFILLING OF NATURAL DEPRESSION/RE-PROFILING OF FIELD WITH SOIL FROM CONSTRUCTION OF ATTENUATION POND, CONSTRUCTION OF A TEMPORARY ACCESS FROM NORTH OF DEVELOPMENT SITE ONTO LITTLE GREEN LANE TO FACILITATE ACCESS FOR ATTENUATION POND CONSTRUCTION AND AMENDMENT TO THE DETAILS/DESIGN OF THE ATTENUATION POND AT LAND NORTH OF LITTLE GREEN LANE, KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, HERTFORDSHIRE

The Committee considered a report of the Planning Officer recommending that the proposed infilling of a natural depression in a field with soil excavated from the construction of an attenuation pond; construction of a temporary access to allow access to and from the site of the pond; and an amendment to the design proposals for the construction of the attenuation pond, be approved.

The Chair invited the Planning Officer, Mr Adam Ralton, to introduce the report.

Announcement: National Planning Policy Framework (NPPF) Update

Before introducing the report, Mr Ralton informed the Committee that, on 5 September 2023, the Government had published an update to the National Planning Policy

Framework (NPPF) and that all the Planning reports before the Committee this evening should be read as referring to the September 2023 version of the NPPF.

Planning Officer's Presentation

Mr Ralton updated the Committee regarding the planning application that was before the Committee, noting that one additional letter objecting to the application had been received since the report had been published. The letter reiterated previously expressed concerns that that were addressed in the report.

For purposes of clarification, Mr Ralton noted that planning permission for the residential development to the south of the site had been granted, including the construction of a drainage pond. The present application was a request by the developer to be allowed to spread the arisings from creating the pond in a depression in a field, rather than having to remove the arisings from the site, thereby avoiding the necessity for approximately 400 lorry journeys to remove the arisings from the site by road. The application also included widening the access from the main site and adjacent fields to allow access and egress for construction vehicles, thereby avoiding vehicles from having to use Little Green Lane.

Regarding the pond, it was no longer proposed that this be lined as a lining was not deemed to be necessary. However, it was proposed that additional boreholes would be required to allow the pond to drain a suitable rate.

Concerning the ecology of the site, it was noted that the grasslands beyond the application site was farmland and, therefore, of limited ecological value.

Regarding the material to be deposited in the depression in the field, this would include the topsoil and subsoil from the drainage pond which would be deposited in such a way as to maintain a low point in the field which would not affect the existing drainage of the field.

Having considered the application, officers proposed that two conditions be added to the existing conditions, *viz* that only material excavated from the drainage pond would be deposited in the depression in the field; and that construction vehicles use only the widened entrance for access and egress to and from the site.

It was also proposed, to ensure reinstatement of the hedge at the construction site and the hedgerow around the perimeter of the field after completion of the works, that Condition 5: Landscaping, be suitably amended to include this requirement.

Representations

The Committee heard representations from a local resident and Councillor Mitchell, Ward Councillor.

The Chair then invited the Planning Officer to respond to the representations.

Welfare of Horses on Adjacent Land

Mr Ralton stated that, regarding the welfare issue in relation to the horses, this was not, unlike protected species such as birds, newts and badgers, which were covered by various statutory and policy provisions, a material planning consideration. Accordingly, the Council would not be able to defend any decision it might make in respect of the planning application on the grounds that the decision was taken with the welfare of the horses on adjoining land in mind.

Maintenance of the Drainage Scheme

Attached to the Planning Appeal decision which granted approval to the residential development and the pond, was a condition requiring that, upon completion of the works, a management and maintenance plan for the drainage systems should be submitted to, and approved in writing by, the local authority. Having described the requirements of the condition, Mr Ralton proposed that it would be possible for the Committee to add an informative to Condition 9 requesting information on the proposed operation of the maintenance plan.

The Chair then opened the discussion to Members of the Committee. In the subsequent discussion, the following points were raised.

- a) If access to the site was to be restricted after completion of the works, what provision would be made for access to maintain the site, particularly if Little Green Lane should be closed to vehicular traffic, as was currently proposed.
- b) If it was not possible to include a provision in the planning permission intended to protect the welfare of the horses on adjacent land, consideration should be given to including an informative requesting the developer to provide local residents with information regarding the phasing and implementation of the work so that appropriate measures could be taken to protect the welfare of the animals.
- c) Consideration should be given to –
 - The size of the lorries entering and exiting the site and the effect they might have on the road surface; and
 - The hours of operation of the site.

In response to these points, Mr Ralton stated that there would be no change to the standard hours of working on the site; that officers could propose a form of wording for informatives in respect of the maintenance plan and the welfare of the horses (including a request that the developer consult with adjacent landowners on the phases and stages of development such that the welfare of the horses could be taken into consideration); and that it would be necessary for the landowner and the developer to come to an arrangement regarding access to the pond for maintenance purposes, given that the pond already had planning permission.

- d) If the horses were not kept in the adjoining field throughout the year, it may be possible, through dialogue between the developer and the landowner(s), to schedule any works that might impact on the horse's welfare for a time when the horses were not next to the construction site.
- e) Regarding the proposed amendment to Condition 5: Landscaping, whether it would be possible to incorporate the specific wording suggested by Hertfordshire County Council.

Mr Ralton stated that it would be difficult to justify a Planning Condition intended to provide a net gain in terms of biodiversity on highway land when net gain was not, in planning terms, a mandatory requirement. It was the view of officers that the proposed wording amending Condition 5 gave officers sufficient authority to ensure the reinstatement and maintenance of the relevant landscaping.

- f) The original ecological survey did not include that part of the field where the proposed infilling was to take place. Consequently, it was possible that there may be harm to things of ecological value as a result of infilling this part of the field.

Mr Ralton stated that there was a technical note covering the proposed infilling of what is farmland which, by its nature, was of lesser ecological value. He stated that officers were satisfied that the technical note covered the ecological issues and that there would be no significant harm associated with infilling at this location.

Mr Ralton went on to say that detailed consideration would have been given to these issues at the time the original planning application was considered and that

site visits and inspections would continue to take place to ensure the ecological protection of the site.

- g) That consideration be given to enhancing Condition 6: Ecology.

Mr Ralton stated that the matters referred to in the technical note were sufficiently covered by Condition 6, and that it would not be reasonable, given the low probability of protected species inhabiting the land, to request that a record be kept of site inspections.

Motion

Councillor Whateley-Smith moved that the Committee approve the recommendations as set out in Paragraph 8 of the report, subject to the inclusion of the various amendments and Informatives proposed by Members of the Committee.

- h) If the Committee were to approve the application, access to the construction site would no longer be past existing houses; it would obviate the requirement for several hundred lorries going along the Green in Croxley; that the Flood Authority was “comfortable” with the proposal; and that officers were satisfied with the proposals for reinstating the hedging.

As there was a proposal that Little Green Lane should be closed, it would be appropriate to include an informative that put the developers on notice of the possible closure of Little Green Lane as a means of accessing the site for maintenance purposes.

In response to a question, Mr Ralton stated that the conditions attached to the original planning application would determine who was responsible for maintenance of the site.

- i) As this was an enclosed site, it was unlikely that the County Council would adopt the access roads to the site. If so, it was probable that there would be a management company set up to manage the roads providing access to the site.
- j) The developers had been notified of the consultation on the proposed closure of Little Green Lane.

As there was a motion by Councillor Whateley-Smith before the Committee, the Chair asked if there was a seconder for the motion. Councillor Clark stated that she would second the motion.

The Chair then put the motion that the recommendations set out in Paragraph 8 of the report be approved, subject to the inclusion of the various Informatives and amendments considered by the Committee.

For the Motion: 11
Against: 0
Abstentions: 0

RESOLVED: That Planning Permission be **GRANTED**, subject to –

1. The conditions and informatives set out in the officer report,
2. The addition of a further two conditions that –
 - Only soil from the excavation of the attenuation pond be used to infill the identified depression in the land; and
 - That construction vehicles use only the widened entrance for access to and from the construction site.

3. The amendment to Condition 5: Landscaping, requiring a suitable replacement for the hedge on Little Green Lane; and
4. Additional informatives requesting that the developer –
 - Consult with local landowners regarding the scheduling of the works and the effect this might have on horses in the adjacent field;
 - Provide information on the management and maintenance plans prescribed by Condition 9; and
 - An informative notifying the developer of the existence of a proposal that Little Green Lane be closed to vehicular traffic except for access for maintenance purposes.

PC38/23

23/0600/FUL - CONSTRUCTION OF 2NO. TWO STOREY SEMI-DETACHED DWELLINGS WITH LOWER GROUND FLOOR LEVEL WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING WORKS; ALTERATIONS TO LAND LEVELS AND BOUNDARY TREATMENTS INCLUDING TIMBER FENCE; PROVISION OF BIN STORE, HEAT PUMPS AND SOLAR PANELS AT LAND ADJOINING 10 GYPSY LANE, HUNTON BRIDGE, KINGS LANGLEY, WD4 8PR

The Committee considered a report of the Planning Officer recommending that the proposed development of two detached two-storey dwellings on land to the rear of No. 10 Gypsy Lane, with associated parking and landscaping, alterations to existing access, and provision for a bin store, heat pumps and solar panels, be refused for the reasons set out in Paragraph 8 of the Planning Officer's report.

The Planning Officer, Mr Scott Volker, presented the report. During his presentation, Mr Volker referred to the following matters.

- a) That there was an error in the report at Paragraph 7.3.2 and that the commuted sum referred to in the report should read £192,577.50.
- b) Feedback had been received from the Council's Independent Viability Assessor which concluded that, regarding a contribution to the provision of affordable housing, it was not viable for the scheme to contribute the full amount, which was approximately £190,000, but that it would be viable for it to contribute £96,743.
- c) Therefore, it was proposed that the recommendation be amended to remove any reference to the Independent Viability Assessor, stating that the application should be refused on the grounds set out at Paragraph 8.3 of the report.

Representation

The Committee heard a representation from a local resident opposing the application.

In the subsequent discussion of the application by Members of the Committee, Councillor Whateley-Smith stated that Gypsy Lane was a unique area that was very narrow, and that any provision for parking would be totally inadequate. The reasons given in the Officer's report recommending that the Committee refuse the application covered all the relevant points. Therefore, he moved that the application be refused in accordance with the recommendation set out at Paragraph 8.3 B) of the Planning Officer's report.

Councillor Lloyd seconded the motion by Councillor Whateley-Smith.

As there were no other matters that Members wished to raise, the Chair put the motion to a vote, the results of which were, as follows.

For the Motion: 11

Against: 0
Abstentions: 0

RESOLVED: That Planning Permission be **REFUSED** for the reasons set out in Paragraph 8.3B) of the Planning Officer's report.

PC39/23 **23/0698/FUL - DEMOLITION OF EXISTING CONSERVATORY, CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION AND PART SINGLE, PART TWO STOREY SIDE AND REAR EXTENSION, BASEMENT AND FRONT PORCH EXTENSION, LOFT EXTENSION INCLUDING INCREASE IN RIDGE HEIGHT, CHANGE OF HIPPED ROOF TO GABLE ABOVE FRONT ENTRANCE, REAR DORMERS, SIDE ROOFLIGHTS, INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION, LANDSCAPING ALTERATIONS TO THE REAR AT 9 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LJ**

The Chair noted that this application had been withdrawn from the agenda after publication of the agenda and that the application would be considered at a later meeting of the Committee.

PC40/23 **23/0894/FUL – DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF REPLACEMENT BUNGALOW WITH ROOF ACCOMMODATION, SERVED BY FRONT AND REAR DORMER WINDOWS AND FRONT ROOFLIGHT; INSTALLATION OF HEAT PUMP; ALTERATIONS TO FRONTAGE; AND FRONT AND REAR LANDSCAPING WORKS - 71 QUICKLEY LANE**

The Committee considered a report of the Planning Officer recommending that the proposed development at No. 71 Quickley Lane, Chorleywood, Rickmansworth, Hertfordshire are WD3 5AE, including demolition of an existing bungalow and construction of a replacement bungalow with front and rear landscaping works, be approved.

The Planning Officer, Mr Adam Ralton, presented the report. During the course of his presentation, he noted that Chorleywood Parish Council (“the Parish Council”) had confirmed that the amended application before the Committee sufficiently addressed the concerns raised by the Parish Council. Accordingly, the Parish Council had withdrawn its “call-in” request to the Committee.

[Mr Ralton noted that notification of the Parish Council's withdrawal of its “call-in” request had been received after the agenda for this evening's meeting had been published].

Representation

The Committee heard a representation from the developer.

In the subsequent discussion, the following points were raised by Members.

- a) The proposed “shed” dormers were overbearing and it was understandable why people might think that they were out of character with the area, and that gable dormers would be much better and more sympathetic to the design.
- b) As to whether there was sufficient parking available, it was confirmed there be sufficient space to park two vehicles.
- c) The bungalows in this part of Quickley Lane were, apart from one recent development, consistent in appearance and style. The proposed development, which included three upstairs bedrooms, was contrary to the Chorley Neighbourhood Plan requirement that bungalows be preserved.

The Chair noted that, as the Parish Council had withdrawn its request to “call in” the application, he would have to give some weight to that decision when considering the Planning Officer’s recommendation that the application be approved.

In response to a question by a Member, Mr Ralton summarised the design changes which were set out Paragraph 3.7 of the report.

In response to a motion by Councillor Lloyd, seconded by Councillor Cox, to approve the Officer’s recommendation, as set out in Paragraph 8 of the Planning Officer’s report, the Chair put the matter to a vote.

For the Motion:7
Against: 3
Abstaining: 1

RESOLVED: That Planning Permission be **GRANTED**, as set out in Paragraph 8 of the Planning Officer’s report.

PC41/23

23/1043/FUL - CONSTRUCTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION (ROOF ACCOMMODATION) AND ALTERATIONS AND ADDITIONS TO FENESTRATION AND ROOFLIGHTS TO EXISTING CARE HOME TO CREATE ADDITIONAL BEDROOMS AND OFFICE SPACE AT ARDEN HOUSE, 31 UPPER HIGHWAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD4 8PP

The Committee considered a report of the Planning Officer recommending that the proposed development in respect of the existing Care Home at Arden House, 31 Upper Highway, Abbots Langley, Hertfordshire WD4 8PP be granted planning permission.

The Planning Officer, Mr Volker, presented the report. During his presentation, Mr Volker referred to the following matters.

- a) Additional neighbour objections had been received but there were no new material considerations, and all existing material considerations were set out in the report.
- b) The Landscaping Officer had submitted comments on the application and had objected, in particular, to the proposed loss of trees and hedging at the front of the property and loss of trees at the rear of the property.
- c) A new parking plan had been submitted that morning which included additional
- d) hedging. However, the Landscaping Officer maintained an objection to the scheme based on the removal of the trees and hedging. It was proposed that Condition 3, which required that a soft landscaping scheme be submitted and approved, would be sufficient to address the objection by the Landscaping Officer.
- e) The Conservation Officer had submitted comments noting that the loss of soft landscaping would detract from the street scene and the amenity of the highway. However, the Conservation Officer did not object to the scheme on the grounds of the proximity of the listed buildings at No. 27, Queen Anne’s Cottage, and No. 29 Upper Highway.
- f) The standard “Time Limit” condition had been omitted from the list of conditions set out in the report and this would be added to the list of conditions should the planning permission be granted.

Representations

The Committee then heard a representation by the owner of Arden House Care Home in support of the application, and by a local resident, objecting to the application.

In the subsequent discussion, Members raised the following points.

- a) There was a concern that the proposed development entailed backland development to the detriment of neighbouring properties.
- b) Although the application had been “called-in” by Members of the Planning Committee and Abbots Langley Parish Council (“The Parish Council”), the Parish Council had not made a request to speak at the meeting.
- c) Whether it would be possible to include a Noise Condition should the application be granted [officers were of the view that it would not be possible to include a Noise Condition].
- d) It was confirmed that the Landscape Officer had maintained an objection to the application. The trees that had been removed from the site were not subject to Tree Preservation Orders (TPOs) and the site was not within a Conservation Area [Officers referred Members to the proposed Condition 3 requiring that there be an approved soft landscaping scheme].
- e) With regard to the representations made by the local resident objecting to the scheme, it was proposed that care homes, however much they may be needed, had to be in the right place, and that this particular home may have reached its [residential] capacity. Therefore, the application should be refused.
- f) The application gave rise to several issues including –
 - Four vehicles which regularly parked on the pavement outside the property.
 - The removal of trees in front of the property and the subsequent tarmacking of the area which meant that there was little to demarcate the boundary between the property and the pavement;
 - The removal of the trees and hedging resulting in a gap in the woodland canopy in the area thereby exposing a view of the whole of the property to adjoining neighbours;
 - The proposed extension of the property entailing those members of staff who smoked at the rear of the property being moved three metres nearer to the boundary with the adjoining property, thereby giving rise to potential noise and other nuisance;
 - The need for conditions and/or informatives regarding vehicles parking on the pavement; noise nuisance; and the possible requirement for yellow lines at this location; and
 - The need for Care Home accommodation giving rise to the overbearing nature of the proposed development.
- g) The property already went over the 45-degree splay line and the proposed development would appear to exacerbate this. Therefore, consideration should be given to whether this constituted a material factor in determining the application.
- h) Consideration should be given to the extent that the property would overlook other properties if planning permission was granted; and relocating the existing smoking area to a location that would not cause a nuisance to neighbours.
- i) It was also proposed that consideration be given to –
 - The requirement for an a site visit; and
 - Whether there were sufficient grounds to sustain an objection to the application.

At the Chair’s invitation, the Planning Officer responded to the points that had been raised, as follows.

- a) Regarding the 45-degree splay line, it was acknowledged that the development extended further into the plot, but there was a significant separation distance between the adjacent property and the existing property, if developed. Therefore, the 45-degree splay line was not necessarily applicable in this instance.
- b) Concerning overlooking, the windows of the proposed development were at ground floor level and the existing fence, albeit in a dilapidated state, provided screening, as would the proposed soft landscaping scheme.
- c) As there would be bedroom windows at the rear of the property, it was to be hoped that anyone wishing to smoke would choose not to smoke at the rear of the property.
- d) There was a shortfall in parking spaces and it was proposed to increase the number of parking spaces from the current four spaces to eight spaces. Based on the number of staff and number of bedrooms, there would be a shortfall of six parking spaces. However, officers were of the view that notwithstanding the shortfall in car parking spaces, there would be sufficient parking.
- e) It was proposed that the soft landscaping scheme would include a defined boundary line separating parking on the highway and parking on the Premises.
- f) Issues of vehicles parking on the pavement was a Highways, and not a Planning, matter.

A Member raised the following matters.

- a) Both the Landscaping Officer and the Conservation Officer, as statutory consultees, had concerns about the impact of the loss of the existing landscaping.
- b) The number of people using the garden area, and the noise that this might generate, was a greater concern than the effect of people smoking at the rear of the property.
- c) The proposals, if approved, would exacerbate an existing parking problem and the proposed measures to mitigate the problem, that is, the removal of the existing trees and hedges, in itself gave rise to matters of concern.

It was proposed that these matters, when taken together, were indicative of a Planning application that should be refused. Therefore, the application should be refused.

The Planning Officer noted that, if Members were minded to refuse the application, it should be noted that there was nothing to prevent the landscaping that had been removed, from being removed, and that the National Planning and Policy Framework (NPPF) encouraged the use of Conditions to make otherwise unacceptable development, acceptable. To this end, proposed Condition 3 required the submission of a soft landscape scheme for approval. In addition, an Informative could be added detailing what was expected of any landscaping scheme that might be submitted for approval.

The Planning Officer, Mr Ralton, then went on to address the following issues raised by Members.

- a) Regarding concerns about smoking, Mr Ralton stated that this was a matter for those managing the property rather than a planning matter.
- b) It was acknowledged that the increased number of bedrooms, should the development go ahead, would add to the existing problem of there being insufficient parking. However, any obstruction of the Highway by vehicles parking on the pavement was a matter for the Police.

To defend a reason for refusing the application on the grounds of insufficient parking space, Mr Ralton stated that it would be necessary to demonstrate the

harm that would be caused as a result of insufficient parking space, including obstruction of the public highway, and the risk that this presented to pedestrians and others using the Public Highway.

In the subsequent discussion, it was proposed that, before the Committee made a decision, there should be a site visit, and that the Parish Council be invited to appoint a representative to attend the site visit who could advise Committee Members as to the reasons why the Parish Council had called-in the application. It was also proposed that the site visit should include the property of the local resident in Lauderdale Road who had spoken against the application. It was further proposed that Committee Members be provided with further information regarding landscaping proposals.

In response to a motion by Councillor Lloyd, seconded by Councillor Whately-Smith, that –

“Determination of the planning application in respect of Arden House, 31 Upper Hwy, Abbots Langley, Hertfordshire WD4 8PP, that was before the Committee, be deferred until such time as a site visit good be arranged. The site visit to include a representative of Abbots Langley Parish Council, and include a visit to the property of the local resident in Lauderdale Road who had objected to the planning application”.

The Chair put the motion to a vote, the results of which were, as follows –

For the Motion:8
Against: 1
Abstentions: 2

RESOLVED: To **DEFER** further consideration of the application until such time as a site visit could be arranged.

The Planning Officer, Mr Ralton, stated that he would request further information regarding the soft landscaping proposals and this would be provided to Members as soon as it became available. It would also be published on the council website and added to the Planning Officer’s report when the application next came before the Committee.

Mr Ralton noted that proposed Condition 4, attached to the report’s recommendations, required that a “Green Travel Plan”, the purpose of which was to reduce the number of car journeys to and from the Care Home, be submitted to the Local Planning Authority for approval. He stated that officers would seek information from the applicant about their proposals for the Green Travel Plan and that information would be provided to Committee Members before the application came back to the Committee.

PC42/23

23/1106/FUL - CONSTRUCTION OF FIRST FLOOR SIDE EXTENSION AND EXTENSION TO FRONT DRIVEWAY AT 14 ARUNDEL ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0TP

The Chair introduced the report, stating that the reason the application was before the Committee was because the agent for the applicant was a Three Rivers District Council Councillor.

The Planning Officer confirmed that he had no update to give to the Committee on this application.

Councillor Morris, seconded by Councillor Clark, moved that the Committee approve the recommendations as set out in Paragraph 8 of the Planning Officer’s report.

The Chair put the motion to a vote, the results of which were, as follows –

For the Motion:11
Against: 0
Abstentions: 0

RESOLVED: That Planning Permission be **GRANTED**, as set out in Paragraph 8 of the Planning Officer's report.

CHAIR

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