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**PLANNING COMMITTEE**

**MINUTES**

Of a meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 11 August 2022 from 7.30pm to 10.10pm.

Councillors present:

Steve Drury (Chair)	Raj Khiroya
Matthew Bedford (Vice Chair)	Stephen King
Sara Bedford	Chris Lloyd
Ruth Clark	David Raw
Andrea Fraser (sub for Cllr Hearn)	Stephanie Singer
Lisa Hudson	

Also in attendance: District Councillors Philip Hearn, Debbie Morris, Ciaran Reed, Alison Wall, Phil Williams and Chorleywood Parish Councillor Jon Bishop and Diana Barber and Batchworth Community Councillor Craig Coren

Officers: Adam Ralton, Claire Westwood, Lauren Edwards and Sarah Haythorpe

**COUNCILLOR STEVE DRURY IN THE CHAIR**

**PC 35/22 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Philip Hearn with the named substitute being Councillor Andrea Fraser.

**PC 36/22 MINUTES**

The Minutes of the Planning Committee meetings held on 23 June 2022 and 14 July 2022 were confirmed as a correct record and were signed by the Chair.

**PC 37/22 NOTICE OF OTHER BUSINESS**

None received.

**PC 38/22 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 Andrea Fraser declared a pecuniary interest in agenda item 9 (22/0740/FUL - Change of use of existing premises from A1 (shop), A3 (Restaurant and cafe) and A4 (drinking establishment) to Class E (Restaurant and cafe) and Sui Generis (drinking establishment) and extending opening hours at 7-9 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BX) as a member of their family sometimes worked at the premises and would leave the meeting during the consideration of the application

Councillor Lisa Hudson declared a pecuniary interest in agenda item 9 (22/0740/FUL - Change of use of existing premises from A1 (shop), A3 (Restaurant and cafe) and A4 (drinking establishment) to Class E (Restaurant and cafe) and Sui Generis (drinking establishment) and extending opening hours at 7-9 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BX) as the applicant and would leave the meeting during the consideration of the application.

Councillor David Raw declared a non pecuniary interest in agenda item 9 for the Conservative Group (22/0740/FUL - Change of use of existing premises from A1 (shop), A3 (Restaurant and cafe) and A4 (drinking establishment) to Class E (Restaurant and cafe) and Sui Generis (drinking establishment) and extending opening hours at 7-9 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BX) and advised that they were not personal friends of the Councillor and were not patrons of the premises and did not feel there was any conflict of interest.

The Chair declared a non pecuniary interest for the whole of the Liberal Democrat Group on the Committee with regard to item 10 (22/0950/FUL - Relocation of dropped kerb and replacement boundary wall at 19 TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 8NA). Members of the Committee were not personal friends of the Councillor who was acting as an agent on the application and did not feel there was any conflict of interest.

**PC 39/22**

**20/0882/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 800 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at LAND EAST OF GREEN STREET AND NORTH OF ORCHARD DRIVE CHORLEYWOOD**

The Planning Officer explained to the Committee what was happening with the application and the following application. The reports before the Committee tonight were both preliminary reports which set out the site description, development description, all the comments received to date from the consultees and the public, and set out the policy framework for which the application should be considered which was to aid discussion on the

application. The report did not assess the acceptability of the application so members were not being asked to determine them. Any points raised tonight will be taken away by officers to ensure that Members have all the information they require when they are asked to determine the application at a later date. A full report would be returned to a future meeting for determination. Anyone who had commented on the application would be notified when the application would come back to Committee for determination.

The Planning Officer wished to highlight that they were two separate applications and there would be two discussions and when they came back for determination there would need to be two decisions to be made for each application.

The Planning Officer advised for this application outline planning permission was sought for 800 houses with access points with two vehicular access points from Green Street and with links proposed to the surrounding public footpath system. This development would occupy the majority of the site with drainage and open space occupying the south eastern part of the site which is the lowest point in the topography. Since the publication of the preliminary report one further objection had been received which raised points which are already set out in the report.

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

Councillor Phil Williams declared a pecuniary interest in the application as their partner owned a business in the High Street which could be affected by this application and they lived about 1km from the site. They spoke as the Local County Councillor and did not think the local developers had heard what local people were saying. If the developer was not able to get simple things right like cutting back on car emissions by having online meetings how could they, as the Lead Member for Sustainability trust them on the rest of the development. The simple thing they should be doing is not creating unnecessary emissions and insisting on face to face meetings. We need sustainable housing but didn't have faith in this being sustainable housing. There is a footpath at the top called 011 which someone had looked at and thought a cycle path could be put there and then thought we now have a cycle path and walking path to the site but didn't realise it was illegal to cycle along there. Within a mile of the site was one of the last populations of the red listed hazel door mouse to be found yet the developer does not mention this. 13 lanes of traffic converge where Green Street meets Station Approach and Shire Lane and within 20 metres of two zebra crossings and their idea is let's reinforce with painting a line.

Following their three minutes, the Councillor went to leave the meeting due to the interest declared and on the basis of advice sought prior to the meeting, but the Chair and the Committee did not feel that the Member needed to leave so they remained at the meeting as the Committee were not making any decision tonight and it would be helpful for them to listen to the debate.

Chorleywood Parish Councillor Jon Bishop stated that that the Parish Council were strongly against the application. The focus of their comments would be on areas which they felt required further work. There were a number of issues which could not be overcome i.e. Green Belt, Area of Outstanding Natural Beauty and Impact on the Chorleywood Common Conservation Area. On traffic and transport and the junction of Green Street, Station Approach and Shire

Lane it is a highly sensitive junction with a narrow pavement and a road under a bridge and with 3 zebra crossings in close proximity. An independent traffic report provided by the parish indicated significant issues at the junction and under the bridge which they felt had not been fully considered. It was requested that this report be provided to Committee Members. Whilst Highways England had not raised any issues with regard to Junction 17 of the M25 consideration does need to be given to access to it. From this site you would need to travel down Long Lane which is a single track road which already gridlocks quite frequently. The application talks a lot about cycling and in particular the cycle path across the common but it is illegal cycle and you are not allowed to provide made up paths. More work needs to be done with regard to sustainable travel. Thames Water have acknowledged that the main sewer cannot handle the waste water from the additional homes. Before any decision is made it is essential that confidence be gained on the changes that are required to the main sewer are possible. On education the LEA have said that there is insufficient capacity in the current schools and no local sites are available. On ecology there are several red listed birds on the site both nothing had been done to say how they would be protected.

Ward Councillor Alison Wall said the application site is located wholly within the Green Belt and within an Area of Outstanding Natural Beauty (AONB). An AONB has a designated landscape which we have a duty of care to conserve. AONB's are protected under the Countryside and Rights of Way Act 2000. Only 6.1% of the District is AONB and is a precious asset. The Glover review in September 2019, page 120 stated that the Chilterns AONB is of such significance that it should re-designated as a National Park. Many consultees both residents and statutory bodies had made strong objections. The key function of the AONB and the Green Belt and what it fulfils is to protect against the unrestricted sprawl of built up areas to ensure community identity. Both applications would have a huge detrimental impact on both character and appearance. On infrastructure issues Gade Surgery has no extra capacity and is only a satellite surgery, all the local schools are full with no potential to expand. It is projected that if we were looking at 300 homes a 169 new school places would have to be provided but as there is no capacity locally it would have to be out of area schooling but out of area schools are full and what about the increased traffic this would create. It was recommended that the developer funds the R1 and R2 buses for the next 5 years but what would happen after that. The flood authority had objected just as we had been told that we have huge public health issues with our rivers, and raw sewerage being pumped into our chalk streams. The Councillor could see no exceptional circumstances for either development. We have a duty of care to preserve our environmental and heritage assets for future generations.

Ward Councillor Philip Hearn said Chorleywood was an increasing rare place which retains rural charm with narrow country lanes surrounded by historic agricultural settings. Chorleywood is a unique and wonderful community and all the characteristics of the village would be harmed by these proposals. The site is on Green Belt land and in an area of AONB. The area is a haven for wildlife and has been used by generations. If development was to take place this would be lost forever. Green Street was just about able to cope with the current traffic and as residents would have experienced recently with the temporary traffic lights at the junction it had the potential to be traffic nightmare. 800 dwellings, a driving range and new football pitches would create so much more additional traffic and the impact of this would be significant and could not be managed by a Traffic Management Plan. For people living in Chorleywood

you need a car and if the development was approved this would only make the traffic more significant on our streets. Highways England have also said more work needs to be done to investigate the traffic capacity at Junction 18. Totally understood our District does not have the five year housing land supply and under the NPPF there is a presumption in favour of sustainable development however the framework also states that development should not be approved where there is an adverse impact of doing so. 900 residents had taken the time write in, hand out leaflets and put up banners against these proposals and we must listen to local people and consider their concerns.

Local Councillor Ciaran Reed said building in the Green Belt will weigh heavily on people's minds and ultimately a decision would need to be made on whether to build in the Green Belt. What had been advised was the improvement the development would give to the community but the Councillor was not buying that presumption and that the football fields and the golf course would make up for the damage which would happen to the Green Belt. We already have the football club in Chorleywood and in Sarratt which were already drawing a lot of support and did not feel that people were struggling to find football clubs and did not feel we need the new facilities. The Councillor did not agree that moving the golf club off the common would make it a far safer environment. The common is already a very well used site with lots of walking trails already and did not feel that this development would make the common even more open. The idea that the common is only locked away for golfers is a nonsense as the common is in fact used by a wide range of ages with a variety of things to do. Members need to consider if the application meets the criteria for removal from the AONB and the Green Belt.

The Chair pointed out to everyone present that there was no decision to be made on this application and the following application tonight. The Chair said that they would allow speakers to speak when the application did return to the Committee for determination.

The Planning Officer advised that they had taken notes of the points which had been raised by the speakers in particularly on traffic pollution and ecology. This is a preliminary report and did not have all the facts on whether the proposals would be acceptable or not.

Councillor David Raw noted the summary of the consultation responses and that 9 statutory consultees had objected which were professional people which we listen to. In addition there had been 890 resident objections and was something we should be listening to and wondered if it was possible to stop the proposal due to the high number of objections.

The Planning Officer advised that when the time came for the Authority to determine the application it would be at that point that Members would be asked to review any recommendation from officers who would weigh up the benefits and the harm and come to a conclusion. The officer recommendation is based on the planning merits and the 800 plus objections would be considered but it was not possible to refuse solely on the number of objections, any decision had to be on planning reasons. For the determination it would be for the Planning Committee Members to weigh up the considerations and whether the benefits outweigh the harm or not.

Councillor Matthew Bedford raised two points the first in relation to the public footpaths. Our future Local Plan had a policy on the protection of public

footpaths and buffer areas to either side and asked if there was any commitment around protecting the public footpath and to stop them from becoming just a narrow path. On the housing mix at Point 9.1.28 on the private and affordable housing they felt that there was an imbalance and this was not very acceptable and it would be good for officers to take that point away to discuss before coming back to the Committee.

Councillor Raj Khiroya sought clarification on an email they thought members of the committee had received from a member at the golf club which stated that they were not consulted with regard to the support the golf club had given to this application.

The Planning Officer advised that this was not a consideration for the Committee and they had not been approached by the golf course to advise this. The responsibility of the planning team was to weigh up all the planning benefits that are put forward and the harm identified by the application.

Councillor Chris Lloyd thanked the officer for a detailed report. Whether the application was or was not in the Green Belt they found it strange that Thames Water had not actually got the sewerage capability yet and were not actually putting in any objections. In various parts of the District we have major problems and unless they put in a new network and there should not be any building anywhere. On Highways it would be useful if they received the comments made tonight and also the Parish Transport report as currently there is no objection. They may still not object but the additional information would be useful for them to receive.

RESOLVED:

That the Planning application be noted.

**PC 40/22 20/0898/OUT: Outline Application: Demolition of the existing farm building and comprehensive development of the site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access) at LAND EAST OF GREEN STREET AND NORTH OF ORCHARD DRIVE, CHORLEYWOOD**

The Planning Officer reported that this application was for 300 homes rather than 800 in the previous application. Since the report had been published one further letter of objection had been received which related to comments already summarised in the report.

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

Parish Councillor Jon Bishop did not wish to raise the points already raised on the previous application on traffic and transport, the junction, sewerage and education. A lot had been said about the golf course and football pitches but this had not received planning permission yet and was not in the gift of the Council to give this permission it was with a completely different Council who may not give permission and wondered how much of a benefit it would be.

They would check on fatalities on the common but as the Parish Council own the common they were sure there had not been any fatalities and was only aware of one injury in the last five years.

Local Ward Councillor Alison Wall said it was interesting to know that this development was right on the border with Buckinghamshire. Their issues were exactly the same whether for the 300 or 800 developments and all the points raised still hold.

Local Ward Councillor Philip Hearn said with this application there would be a part of the site which would not be included and there was a chance there could be a future development on that area.

Local Ward Councillor Ciaran Reed said all that was said previously on the first application applies to this one. There had been an attempt to make a promise that part of the site would not be built on for 10 years but they were not convinced that this commitment should be persuading the Committee to approve this application over the other one. 10 years is not going to check the urban sprawl coming out of the area? The developer had claimed they had worked with community groups but they were not sure how effective that work can be when there had been so many objections. The development if approved would fundamentally change the character of the village.

The Planning Officer advised that the points raised by Members had been noted.

Councillor Chris Lloyd said the table at Point 4.1 was very useful. The Councillor wished to make comment on the objection from the Lead Local Flood Authority which does not always happen.

RESOLVED:

That the Planning application be noted.

The Chair wished to thank everyone for speaking and for keeping to the timings and thanked everyone for attending the meeting.

The Chair then moved, duly seconded, to adjourn the meeting at 20:23 for 5 minutes to allow people to leave.

The meeting reconvened at 20:28

**PC 41/22      21/2561/FUL - Demolition of existing buildings and construction of a detached dwelling at GREENWAY, SEABROOK ROAD, KINGS LANGLEY, HERTFORDSHIRE.**

The Planning Officer reported that there was no update.

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

The Planning Officer advised that the last speaker had made a number of statements about people who were not present at the meeting and a number of statements which officers were not fully apprised of the facts or merits of. Members when making a decision tonight should bear in mind that the

application is to be determined on its planning merits and with regard to the planning considerations as set out in the officer report.

Councillor Matthew Bedford supported the officer recommendation to refuse planning permission on the grounds as set out in the report in relation to the affordable housing contribution however the Councillor felt a further reason should be added and referred to Paragraph 7.3 in the report which talks about the Green Belt and the justification for building on this plot had been limited to filling in villages. This site is clearly not in a village and is over a mile from Kings Langley and virtually a mile to Bedmond which had one shop. The site is in the open Green Belt albeit there is some development along Toms Lane. There is a real risk if we accept that this location is in a village the next 8/9 gardens along Seabrook Road will be deemed to be in village and they could all claim the exactly the same. We could end up with a row 8/9 houses and not one single extra dwelling. There then could be further applications for other sites in the vicinity on the grounds that it is in a village. You could find that the whole area of Green Belt could have a sparse scattering of development which could start to become built up as if it were a village.

Councillor Matthew Bedford wished a further reason for refusal to be added of an in principle objection that the site was not in a village and should not be developed in the Green Belt.

Councillor David Raw sought clarification on the S106 as the Councillor thought developers were supposed to pay the S106 and if someone was building their own house why were they having to pay £87,000 to build it.

The Planning Officer responded to the S106 point and the contribution to affordable housing. There was no exemptions for self build schemes set in Policy CP4 which was the policy which officers apply in respect of affordable housing. Policy CP4 is applicable to the proposed scheme because this would be a net gain of one dwelling. Following a number of appeal decisions on 1 to 9 dwellings, contrary to the overriding message from the NPPF, due to the overwhelming lack of affordable housing in the District we should seek affordable housing contributions on any net gain of one or above. Policy CP4 is applied to this development and there is no exemption in Policy CP4 itself for self builds. There are exemptions from the CIL payments for self build properties. However Policy CP4 specifically, to which this application is assessed against, does not make that exemption. The applicant had submitted a viability review and had contested the payment of the full commuted sum of £87,850 and advised that it was not viable to pay any of that contribution. The viability review had been considered independently by a viability consultant on behalf of the Council who concluded to the contrary that the full amount can be paid.

The Planning Officer also picked up on the exemptions set out in Paragraph 149 of the NPPF and the points highlighted on the limited infilling in a village exception which the officer felt was the one which is appropriate to this scheme. There are three parts to that exception, whether it is limited, whether it is infilling and whether it is in a village and each require a planning judgement. The officer had applied their planning judgement and had concluded that it is within a village as the NPPF does not actually define in planning terms what actually a village is and one has to look at a number of considerations to make a judgement. Ultimately Members could come to another conclusion. Officers would be cautious using the word 'precedent' as in itself it is not a material



consideration so would need to conclude that the site in itself is not in a village as opposed to concluding that it is not in a village so as to prevent development elsewhere.

Councillor Sara Bedford advised that the Committee had just heard two planning applications where Members had said “the Green Belt is there to check the sprawl of built up areas” and this site is a lot further from any built up areas than Green Street is. This site was the equivalent of putting limited infilling into Berry Lane in Chorleywood where there is some gaps. We would not want to see gaps filled in anywhere else and do not want to see them filled in here. We are looking to stop the central part of Toms Lane merging into the nearby village of Bedmond which is almost a mile away. The site is not part of the village and is not part of the village when viewed on a map. The Planning Officer had spoken about it being limited infilling in the village, and the Councillor thought it was definitely infilling, it was definitely in the village but if we look at limited and say that one property is limited then the next property that comes along would also be limited because it would only be one, and the next as that would only be one. Soon we could see a whole row. If you look at the map you will see that there are no frontages on that side of Seabrook Road it is back garden fences. This site used to be a back garden. There are few dilapidated sheds there which have been allowed to come into this state. It is not a piece of brownfield land it is a garden grab and we have always said we do not like garden grabbing. The site used to be a piece of vegetated land before it was completely mown down. On the subject of affordable housing the Committee had discussed numerous times and complained that developers are not paying the contributions they should do to affordable housing. It did not matter if it was one house or hundreds of houses, the point is a principle and it is a planning policy. We have a case drawn up by the Planning Officer and agreed by our viability consultant that these contributions are due and to allow this to go ahead without taking full note of that we are asking for every other developer to do exactly the same. If permission were to be granted it should be conditioned so that the passive house being put forward can't be replaced by a conventionally built house. If a house were allowed to go ahead and they didn't think it should be, very special circumstances would only be allowed for a house of merit i.e. a passive house and not a conventional brick and tiled house. Councillor Sara Bedford was happy to second Councillor Matthew Bedford's motion for refusal.

The Planning Officer said they could see where Members were coming to in relation to the village argument which was the one which would then make that exception not fit if it is limited infilling but it is not in a village. If Members were to conclude that it fails to meet that exception then it would be inappropriate development in the Green Belt but there is then a second test as to whether the proposed development would result in actual harm to the openness by virtue of the introduction of built form within to the open part of the site so that conclusion would be needed to be made too. The officer had discussed the tilted balance and were there to be harm to the Green Belt concluded then there would need to be conclusions made as to whether there are very special circumstances to outweigh the harm to the Green Belt. The officer's view was the tilted balance would still stand as weight should be attributed to the passive house nature of the development. However the harm that would arise by granting permission is not clearly and demonstrably outweighed by the benefits of the scheme but that would also need to be concluded as very special circumstances.

The Chair outlined that a motion had been put forward to refuse planning permission as set out in the officer report but with a further reason for refusal relating to the development being in the Green Belt. The exact wording to be circulated to Members following the meeting for agreement.

The Planning Officer wished to clarify that Members had concluded it was not in a village and therefore inappropriate by definition but are Members concluding that in addition to the harm by virtue of inappropriateness there is also actual harm to the openness.

Councillor Matthew Bedford confirmed those details as the motion proposer, which Councillor Sara Bedford confirmed as the seconder and could not see any very special circumstances which would overcome that.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 8 For, 0 Against, 3 Abstentions.

RESOLVED:

That Planning Permission be REFUSED in accordance with officer recommendation with an additional reason for refusal relating to the development being in the Green Belt (Wording to be circulated).

Wording for Additional Reason for Refusal

R2 The proposed new dwelling by virtue of its siting falling outside of a village, the intensification of use and the encroachment of urbanising features into an open site, including the introduction of alien built form to an otherwise open frontage on this side of the road, would constitute inappropriate development which, by definition, would be harmful to the Green Belt and also result in harm to openness. The proposed development fails to meet any of the exceptions outlined within the NPPF at paragraph 149 and no very special circumstances have been put forward which would outweigh the harm by virtue of inappropriateness and harm to openness. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD document (adopted July 2013) and the NPPF (2021).

**PC 42/22**

**22/0555/FUL - Subdivision of plot and construction of a new dwelling and construction of detached garage and driveway to serve existing dwelling at DELL COTTAGE, DOG KENNEL LANE, CHORLEYWOOD, WD3 5EL**

The Planning Officer reported that they did not have any updates. This was a new application with an amended scheme. The previous application having been refused. Officers feel that the new application had responded to the officer's previous reason for refusal. The recommendation was subject to the completion of a S106 agreement to secure the affordable housing contribution. The amount had been agreed with the applicant and was not disputed it was just that the S106 is a legal document which is still being prepared to be signed.

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

Parish Councillor Jon Bishop did not agree with the Conservation Officer and had real concerns. This area is typical of properties dating back to the Victorian and Edwardian era set in large plots which front onto the common. This site is in a highly prominent position which is clearly visible from the common and compounded by the fact that the new dwelling would be in a raised position, considerably higher and therefore have a material impact on the setting of the common and the Conservation Area. The changing of the materials proposed would reduce the impact of the dwelling but cannot take away from the fact that the new dwelling would result in a considerable reduction in spacing between dwellings, create a cluttered and highly developed look, and would be really inconsistent with the Common Conservation Area. The Large footprint of the new dwelling would contribute significantly to this. Due to the impact on the Conservation Area and the setting of the Common, they requested that the application be refused under CP12 of the Core Strategy, CP3 of the Development Management Policies and Policy 1 of the Neighbourhood Plan.

The Planning officer advised that it was acknowledged that there was a previous application which was refused with the details set out in the analysis section of the report, particularly Paragraph 7.3 which deals with the impact on character and appearance and also the Conservation Area. Officers do consider that the previous objection had been overcome. It would be a smaller build, less bulky and sufficient spacing would be maintained. It was acknowledged that there would be level changes and it would be visible but do not think it would be excessively prominent or it would erode the spacious nature of the Conservation Area to such an extent that it would result in demonstrable harm to refuse permission.

Councillor Andrea Fraser thought the application was very similar to the last one with regard to Conservation Area and using back gardens to build buildings in. We are going to end up in the Conservation Area with a much more cluttered area of housing which should be giving the idea of space which would make it built up.

The Planning Officer stated that there would be an additional house but the view of officers, as set out in the report, is that the original site is very large and we feel that it can comfortably accommodate this one additional dwelling. There is a limit to what can be accommodated there but feel an additional dwelling can be accommodated while maintaining sufficient spacing around both dwellings and sufficient amenity space and would not be out of keeping with the Conservation Area.

Councillor Chris Lloyd did know the location and thought the impact would be greater for this one and questioned why the recommendations were different. You could see the property from anywhere on that side of the common. The Councillor had listened to and understood the comments made in favour of the application but the shape of the landscape on that end of the common is very special and unique and what helps make Chorleywood what it is as a village in Three Rivers. The Councillor was not happy with the recommendation but did understand the reasons why the residents wanted to stay in the location but this should not be a reason for granting the application.

The Planning Officer responded that officers were not saying it was not visible but something being visible is not the same as harmful. It would be visible from

some locations and this was set out in the report but do not consider this would be harmful.

Councillor David Raw thought it would be over development and out of character with the area.

Councillor Raj Khiroya said this would be a subdivision of the plot and construction of a new dwelling and detached garage and driveway. The question was how much weight do we put on the Chorleywood Neighbourhood Plan and referred to Paragraph 7.3.5 which was quite relevant. The Councillor felt uncomfortable supporting this application because of the Conservation Area and being out of keeping.

The Planning Officer just wanted to make clear that the report had full regard to the Chorleywood Neighbourhood Plan and had given weight to it but accepted that Members may come to a different view.

Councillor Sara Bedford asked if the site was within the Conservation Area but not in the Green Belt? The Planning Officer confirmed this was correct.

Councillor Sara Bedford said this was different to the Seabrook Road application however looking at the photographs they were concerned that this would be overly prominent in the location. Whilst they sympathised with the resident wanting to stay in a smaller dwelling in a lovely location that personal requirement should not be what drives the Committee to decide whether this is acceptable or not. Its prominence there they did find to be concerning and looking at it as being in the Conservation Area they could not see how another house would enhance the Conservation Area and was struggling to see how it would preserve it. It does not meet either of the requirements for development in the Conservation Area. The houses are not in a straight line and have gardens in different shapes around them and is very much part of the character and just because someone had a big garden it was not crying out to build another house on it.

Councillor Stephen King asked about the house levels and how many storeys it had and if it would have a basement.

The Planning Officer advised it would be a two storey dwelling but emphasised the level changes of the site through the photographs and plans provided.

Councillor Stephanie Singer said Members had heard a lot about Conservation and was a little bit concerned as they did not feel every piece of grass or patch of land is sacrosanct. We should try to conserve and do things sympathetically using sympathetic building materials but it is not going to harm anything or ruin anything.

Councillor Stephanie Singer moved, seconded by Councillor Stephen King that planning permission be granted.

Councillor Sara Bedford wished to move an amendment to the motion, that planning permission be refused because of its placing, its lack of spacing around it, bulk and it would fail to respect the Chorleywood Conservation Area and fail to preserve or enhance the character or appearance of the Conservation Area. This amended motion was seconded by Councillor Raj Khiroya.

The Planning Officer stated that officers had made some notes on the reasons for refusal and that details could be circulated to Members after the meeting. If Members are minded to refuse the application as stated there a couple of points to be made. Members had identified that there is less than substantial harm to the Conservation Area so it just needs to be made clear in the discussion that Members are clear they do not believe that there are any public benefits that outweigh that less than substantial harm. Also with regard to the 5 year housing land supply, Paragraph 11 of the NPPF is engaged, so if Members are minded to refuse permission it needs to be clear that the adverse impacts of the application significantly and demonstrably outweigh the benefits when assessing it against the NPPF as a whole. In relation to the affordable housing the applicant had agreed a commuted sum which had not been disputed, however the agreement had not been signed at this stage so if Members were minded to refuse the application on Conservation grounds it was suggested that Members needed to include the lack of a S106 albeit that this could be progressed in the event of an appeal.

Councillor Sara Bedford was happy to include the additional reason for refusal with regard to the lack of the S106 as there would not be any permission. The Councillor felt that the harm to the Conservation Area outweighed any possible benefits of building the property. Councillor Raj Khiroya supported this.

Councillor Chris Lloyd said the topography of the land in Dog Kennel Lane to them represents a lot of the land we see in the Chilterns and a key part of the Chorleywood Common landscape. The Councillor understood the principle but believed the house should be adapted on the inside or they move to a location which supports them. The long term harm on the Conservation Area would be significant.

The Planning Officer summarised the reason for refusal to be: the new dwelling as a result of its size, siting and design would be overly prominent, cramped and therefore incongruous and would erode the spaceness of the Chorleywood Common Conservation Area when viewed from public vantage points on the common; as a result would fail to preserve or enhance the character or appearance of the Conservation Area and would cause less than substantial harm; do not consider that this is outweighed by public benefit and would therefore be contrary to the relevant policies and the core strategy, local development document and the Chorleywood Neighbourhood Plan and Conservation Area appraisal. In addition the technical reason would be added with regard to the S106 agreement.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 7 For, 0 Against and 4 Abstentions.

**RESOLVED:**

That Planning Permission be REFUSED (an overturn of the Officer recommendation) on the grounds of the impact of the proposal on the conservation area, and the lack of affordable housing contribution (wording to be circulated).

Reasons for Refusal (the wording having been agreed after the meeting)

R1 The proposed new dwelling, by virtue of its size, siting and design would appear overly prominent, cramped, appear incongruous and would erode the spaciousness of the Chorleywood Common Conservation Area when viewed from public vantage points including from the Common and would fail to preserve or enhance the character and appearance of the Chorleywood Common Conservation Area. The proposed development would cause less than substantial harm under paragraph 202 of the NPPF and is not outweighed by public benefits. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies document (adopted July 2013), Policies 1, 2 and 3 of the Chorleywood Neighbourhood Plan (August 2020), The Chorleywood Common Conservation Area Appraisal (2010) and the NPPF (2021).

R2 In the absence of an agreement under the provisions of Section 106 of the 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), and the NPPF (2021).

Councillors Lisa Hudson and Andrea Fraser left the meeting.

**PC 43/22**

**22/0740/FUL - Change of use of existing premises from A1 (shop), A3 (Restaurant and cafe) and A4 (drinking establishment) to Class E (Restaurant and cafe) and Sui Generis (drinking establishment) and extending opening hours at 7-9 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BX**

The Planning Officer reported that since the publication of the report there had been three objections received which are summarised as being: adverse noise impact arising from the late night opening by virtue of customers spilling out from the frontage onto the street, excessive litter both in front of the application site and within the street, adverse impact on the character of Church Street by virtue of late night opening of the bar and noise exacerbated by smokers at the front.

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

Councillor David Raw mentioned that one of the speakers had referred to three other establishments who had got licenses to that time. They asked if that was the total number on the High Street.

The Planning Officer could not comment on the exact number of licenses to that time as that would be the license as opposed to the condition on the planning hours. The Feathers and the Pennsylvania may have different hours to those that were originally consented on this scheme.

Councillor David Raw asked if any inspection could be done outside of the premises who have got these hours to 1/1.30am to check what is happening.

The Planning Officer did not feel this was material to the consideration of this application. If Environmental Health received complaints about late night noise in and around the area resulting from the establishments in the High Street then

they would respond accordingly. Other events at other establishments are not necessarily material to the hours being considered at this site.

The Chair referred to Paragraph 7.3.10 which had a table showing the hours of opening proposed by officers on the far right hand side of the table.

Councillor Sara Bedford asked what the difference was between the use class they currently have and the class that they are looking for in terms of what they would be able to do.

The Planning Officer advised that the current use class is A1, A3 and A4 which is retail, restaurant/ café bar/ drinking establishment. Since the original consent was approved we now have the new use class order where Class E effectively absorbs those uses within one and that was why the two different classes were referred to. Essentially this proposal just loses the A1 element but keeps the bar, restaurant and café.

Councillor Sara Bedford understood that the applicant was wishing to bring together the two premises under one new use class but what was the reason for having a sui generis on top and what does that do in terms of other license uses and in terms of things like music and dance which they knew needed a separate license.

The Planning Officer advised that any activity which was ancillary to that use was regardless of any other license that is held. The officer was not able to comment on what they are allowed to do if they have a sui generis but there is no permitted change to or from any sui generis use. Class E did not absorb the bar use within the Class E use so that was why it split up into E and sui generis because the bar is not absorbed into Class E.

Councillor Sara Bedford asked if the sui generis would allow music live or otherwise etc.

The Planning Officer said yes in association with that use but there is still the live music hours within their premises license which would be applicable. The music would become ancillary to the bar use and we could not restrict that unless Members thought it was appropriate.

Councillor Sara Bedford referred to the other premises mentioned which included the Feathers in Church Street and the Pennsylvanian which both have shorter opening hours which they are currently using. Both are operating as pubs rather than what this premises was seeking to have. The Member was trying to establish if this premises would be able to do different things than a pub does.

The Planning Officer advised there would be still be the restaurant and café use with the sui generis pub use so it was not solely a pub. The line between the two on what was ancillary to the other was a matter of planning judgement. If you have a public house with a restaurant within it is it a pub or is it a restaurant. They did not feel it could be distinguishable just as a pub because it would still retain its strong café use during the day.

Councillor Sara Bedford said on the information provided they were still concerned this would provide a different sort of facility to the people using other premises which finish at midnight. In Church Street it is far more residential

than the High Street where you would expect to have more noise and wanted to hear more views.

Councillor David Raw asked what the premises was running under at the present time and what was being proposed.

The Planning officer advised that the current hours were on the far left hand side of the table, the central column is the current planning conditions which they should be adhering to. The hours officers are proposing were in the far right column. Officer's had considered a balance between the commercial interests and its proximity to neighbouring properties. Members may feel that other hours are appropriate. The officers hours proposed would provide half an hour later Monday to Thursday and Friday, Saturday and Sunday would remain the same.

Councillor Raj Khiroya had sat on a Licensing sub-committee and referred to a document provided on premises in Rickmansworth who have late night premises licenses.

The Planning Officer advised that what their colleague was advising was that considerations of the Licensing Committee were a different set of considerations to this Committee. The Planning Officers were considering planning conditions which at this time do not match the premises license. This was not uncommon. The table showed the current premises license, the middle column the planning hours and the third column the proposed officer suggested hours. However if Members wish to propose alternative hours for the planning condition they can do so.

Councillor Stephanie Singer understood that the plan was to have a member of security staff outside the premises to ensure that members of the public moved along and did not make too much noise which they thought would be quite effective. They did not think there would be rowdy behaviour outside the premises after the closing. We should be reassured by that.

The Planning Officer stated that they did not wish to dispute the intentions of the applicant but did not believe that was something we can control or condition.

Councillor Chris Lloyd thought we had a conflict between the premises hours and the planning hours. Do the planning hours overrule the premises hours so that they could not be operating at 1.30am as that would be important for residents to understand. If there was behaviour that was concerning presumably the premises license could be revoked.

The Planning Officer advised that they were not a licensing expert and were not able to comment. They did not think it was relevant to the consideration of this application which was on planning merits. We are not trying to say that the planning conditions are more important than the licensed premises. What we are advising is that currently they are not aligned.

Councillor Matthew Bedford said if they breached the premises license then they could be withdrawn. If they breached the planning conditions that would not directly affect the premises license. So we can't rely on trying to enforce against the premises license to enforce the planning condition. That would



have to be a separate. There are existing premises in Church Street and the High Street that have planning conditions later than this.

The Planning officer was not able to quote the specific planning condition hours for specific premises. There may be historic hours or specific planning conditions on the hours on certain premises however given this site in this location officers were recommending the hours as set out in the report.

Councillor Sara Bedford said the separation between the premises license hours and the planning hours are two different things. They were concerned that Members did not have details on what the planning hours are for the Pennsylvanian and for the Feathers. If we are not able to have that information tonight then they thought the application should be deferred to get that information and whether it matches the planning hours of this application is a crucial factor to determining it. They would be unhappy to make that decision without that information.

The Chair was happy to second that and would go further and that the Committee be advised whether the licensing hours take precedent over planning hours or vice versa. It was advised that they are both equal as they are looked at on two different basis.

The Planning Officer advised that two different premises were being referenced the Feathers and the Pennsylvanian and understanding if there were restrictions on the planning hours on those.

Councillor Sara Bedford asked about any others which had a past midnight license in the High Street which would be easily accessible on the license register. Also to be provided were details of any premises that had a license beyond midnight and if so what are their planning conditions. Then Members would be able to make a fair decision to compare the different venues and their opening hours.

The Chair supported the deferral of the application to provide the information requested.

Councillor Chris Lloyd was not convinced you would get that information as the Feathers had probably existed before Three Rivers existed and therefore Members maybe back in this situation. The Councillor had been looking online at the opening hours which they thought were fairly similar to the Feathers and the Pennsylvanian and felt comfortable to give permission using the officer recommendation. If there were issues then this would need to be considered under licensing.

Councillor Matthew Bedford noted this but said in terms of equity whether we should be giving longer hours if the premises already have longer hours in line with licensing.

Councillor Chris Lloyd moved an amendment to the motion, that planning permission be granted as per the officer recommendation and the hours proposed, seconded by Councillor David Raw.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 4 For, 2 Against and 3 Abstentions.

The Planning Officer advised that on applications to alter or vary conditions in due course if the applicant were to make an application to vary a condition to later hours and it was demonstrated at that time that it was acceptable or there had been complaints on noise that would be a new application that would be considered at that time.

RESOLVED:

That Planning Permission be GRANTED in accordance with the Officer's recommendation and the conditions and informatives set out in the report.

Councillor Lisa Hudson and Councillor Andrea Fraser returned to the meeting.

**PC 44/22      22/0950/FUL - Relocation of dropped kerb and replacement boundary wall at 19 TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 8NA**

The Planning Officer reported that there was no update.

Councillor Stephen King asked if there had been agreement on a new position for the street light.

The Planning Officer advised that the relocation of the street light would be covered by the 278 agreement.

Councillor Ruth Clark moved, seconded by Councillor Stephen King, that planning permission be granted as per the officer recommendation.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 10 For, 0 Against and 1 Abstention.

RESOLVED:

That Planning Permission be GRANTED in accordance with the Officer's recommendation and the conditions and informatives set out in the report.

**PC45/22      22/1135/RSP: Part Retrospective: Substantial demolition of existing dwelling and erection of two-storey rear extension, part single, part two storey side extensions, new roof, accommodation within the roof served by rear dormers, alterations to existing entrance and alterations to fenestration at 30 SOUTH APPROACH, MOOR PARK, HERTS, HA6 2ET**

The Planning Officer reported that three trees had been agreed to be removed after the last planning application however an additional tree which was labelled as T12 a Hawthorn tree had also been removed. This tree was not afforded individual protection and was assessed as a category "C" grade tree i.e. poor quality within a tree report for the previous application. The Landscape Officer had advised us that it had it been proposed to be removed at that time and they would not have objected however it did not form part of the permission that was granted. They had suggested that it would be appropriate to require a replacement tree and therefore officers are suggesting that an additional condition be added to require details of this replacement to be submitted for approval and then for those agreed details to be implemented.

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

Batchworth Community Councillor Craig Coren advised the site had a lot of history and had been the subject of a series of applications and a lot of communications between a number of parties. The 2020 application was withdrawn after significant objections but most importantly the comments of the Conservation Officer which clearly stated that this was a building of historic interest and the appearance of it in the Conservation Area was recognised within the character of the appraisal. It was an unaltered example of an early house within the Conservation Area which retained details of architectural merit including a four pointed archway entrance, original fenestration and materials typical of a 1920/1930s development in the area. The application which was granted consent in 2021, the Conservation Officer had acknowledged the improvements from the previous application but still raised several points of objection including that the posts were still considered to detract from the character and appearance of the Conservation Area but unfortunately consent was granted. Works have commenced although several parties expressed concern at the level of demolition which went beyond that approved. TRDC served a notice in February 2022 but it became clear that the demolition was going beyond the level approved and after site inspections and communications the works continued and did not slow down. We now have a part retrospective application. There is little we can do about the existing building as it is gone but we need to work together to make sure that we do not let situations like this arise again and make sure decision notices are much stronger.

Local Ward Councillor Debbie Morris advised that planning conditions were attached to the permission to prevent harm to the house, to the trees, neighbours and to the Conservation Area. In this case harm has been caused to all of these. The only element which remains of the 100 year old house is its front wall. All the features were supposed to have been protected by the planning conditions and the applicants own construction management scheme (CMS). What the wrap around extension had become was an almost total demolition. Officers acknowledged that this was unfortunate but it did not happen by accident. The architect, owner, contractor or a combination were responsible. The Conservation Officer when commenting on the previous permitted scheme stated that the house made a positive contribution to the Conservation Area and specifically highlighted the retention of the materials, chimney and brick archway. The only one feature now remaining was the archway. In relation to every demolition in the CMS, and there are four. It stated that all tree protection measures to be checked and were in place before any demolition. When officers did a site visit, works were underway, and there were no tree protection measures in place and trees had been damaged or lost. A neighbour had complained that the lowering of ground levels had caused damage to their trees and had an adverse impact on their amenity. The CMS provided that all fireplaces and surrounds be set aside for reuse but the applicants own CMS has provided to be so flaky. The Councillor wished the Committee to send out a strong message and refuse the application and highlighted some possible grounds.

Councillor Matthew Bedford said the officer recommendation was for approval but are officers saying that if this scheme had come forward in the first place would they have recommended approval had it been made in advance. We can all share the frustration of a retrospective application but if this scheme would have got approval all along there would not be much we could do about it. If it would have not got permission that could influence the decision.

The Planning Officer advised that officers were saying had this been the original proposal the recommendation would have been for approval. There was an application and a CMS discharged and that proposed that a number of existing walls were to be retained and was discharged in good faith but obviously what had happened was more walls have been discharged. The planning history had to be given weight and the approved scheme being taken as the fall back position. The similarities between the approved scheme and the proposed scheme officers considered would make it difficult to justify refusal based on the proposed extensions which are essentially, excluding the demolition aspect, otherwise the same footprint, height etc. as what was previously permitted. The officer was not suggesting they would have recommended approval originally but we have now moved on and we have had decisions which are material considerations. With regard to materials when the previous application was permitted it was subject to a condition which required details of materials and that condition was discharged prior to any demolition taking place. The material details were submitted and reviewed by the Planning Officer and Conservation Officer and were considered to be the best match i.e. the extensions would have matched the existing building. It was only the materials which are proposed. It is new materials but officers consider it would be difficult to refuse permission.

Councillor Matthew Bedford thought what the officer was advising was that the applicant had gone ahead and demolished things and should now be allowed to do what they want to do. The Councillor felt this was an extremely uncomfortable position to be in and found it difficult to support.

Councillor David Raw said the retrospective planning on this particular proposal was making a mockery of planning. The Councillor was finding it hard to understand where a house was located within a Conservation Area there were no checks made and the conditions put in did not happen i.e. the chimney, the walls and did not feel comfortable approving the retrospective application. They felt there should be some sort of penalty.

The Planning Officer understood the points being made but what did Members see as the alternative.

Councillor Sara Bedford said the Council are not allowed by law to persecute people for the fact that their application is retrospective that was not allowed. Why was a stop notice not served and if this application was not agreed tonight what was the next course of action.

The Planning Officer was not able to comment on any enforcement investigations and why the stop notice was not served. They were not sure what grounds there were to refuse the application but accepted Members were not happy with what had happened but Members have to consider the application presented. Officers would need to take legal advice on what the options are. At present we have a site just with a front façade which was not of benefit to the Conservation Area and something needs to happen but did not know if that precludes any prosecution.

Councillor Raj Khiroya said the report from the Conservation Officer dated 8 July had taken into consideration all the points and felt that there was no problem. They had taken into consideration the permitted scheme and there was no objection or problem with the application.

Councillor Andrea Fraser asked where we stood as a Council where we have granted permission and someone had not adhered to that. There had been no stop notice but how going forward can we control this. There must be a way to find a solution.

Councillor Matthew Bedford said the difficulty they had was following what officers had said was the only reason they are giving permission was because the applicant had gone ahead and done it beforehand and would probably not have got permission had they not done that. This gave real difficulty for the Committee and felt that they should decline to give permission and leave the problem with the householder.

The Planning officer clarified that the only reason the recommendation was for approval was because they had demolished it and we have no alternative. The point the officer report makes was we have to have regard to the planning as a material consideration and the impact on the Conservation Area.

The Planning Officer did not think it would be appropriate for Members to refuse the application this evening because they did not feel they could offer correct advice on how this would be worded. If Members were not minded to go with the officer recommendation to approve the application Members may wish to defer the application in order that officers can better understand how this sits with the enforcement investigation and whether or not there is action we can take and are we undermining that action by determining the application.

Councillor Sara Bedford said that would make very good sense and wanted to have an understanding on why a stop notice was not served. Members do not know what other legal routes had been covered. What Members need to know is what legal actions had been looked at, and why was they not taken earlier in proceedings and what was the situation if we don't approve this. Does it sit there as a shell until they go to appeal. They Councillor felt the application should be deferred. Councillor Chris Lloyd supported the deferral of the application.

Councillor David Raw asked if we could force the applicant to rebuild what they had knocked down. The Planning Officer advised that was what the applicant was trying to do.

On being put to the Committee the motion to defer the application was declared CARRIED the voting being unanimous.

**RESOLVED:**

That a decision be DEFERRED pending receipt of further information on interaction between the application and the enforcement investigation, and details of implications of decision being made.

**CHAIR**