

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 20 June 2024 from 7.30 - 8.12 pm.

Present: Councillors

Chris Whately-Smith, Chair
Philip Hearn
Chris Lloyd
Debbie Morris
Matthew Bedford
Sara Bedford
Elinor Gazzard
Chris Mitchell
Harry Davies

Officers in Attendance:

Adam Ralton, Development Management Team Leader
Lauren Edwards, Senior Planning Officer
Anita Hibbs, Committee Officer

PC28/23 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PC29/23 MINUTES

The Chair, Councillor Chris Whately-Smith advised that there was a correction made to the minutes of the Planning Committee meeting, held on 23 May 2024, and Councillor Debbie Morris advised the Committee that the reference to parking in *'the wooded area'* was changed to *'The Woods'* in the minutes under item 23/1797/FUL - CEDAR HOUSE, SANDY LANE, NORTHWOOD. The Chair advised that the public minutes will also be updated to reflect this change.

With that correction to the minutes, the Committee approved the minutes of its meeting of 23 May 2024, and authorised the Chair to sign them as a correct record.

PC30/23 DECLARATIONS OF INTEREST

There were no declarations of interest.

PC31/23 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC32/23 24/0620/FUL – REMOVAL OF CONDITION 2 (PD RIGHTS - DEVELOPMENT TO BE USED SOLELY FOR PURPOSES INCLUDED IN CLASS B1) OF PLANNING PERMISSION 14/1294/FUL AT DRAKE HOUSE, HOMESTEAD ROAD, RICKMANSWORTH, HERTFORDSHIRE, WD3 1FW

Lauren Edwards, Senior Planning Officer advised that there was no update, and provided a brief summary of the application.

The building was originally approved in 1988, to which there was a condition requiring that the whole building only be used for B1 office purposes. In 2014 this condition was varied to remove the condition, but only so far as it related to Swan House, not Drake House. Officers have included references to Permitted Development Rights within the description of the development.

The attachment of this condition to the original 1988 permission would have effectively revoked the ability for the building to benefit from any Permitted Development Rights that may have pertained to any other use than was offices. Therefore, effectively it is a Permitted Development Right condition removal, albeit that it does not specify exactly that it is the removal of Permitted Development Rights within the wording. However the only part of the development which is up for discussion this evening is the removal of that condition, and not any other potential subsequent future use.

Mr. Hosking spoke against the application.

Ms. Frost, planning agent spoke in support of the application, on behalf of the applicant.

A District Councillor spoke on the item, proposing additional conditions to be added to the application.

A Parish Councillor also spoke against the application on behalf of Batchworth Community Council.

The officer reiterated that this application is seeking the removal of a condition. Officers are only able to assess the harm arising from the removal of a condition, in this case the building not being in office use. Officers are not able to consider any other material planning considerations of an alternative use as this isn't proposed at this time. We can only identify harm, that would arise from it not being an office, for which the officer report sets out in full why that is acceptable.

The legislation does allow for alternative conditions to be added but officer don't consider that to be reasonable at this time.

Members raised concerns regarding the challenges associated with the conversion of office blocks into residential accommodation, highlighting the dissatisfaction with the resulting living spaces that has been seen in other cases within the district. Members also talked about the lack of local planning authority control, due to rights granted by central government. Members expressed their discomfort with the existing legal framework that limits imposing conditions contrary to national legislation, and concerns about justifying actions that contradict the established legal framework.

Further points were raised by Members highlighting the necessity of controlling and imposing conditions on future residential development projects. Members emphasised the importance of ensuring adequate car parking, pedestrian access, waste management, crime prevention measures and affordable housing in such developments. It was questioned why it would be unreasonable to attach conditions to achieve the best outcomes for future residential projects.

The officer explained these factors are not a consideration for this evening. Should a prior approval application be made, it would have to go through the relevant parts of the prior approval process, which do differ from the material planning considerations of a full application.

In this case, the Committee is asked to consider whether there is harm arising from the building not being an office, as opposed to considering whether there would be harm arising from another use. Therefore, considering whether it is not an office, doesn't mean that we are

considering it being something else. That would be subject to another process, potentially, the prior approval process.

The officer further explained that members are considering the removal of this condition, and alternative conditions should not be used for the purposes of outweighing or trying to mitigate harm that is resulting from its removal. It is trying to prevent something that could or could not potentially come forward in the future.

In response to questions raised by Members, the officer clarified that to use a condition, it needs to, in some way, to mitigate or outweigh identified harm. Therefore, officers are of the view that this building not being an office, forgetting, any other alternative use, is not harmful. For officers to then attach a condition, they would be going against something that in itself is not considered to be harmful.

The officer further advised the Committee should a prior approval application be received that officers would be able to consider whether units would provide adequate means of natural light, any highways and transport impact, contamination, flood risk and noise limitation, which would be subject to consideration, in addition to a number of technical limitations surrounding its existing, or last known use. However, the permitted development order legislation does not allow officers to apply policy CP4 in respect to affordable housing, because it is not one of the prior approval requirements.

Members discussed concerns about Permitted Development Rights allowing office blocks to be converted into substandard residential accommodations, bypassing affordable housing requirements. Members also discussed the option to utilise the Article 4 option to remove these rights, however, the site in question is not covered by Article 4.

Members during their discussions highlighted the complexity and challenges faced in dealing with national frameworks, local regulations and the apprehension about facing appeals and potential loss.

Councillor Harry Davies moved, seconded by Councillor Chris Whately-Smith that Condition 2 is removed, and that Planning Permission be granted.

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

RESOLVED:

That Condition 2 is removed, and that Planning Permission be granted.

PC33/23 24/0535/FUL – VARIATION OF CONDITION 3 (WINDOWS) PURSUANT TO PLANNING PERMISSION 94/234/8 TO INCLUDE ALTERATIONS FIRST FLOOR FENESTRATION CONTAINED WITHIN THE NORTH AND SOUTH ELEVATIONS OF THE DWELLING AT THE OLD GATE, BUCKS HILL, KINGS LANGLEY, HERTFORDSHIRE, WD4 9BR

Lauren Edwards, Senior Planning Officer advised that there was no update on the application.

Mr. Knight spoke against the application.

In response to questions raised by Members of the Committee regarding the obscure glazing of the windows in question, the officer clarified that when the applicant originally replaced the windows, shown on the images, they were both fitted with clear glass with top opening windows. Upon the commencement of an enforcement investigation, the applicant changed the bottom pane of one of the windows to be purpose made obscure glazing, but the top pane remained clear glazed.

The officer confirmed that, for reasons set out in the report, it is considered acceptable to solely have the bottom half of one flank window obscured.

The officer proceeded to demonstrate to the Committee the height of the locking mechanism of the top opening of the window serving the bedroom facing Friar Cottage, being at 1.9 metres, and the perspective from which the photographs of the window were taken. The first photograph taken at eye level of the officer with a height of 1.72 meters, and the second photograph, which was taken by the officer above her head.

Members found the demonstration of the officer regarding the viewing perspective from a window, highlighting the difference in perception when standing at different heights very helpful.

The officer clarified that the second window facing the other neighbour does also breach the condition as both panes are clear glazed. However, it overlooks the frontage of the neighbouring property. Therefore, the officer is of the view that it is acceptable to be fully clear glazed. The first floor window on the other side of the property is effectively compliant with the original condition, save for the fact that the top fanlight is clear glazed. Otherwise, its size, proportion and sighting are in accordance with the condition. The only part that breaches the condition is the clear glazed top pane.

Councillor Sara Bedford moved, seconded by Councillor Harry Davies that Condition 3 (Windows) be VARIED and that PLANNING PERMISSION IS GRANTED.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being by general assent.

PC34/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

CHAIRMAN