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**PLANNING COMMITTEE****MINUTES**

Of a meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 20 January 2022 from 7.30pm to 9.30pm.

Councillors present:

Steve Drury (Chair)	Stephen King
Raj Khiroya (Vice Chair)	Chris Lloyd
Ruth Clark	Debbie Morris
Alex Hayward	David Raw
Keith Martin	Alison Scarth

Also in attendance: Councillors Lisa Hudson, Batchworth Community Councillor Craige Coren and Croxley Green Parish Councillor Andrew Gallagher

Officers: Claire Westwood, Matt Roberts, Kimberley Rowley, Lauren Edwards, Sarah Haythorpe and Lorna Attwood

**PC 102/21 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Sara Bedford.

**PC 103/21 MINUTES**

The Minutes of the Planning Committee meeting held on 16 December 2021 were confirmed as a correct record and were signed by the Chair.

**PC 104/21 NOTICE OF OTHER BUSINESS**

The Principle Committee Manager advised that agenda item 10 21/2633/FUL – Construction of three single storey rear extensions and rear balcony at KANTA KUTIR, 31B BEDFORD ROAD, MOOR PARK, HA6 2AY had been withdrawn.

**PC 105/21 DECLARATIONS OF INTEREST**

Councillor Chris Lloyd declared an interest in agenda item 9 as a District Councillor who lived in the consultation area and would leave the meeting for this application.

Councillor Steve Drury 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 of information provided on the night. 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 view.”

**PC 106/21 21/1703/FUL - Demolition of the existing dwelling and detached garage, subdivision of site and construction of two dwellings and associated works at DONKEY GATE, CORAL GABLES, SOLESBRIDGE LANE, CHORLEYWOOD, WD3 5SN**

The Planning Officer provided an update stating that the application had been deferred on two previous occasions. At the December meeting it was deferred for Officers to seek clarification from Herts County Council (HCC) on their responses to this application and the previously refused outline scheme. HCC had confirmed that they had visited the site and hold no objection to the previous scheme and clarified that the collisions close to the site were at the nearby traffic light junction of Solesbridge Lane and Rickmansworth Road in 2018 and 2021.

Councillor Alex Hayward wished to be reminded about the strip of land between Solesbridge Lane and the entrance to Goral Gables/Penbury Cottage and who owned that land. The Planning Officer advised that it was their understanding it was owned by the Donkey Gate Management Company so was not the owner of the main application site. The applicant had served the appropriate notice to the owner as part of the application.

Councillor Alex Hayward stated that this was still the area which they had their concerns. Having driven past that entrance twice this week there had been cars parked on both sides of the road. The Councillor knew you could come to arrangements and it was detailed there would be small vehicles accessing the site but because the area outside the entrance was hatched, the only way to get out of a situation was to reverse and there was not a lot of room to reverse if you had cars parked each side of the road. If anything was to happen on that road you can only go onto Rickmansworth Road or back down onto Sarratt Lane as Chess Way is now a private road and they did not understand how you would get over the feasibility.

The Planning Officer understood the concerns raised but the only way to look at it was if you were to go down Donkey Gate, the initial strip was quite narrow and you could not get two cars side by side but it does get wider. The Officer appreciated that there had been concerns raised there are cars parked restricting manoeuvrability. HCC have maintained their no objection throughout the application and officers had gone back to them to try and get more information. Donkey Gate itself does serve other houses and garages, we need to try and understand the material impact of a net gain of one house and whether that substantiates an objection on highway safety grounds, which in Officers opinion, there isn't one. The Council would find it difficult to defend any decision which went against professional advice from the Highway Authority.

Councillor Alex Hayward appreciated the officer's comments and acknowledged that the road does widen but at the initial junction it was only a

one car entrance. Residents in Solesbridge Lane already complain there is nowhere for people to walk, which was a separate issue, but felt it was really dangerous. Councillor David Raw agreed with the concerns regarding highways matters but also wanted to point out that the fire service had advised that they cannot get one of their vehicles into the area and the applicant would need to put sprinklers in. The Councillor wanted to know if construction was to go ahead would Officers be checking that sprinklers had been put in the property.

The Planning Officer advised that the a planning condition would be imposed requiring that a sprinkler system must be installed and noted that the houses would not be issued a completion certificate by Building Control if this had not been done.

Councillor David Raw responded that there are lots of houses surrounding this scheme and that if a fire took place we wouldn't want it affecting the other properties if the sprinkler system hadn't been put in, that was an important issue. The Planning Officer stated that the houses would not be occupied until the completion certificate was in place and this would be a legal requirement on the purchase. If the properties were found to be occupied there would be issues which would fall outside the planning remit. However, those selling the properties would want to ensure that they had the completion certificate in place.

Councillor Ruth Clark proposed that planning permission be granted as set out in the Officer report and subject to the conditions proposed, seconded by Councillor Steve Drury.

Councillor Chris Lloyd had been looking again at all the conditions and asked about the construction management plan which needs to be submitted prior to commencement of any development. So if the Committee were to approve the application and picking up on the point made by Councillors who regularly go up that road they would also want it to be made clear that we would not want to see additional vehicles parked in the road that was incredibly difficult to get up already. There will also be additional traffic if it were to be built and felt the construction would cause residents additional problems and if the application were to be approved that officers give this extra vigilance as they felt this was really important.

The Planning Officer asked if Members would like to look at Condition C3 to see if it needs to be tightened further or was what is currently drafted acceptable?

Councillor Chris Lloyd asked if there could be an additional condition that no vehicles can be parked in the external road and was this enforceable. Vehicles parking in the road would cause chaos and need to protect residents during construction.

Councillor Alex Hayward asked if we could condition that all vehicles be kept within the parameter of the site and no vehicles be parked in the external road.

The Planning Officer advised that the first part of the Construction Management Plan condition does state details on the parking of vehicles but it could be emphasised within the parameter of the site but the officer would need to look

at the plans in more detail as the application site extended beyond the main body of the site so would have to be worded in such a way to ensure it was not extending to the access or the gravel area outside.

The Planning Officer reiterated that an application can be submitted on land which was not within your ownership and had served notice appropriately. Any enforcement of the site would be undertaken by the Planning Enforcement Team. The site itself was quite large and the majority of the vehicles could quite easily be parked on the site.

Councillor Keith Martin said like other Members they had been up and down that road and unless we had ridged enforcement then it would be meaningless.

The Planning Officer advised that a lot of development in the District was undertaken under permitted development which was not secured by conditions. Officers had added the Construction Management Plan as they felt it was reasonable because of the tight access. There were clear differences between this site and other construction sites which would not require such a condition. The Case Officer and the applicant had discussed this quite extensively during the application process and are fully aware of the issues. Officers were hoping that the parking of the vehicles would be fully contained on the site given its size. If they were not and the Council received reports then officers would go out and we have the ability to issue a breach of condition notice. Given the size of the site it was hopeful that the vehicles could be contained in any event.

Councillor Raj Khiroya asked a question regarding the size of the vehicle being used on the build as it stated they would be using smaller vehicles but how was small vehicle defined.

The Planning Officer stated that previous conditions have included details on the specific type of vehicle and their weight. It would be very difficult to narrow down the details but we would want to minimise it as much as possible. If Members feel that the size generally, because of the weight of the vehicle could be looked at in terms of amending the construction management plan further.

Councillor Alison Scarth said it was not just the weight but the swept path aspect of a longer vehicle that they were concerned about so would wish to see the length of the vehicles specified as well.

The Planning Officer stated it would be easier to add another bullet point to the Condition on the Construction Management Plan stating the size and type of vehicles required and they would submit those details for officers to consider in conjunction with Herts County Council.

Councillor Raj Khiroya said in response to the officer who would monitor the size of the vehicles and whether they were using smaller vehicles. This was a very tight entrance and the access was an issue here.

The Planning Officer said the amendments to Condition C3 would be to tighten the parking of vehicles and operative vehicles so that they were solely within main body of the site. Also details on the size and type of vehicles required to be submitted as part of the construction phase.

Councillor Chris Lloyd wished to point out that if the vehicles did not park according to the planning permission and conditions they would be contacting Local Councillors to contact the Council Officers.

Councillor David Raw stated that earlier on Officers had stated that the access between the road and the property was owned by a Management Company was that correct? What concerned them was if at some point vehicles do enter that area which are too big and too heavy and they start to destroy the area between the road and the property and the Management Company find out through complaints from neighbours and they become involved could they block access to the property.

The Planning Officer advised that the Committee were here tonight to consider granting planning permission but the applicant may still need to get consent from the Management Company to use the access as part of the construction phase. The Officer advised that any damage would ultimately be a civil matter and not something which Officers can consider as part of this application.

On being put to the Committee the motion was declared LOST by the Chair the voting being 3 For, 4 Against and 3 abstentions.

The Planning Officer advised that the discussion by Members had been around highways matters but there was no objection from Herts County Council as the highways authority. So if Members are to recommend an alternative recommendation then they needed to recognise that the Council do not have support for this at an appeal. Obviously that would need to be taken into consideration when members are considering an alternative motion.

The Chair made it clear to Committee Members that the vote was lost and if this were to go to appeal it was not clear what grounds we would be defending at any appeal as we did not have the support of HCC with regard to highways. The Chair asked if Members had an alternative motion. There were none put forward.

Councillor Chris Lloyd said this was not where the Committee expected to be on this application and understood the point the officer was making with regard to highways. The Councillor proposed that the application be deferred so that the points raised tonight can be picked up in the report and in the conditions and reported back to the Committee. At this time we had a refused application. It was pointed out to the Councillor it was a motion to not approve the application which was lost and a motion to refuse planning permission had not been put forward to the Committee by Members.

Councillor Debbie Morris said that the Members who had voted against the application should be coming up with their reasons for refusal on the application and the Chair agreed.

The Planning Officer also agreed as the Council now run the risk of the applicant appealing on non-determination and the Planning Inspectors could grant permission without some of the conditions proposed in the officer report. We were in a position where we could add greater clarity and control. The Officer understood the concerns Members had raised but by amending that condition which could have been circulated to Members before issuing the

decision was the most preferred route especially on the basis that HCC had maintained no objection throughout.

The Chair said the Committee could sit at the meeting all night going backwards and forwards on the application with no conclusion. We need to consider if we make the decision stand and then defend it.

Councillor Alex Hayward said their position when the debate was started anxieties over the access and the safety. They knew that highways had given it a clear view and knew that they had attended the site but not as often as local people and was tied between abstaining and voting against as a lot of the measures the Committee had talked about addressed the Member's concerns. The member wondered if there was anything else tighter that could be done to address those concerns but was not sure what they were.

The Chair reiterated the Committee could not keep going round and round in circles on this application and needed to move on. A vote had been taken to grant permission which had been lost

The Planning Officer stated that officers had suggested requiring details of the parking of vehicles on the site and operative and visitors within the site. The other planning officer had mentioned the size and type of vehicles. Whilst the discharge of planning conditions applications do not come to planning committee they are public applications and they are the website and on the weekly list so Members who have expressed concerns would have the opportunity to review those details when they come in but would ultimately be relying on guidance from the highways authority although it was not to say that Members cannot review and make comments which can be taken into consideration at that time.

Councillor David Raw asked if it could be asked that the Construction Management Plan be put into place as it would make it a lot easier to agree to allow the proposal to go ahead.

The Planning Officer reported that the condition was there and stated prior to any works commencing. If we were to request that the applicant submits it up front now it would be another deferral and coming back to another Committee. The option having heard what has been discussed tonight needs to be tied down on this condition. Another deferral to seek that clarification with HCC could be subject now to a non-determination appeal.

Councillor Alison Scarth asked if it was possible to have another vote to grant permission. It was advised that it was not as the Principal Committee Manager felt that a decision had been made to not pass planning permission and that an alternative motion should be brought forward following the refusal to agree planning permission.

The Planning Officer said if the advice was the Committee should not vote again on the application to grant permission then whilst it was not ideal to defer and as there were no grounds to refuse the application it may be appropriate to defer the application to request that the details of the construction management plan are provided upfront and bring back to the next meeting. A member of the public had indicated they would provide that.

Councillor Chris Lloyd suggested another possibility as it was an unusual situation the Committee found themselves in was rather than deferring was to amend and recommend approval that the construction management plan was made available to the Chair and Group Spokespersons and does not need to come back to the Committee but Councillors would be able to look at it.

The Planning Officer stated that the Council would also need to discuss this with the Highways Authority and it might be that something was submitted now which Members thought was fine but which Highways may want more information.

Councillor Chris Lloyd said that would be part of getting that plan approved.

The Chair advised that the Principal Committee Manager had taken advice from the Head of Service and advised the Chair that it was feasible for the Committee to defer to do what had been proposed but the Committee had to be aware that the applicant could go straight to appeal and the Council would have nothing to defend.

Councillor Debbie Morris asked where that left tonight's decision. If the Committee were minded to refuse the application then it would be refused but a reason or reasons needed to be provided by the Committee. If the Committee were minded to defer the application then it could be deferred on the basis of the construction management plan and all the parking.

Councillor Chris Lloyd proposed, seconded by Councillor Alex Hayward that the application be deferred on the basis of for officers to request a Construction Management Plan which satisfies the requirements of suggested Condition 3 (Construction Management Plan) but with additional details to require details of parking of vehicles of site operatives and visitors within the site and details of the size and type of vehicles. The application to be returned to a future Committee.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 8 For, 0 Against and 2 Abstentions.

RESOLVED:

That the application be DEFERRED for officers to request a Construction Management Plan which satisfies the requirements of suggested Condition 3 (Construction Management Plan) but with additional details to require details of parking of vehicles of site operatives and visitors within the site and details of the size and type of vehicles. The application to be returned to a future Committee meeting.

**PC 107/21 21/1971/FUL - Demolition of existing buildings and structures and erection of a 48-unit Extra Care facility (Use Class C2) with car parking and associated landscaping at BEESONS YARD, BURY LANE, RICKMANSWORTH, HERTFORDSHIRE, WD3 1DS**

The Local Lead Flood Authority responded on 11 January and had requested further information in respect of the drainage strategy. New updated information had been sent to the LLFA who had been re-consulted.

With regards to the officer report, at Paragraph 7.2.3 it should include reference to office space when referring to an oversupply.

Paragraph 7.1.20 should also be amended to say “if all built would add a further 171 bedrooms towards meeting this need” rather than referring to 145 dwellings. This figure has been updated following the Housing Land Supply Update which was revised in December 2021.

Last week the applicant engaged further with the local community which resulted in 5 emails in support of the application, all of which highlighted the benefits that the development could provide. These benefits are already highlighted within the report at 7.12.

A further objection was also received which objected due to access issues, height of the building and impact on Chesswood Court, factors already noted within the report.

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

Ward Councillor Lisa Hudson spoke against the application on behalf of residents. A significant number of residents had raised objections. The objections against the current application were due to the following reasons: the building proposed of five storeys would be excessive in height, it would be the tallest and most prominent building in the area, it would be imposing and a crowned roof would visually add bulk and massing. Even though it would be a backland development it would be observable from the road and this would change the area views detrimentally. The rooms at Chesswood Court that would be affected by some loss of sunlight would pass the target sky and sunlight for residential use. During the pandemic many people had been forced to create a hybrid situation, and use their home as an office as well as a dwelling. Whilst people will soon be encouraged to return to offices it was well known that people would still work from home at least a couple of days a week. The criteria for commercial property with regard to light was far stricter but it would appear this had not been taken into account. In the Local Plan, a 2 storey development should be 28 metres away from adjacent properties and anything 3 plus storeys should have the distance increased which had not been the case here. Parking was inadequate, with 48 flats and the potential for sixty plus residents. It was not going to be a nursing home and the residents would generally not be housebound. Many residents would be giving up their family homes, it should not be assumed that people over 70 would not have vehicles. It would be busy and spaces would fill up fast. It should also be considered that no resident of this development would be eligible for any parking permits as it had been agreed by TRDC not to issue anymore permits to town centre residents. Where would the overflow parking be residents and their visitors? A site visit was also requested by the Councillor to understand the site and the impact on Chesswood Court and other surrounding properties.

Batchworth Community Councillor Craig Coren spoke against the development and stated the Community Council had raised several objections which still stand event taking into account the applicant's comments tonight. The sheer number of objections showed that there were still issues at stake.



This was overdevelopment of the site. In pre application conversations the Conservation Officer had stated that while the development sat outside the Conservation area there are two locally listed buildings in Bury Lane, The Gables and Beresford Arms houses that would be affected by the construction. They had also said that the scale of the building would be inappropriate for this site. The building should be of a similar height as Chesswood Court at all points and this should be conceived to be more appropriate. It would appear large from the street as the Conservation Officer had commented. There was inconsistency with the number of car parking spaces provided and the type of residents that are perceived as acquiring a property. This would be a private development that would cost considerable amounts of money, residents would likely still be mobile, with a vehicle and still have visitors. There would also staff vehicles to consider. At present, there would only be 20 spaces allocated for 48 flats with possibly 70 or more residents. HCC, the flood authority had provided additional information this was still an area that would still cause concerns for BCC, full drainage and sewage solutions would need to be provided before any approval.

The Planning Officer commented that the report does state the development was large, prominent and would add bulk from the crown roofs. This had been acknowledged. As a Council and with the planning policies we have in place and a drive from Government to make the most efficient use of land a balance was required and this had been applied. The location is in the town centre where density is generally slightly higher and this is one of the reasons why Planning Officers consider the scheme to be acceptable. The building itself would fall outside of the Conservation Area, but the access was within that. The Conservation Officer does not object to the current application, they did highlight concerns during the pre-application discussions, however the development had evolved significantly from those discussions. It had now been scaled down in relation to its bulk, its design and also the impact on Chesswood Court. On Chesswood Court, it had been acknowledged that there would be an impact to four of the flats, one room in each flat being affected however, regardless of there being a loss of daylight distribution between those flats throughout the day, the amount of available light residents they would receive, would still be acceptable to their living conditions. Understandably, there would be an impact and this had been acknowledged, like all developments it can be very hard not to have an impact. The balance is whether or not that impact would be harmful to refuse permission. The distances between the development and Chesswood Court are below the 28 metres, again there was a balance, many of the developments in the area are below 28 metres, taking into the context the area. It was felt that in this instance the removal of the balconies which would have been facing Chesswood Court had enabled that balance for officers to professionally advise that whilst there would be an impact it would not have an impact which would be unacceptable and not conflicting with The Council's Local Plan. As the speaker in support of the application had highlighted the 28 metre distance is a guideline and not a hard and fast rule. In terms of parking it will comply with Council parking standards, there is a slight oversupply, the comments made have been acknowledged. There is a parking management plan attached to the recommended conditions, this seeks the allocation of onsite visitor spaces and staff parking. Most of the occupiers of that development will be restricted in terms of occupancy because they would

have to be a certain age but also there would be a restriction on type of care that is received. Crucially, given the town centre location and fact that there are permit parking within the locality, those occupiers that did own a car would not be eligible to receive a parking permit and thus would have to park quite a substantial distance from the site which would make it seemingly unreasonable for those type of occupiers to walk that distance. A legal obligation would remove the ability for future residents, staff and visitors to apply for parking permits, this is vitally important to ensure that Officers can recommend that it is acceptable.

Councillor Debbie Morris wished to discuss the C2 use that officers had determined this development falls within. The Councillor Morris was not familiar with C2 uses but wanted some clarification. They expressed concern that some units would be occupied by people that had negligible care needs (the prerequisite being one hour of care a week). Therefore, they would be entitled to move into that in case their care needs increase in the future. The impact to the Council was that there would be no contribution to Affordable Housing due to the development being designated for a C2 use class. The Councillor wanted to know if Officers had sought or if the development was approved, would evidence be required that those moving in do have the one hour per week a need as well as falling within the age criteria and if all the residents had a one hour a week care need would this be sufficient to make this development to be within a C2 class? What if all the residents only had a one hour a week care need was that sufficient to make this development within a C2 use class. If someone was unable to wash their hair unaided or order prescriptions online that person may fall within that category but you may not think they need to be in this type of facility which then has impacts on the Council and the wider area.

The Planning Officer responded that with regard to the references on whether the development falls within C2 use there had been various Appeal decisions over the past couple of years which deals with this very point. In one such appeal the Inspector advised that a development would be providing C3 dwellings within the definition rather than C2, with the C3 definition being dwelling houses. This view was because said the units were more akin to dwellings as they were laid out like a campus style development where the communal buildings were to be physically detached from the units. In this case the development would be built as a whole and provide community facilities such as a lounge, bistro and salon, all the shared services that come with that. The flats would be building control compliant and all specially adapted. Therefore as the community facilities were integral to the building, including the adaptation of those individual units which are different to general dwellings, including the legal obligation restricting occupancy to ensure that the applicants must be above 70 years or older and have a minimum care need of one hour per week, they would form a C2 development. As part of that legal obligation there would be a requirement on the developer as part of the marketing materials to make people aware of the occupancy restriction and they would not be allowed to rent or sell to individuals that did not meet this criteria as they would be in breach of the legal obligation. This could be enforced via an injunction. The sale or renting of the units to persons that met the criteria would be ensured by legal restrictions. These factors combined meant in the view of the Planning Officers that it did fall within the C2 use.

Councillor Debbie Morris asked if planning enforcement would be checking that the occupants have the requisite care facility and if half the flats had a one hour care need and the other half had 12 hours of care needed, would the Council still be seeking contributions for Affordable Housing for half or one third due to the care needs being so minimal?

The Planning Officer responded that even if residents were to have a one hour per week care need, due to the age of the occupants this could quite quickly increase, care needs change of a weekly basis, and it would have to be considered holistically. In terms of the legal obligations, those dealing with the sale or rental of the properties would deal with the restrictions as part of the legal/solicitor process. In some cases, Councils would impose this as a condition but it is better to be imposed as a legal obligation as this would recognise the importance of the restriction and any breach can be dealt with more strictly.

Councillor Debbie Morris asked if it could be imposed as a condition as well as a legal obligation.

The Planning Officer responded by stating that a legal obligation would outweigh the need for a planning condition.

Councillor Chris Lloyd was concerned about flooding issues as this development was in the flood zone and would like to know why the County Council objected initially and now were comfortable with the development, this is quite an important issue. The Councillor wanted to ensure that if it were to be approved the flooding issues had been addressed and would not be made worse.

The Planning Officer advised that the site does fall in all three flood zones, it is at risk of flooding and that had been acknowledged. The risk would be from the Bury Lane Culvert. When that exceeds capacity the access road leading to the building is prone to flooding in those extreme cases. As part of the planning conditions the building would have to be built 300mm above recorded flood levels and the flood evacuation procedure would need to be in place. The evacuation procedure would be a worst case scenario because flooding had been identified, from evidence, along the access. That type of flooding would mean, people would have to go through low level water to gain access to Bury Lane. Importantly, if the worst case scenario were to happen and there were to be flooding along the access how high would the flooding be likely to be? Would that stop the ability of vehicles getting from A to B. At present the evidence states that residents would be able to go through the flooded area as it would be at relatively low levels. The fact that the building would be at a certain height would ensure occupiers would likely be safe from flooding completely. Clarification would be required with regards to where the town ditch is (which borders the site to the north). The applicant had provided evidence that there was a wall currently as part of the town ditch but it was believed this had not yet been picked up by the lead flood authority but more detail would be required on the height of the wall as this would provide a slight flood defence from any rising waters from the town ditch. As it's a major application there was a requirement to provide a sustainable drainage system in order to ensure surface water would be contained onsite to stop flooding on site or elsewhere.

As the site was in a high risk flood zone, and due to attenuation it would require further clarification as to whether that was possible.

Councillor David Raw voiced concerns about overdevelopment and the building being too high. The residents do not like buildings which are 4/5 storeys high. It would be too high for the town centre. These type of developments need to be diverted out of the town. The height needs to be considered before any other issues such as flooding and who would live in the building.

Councillor Debbie Morris agreed with the concerns regarding the height of the building and felt that the building would be higher than any other adjacent developments and any buildings in the vicinity and would like confirmation of this. The report acknowledged that the building would be highly noticeable and would significantly alter the character of the street scene. The crowned roof section would emphasise the bulk and scale, but its prominence and bulk are justified due to the variety in design. Councillor Morris did not feel the prominence and bulk were justified because of the different types of buildings in the area. There are no buildings of this scale in the area and the variety of the street scene would not justify it. Comments had been heard about separation distances and how this was justified as it's an urban setting as opposed to a suburban setting but this was in the guidelines and the guidelines do not distinguish between the two types of development (urban and suburban) therefore the assumption was the same guidelines apply throughout the District. Councillor Morris did not agree with the Officer that the smaller separation distance was justified in this case. The impact on residents at Chesswood Court on the four rooms in the block, was significant as two of the rooms would be living rooms. Although 66% and 79% of sunlight remained that would be a reduction of one third in one flat and one fifth in the other, which would be significant. Why should those residents have that reduction in their homes? A revised scheme could be presented that does not impact adversely on the neighbours. Room sizes are said to exceed the standard but the Councillor was unsure if these are suitable for wheelchair users and wished to assurance provided on this. Some bedrooms would not get adequate light, if you are elderly and frail and spent a lot of time in your bedroom this would mean that you wouldn't have the requisite natural light which was not good for residents.

Councillor Debbie Morris stated that proposed refusal of planning permission. If this development was to go ahead would officers seek that the construction management plan included having no building work on a Saturday due to the impact on the surrounding properties.

The Planning Officer responded that it was large in height and would be the highest development in the vicinity. Whilst it would be large to those adjacent, there are buildings quite close to the site which are four storeys. Parts of this building would be higher than adjacent developments but when viewed within its context of other high buildings it is not considered to be unacceptable. There was also nothing in policy that stated it should not be the same height as Chesswood Court. From a Planning perspective there was a balance that needed to be met. Unfortunately, the development doesn't tick all of the boxes but it does tick a lot of boxes and the Planning Officer's role was to make a balanced decision. The Council's housing delivery was poor and an action plan

from last year highlighted that until the new Local Plan was in place, given the high demand for new homes and the constrained housing land supply it would be crucial that new homes developed make the most efficient use of land. Given the town centre location, it was considered whilst large, on balance, it was considered acceptable. With regards to the comment that high buildings should be elsewhere, as a District 75-80% was Green Belt and there are a lot of constraints on development which would mean a lot of new housing would have to be developed on brownfield sites, which included this site. In terms of the bedrooms, there are some rooms which would not receive as much light as possible, however they would not receive unacceptable amounts of light and would be compliant for wheelchair users. The operators would need to ensure that was the case otherwise the units would not sell. In terms of the impact on Chesswood Court, it was understood there was an impact but again there was a balance to make. If Members were to take the view that there was a harmful impact on Chesswood Court, i.e. contrary to the Council's Local Plan, then as the report sets out a number of benefits exist and these must be considered. The development would provide 35 houses towards the Council's housing land supply which needs to be given significant weight due to current housing delivery targets. There would also be economic benefits and many other benefits detailed within the report in terms of the social aspects and freeing up the NHS in terms of cost. The development would provide more landscaping than was currently there, more ecological benefits and would improve the flood situation if the LFA come back with a more positive approach. There are elements of this development that tick boxes, ticking everything in a town centre location was going to be difficult. If Members have concerns the tilted balance does need to be weighed and the benefits do need to be considered if any impacts are highlighted they would need to significantly and demonstrably outweigh the benefits.

Councillor Raj Khiroya still felt concerned due to the size of the development, amenity space or lack of it and lack of parking due to members of staff and visitors, medical staff visiting and wondered where they would all park.

Councillor David Raw commented that there are planning problems in the town due to there being nowhere to put dwellings. The Councillor felt that developments needed to be pushed outside the town.

Councillor Alex Hayward stated that the facility in general was positive and needed in the community. This would be a 48 dwelling development, and wanted to know how that replaced 35 homes.

The Planning Officer stated the a formula that was used, for every 1.9 C2 units equated to one market dwelling therefore that would equal 35 homes towards the Council's housing target.

Councillor Keith Martin supported the type of development but for the reasons set by Councillors on the size, height, impact on local buildings where people live they believed this to be subjective and believed the development to be too large but acknowledge the officers point on tilted balance.

Councillor Debbie Morris remained concerned and proposed refusal due to the impact on the street scene and character, adverse impact on the neighbour amenity, overdevelopment, and impact on neighbouring amenity. The

Councillor did not agree that parking and amenity space were reasons to refuse but would take officers guidance on that. This was seconded by Councillor David Raw.

The Planning Officer acknowledged the points raised with regards the impact on the street scene and the character and also neighbouring amenity and wished to clarify that this related to Chesswood Court? Because we do not have the legal obligations agreed at this time there would need to be an additional reason relating to the absence of the Section 106 legal agreement. The development would provide various amenity areas and approximately 79% of the dwellings would have its own private amenity space. Given the location in the town centre and the constraints of the site it would be considered that amenity levels were acceptable.

Councillor Debbie Morris did not have an issue with amenity space on the site and was happy to remove this from the reasons for refusal but wished to include the impact on the neighbouring amenity space of residents at Chesswood Court.

The Planning Officer advised that the Council were still waiting for the Lead Flood Authority to come back if they still objected this would be a further reason for refusal. The application would need to be deferred for the Director to refuse permission on the grounds provided. There would need to be a discussion on the tilted balance by the Committee. Members may conclude that the impacts caused by the development demonstrably outweigh the benefits of the scheme.

Councillor Chris Lloyd wondered if there was any scope for further changes to the plans in particular the high areas and possibly move them to a less visible. The applicant would need to ensure that whatever was built would enhance the area.

The Planning Officer stated that changes had already been made and the question was raised with the agent to ask if further changes could be made if concerns were raised. They clarified that they would not be in a position to amend further, and advised the Committee were deciding on what was before them tonight. The applicant was likely to go to appeal. The highest part of the building would be four storeys and the elevations were shown on the screen. Members asked to be shown the most affected dwellings nearby. The Planning Officer also highlighted the parking area of Chesswood Court.

On being put to the Committee the motion that Planning Permission be Refused was declared CARRIED by the Chair the voting being 5 For, 0 Against and 5 Abstentions.

**RESOLVED:**

That the application be Deferred for the Director of Community & Environmental Services to REFUSE PLANNING PERMISSION on the grounds relating to: (1) Overdevelopment and impact on character and appearance of street scene and area; (2) Impact on neighbouring residential amenity (Chesswood Court); (3) Absence of S106 to restrict parking permits; and a potential 4th reason if the LLFA objection is maintained. (The exact wording to be circulated to Members for approval after the meeting).

The reasons for Refusal being (\*):

### R1: Impact on character and streetscene

The proposed building by virtue of its excessive height, elevated bulk and massing which is exacerbated by the use of large crown roofs would result in an unduly prominent form of development which would have a significant harmful impact on the character and appearance of the area and adjacent street scenes. The development is therefore contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

### R2: Impact on neighbouring amenity

The proposed building by virtue of its height and the lack of separation distances to Chesswood Court would significantly alter current privacy levels enjoyed by the occupants of Chesswood Court and would also unacceptably impact the level of light reception to a number of flats within the adjacent flatted development. The reduced privacy levels would adversely affect the occupants of Chesswood Court while the loss of light would further impact the resident's enjoyment of the flats to such an extent that their living conditions would be unacceptably eroded to the detriment of their residential amenity. The development is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

### R3: Absence of Section 106 Agreement

In the absence of a Section 106 agreement to remove the ability for future occupiers to obtain parking permits the development would give rise to exacerbation of parking pressure within the Rickmansworth Town Centre locality and therefore fails to ensure that the development is acceptable in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

\*comments from the Lead Local Flood Authority are still outstanding.

**PC 108/21      21/2285/FUL - Construction of first floor front and side extension, single storey rear extension, alterations to single storey front/side projection, alterations to fenestration and loft conversion including hip to gable roof alteration, rear dormer and front rooflights at 240 Baldwins Lane, Croxley Green, WD3 3LQ**

There were no updates from Officers.

Croxley Green Parish Councillor Andrew Gallagher stated the case rested on a balanced judgement of the degree of harm caused by this development in relation to the character of the area, the street scene and an interpretation of the policies in the Local Plan and the Croxley Green Neighbourhood Plan. The Parish Council did not object to the extension of the property in principle, but felt the extension was not in keeping with the policies in the Neighbourhood Plan. The Neighbourhood Plan was there to try and ensure that proposals

enhanced the area rather than detract from it. The adjustments and extensions permitted prior to the adoption of the Neighbourhood Plan should not be a justification for approving subsequent alterations/extensions that do not conform to the adopted policies. The only drawing which showed the other half of the semi-detached property was the roof plan. If the property elevations were shown in the context of the adjoining property then Councillors would appreciate just how unbalanced the proposal was and how it would detrimentally affect the street scene. The National Planning Policy Framework (NPPF) stated good design was a key aspect of sustainable development and created a better place to live and work and helped make development acceptable to communities. The Parish Council were not opposed to a well-designed extension or alteration of property but this was not well designed and it requested that the proposal be rejected due to not being in accordance with NPPF and not conforming to policies in the Neighbourhood Plan.

The Planning Officer discussed the diagrams and demonstrated that the pair of properties were already unbalanced as shown in the image due to the works at the ground floor level. The Officer appreciated that it was not a wide street scene but it also showed the variations in terms of bungalows to the right and the two storey flat roofed extension to the left. The Officer noted the Parish Council comments, but Officers needed to have regard to the wider street scene. For the reasons set out in the report they believed it to be acceptable.

Councillor Chris Lloyd stated that nine residents had been consulted and asked if there had been any resident comments since the report had been published.

The Planning Officer advised there had been no comments received from neighbours in relation to this application.

Councillor David Raw questioned the Juliette balcony as they were unable to see a balcony.

The Planning Officer stated there was a door but no external platform. The applicant would need to obtain building regulations and there would need to be either a safety rail or glass balustrade.

Councillor Stephen King questioned the roof tiles being grey and would not be similar to others in the street which were red.

The Planning Officer stated that grey tiles were proposed, although the majority of the street were red. The applicant could easily replace the tiles under permitted development. It was clarified that planning permission would not be needed to replace the roof tiles, although the Planning Officer believed the tiles were acceptable.

Councillor Debbie Morris asked for confirmation that Condition C3 wouldn't apply in respect of the roof tiles.

The Planning Officer responded stating that the report stated unless specified, Officers would want the side extension to match in terms of bricks etc. It stated on the plans that the tiles would be grey.

Councillor Chris Lloyd stated that due to being on a main road the tiles are an issue and asked if it can be specified that the tiles have to match.



The Planning Officer advised the Committee were considering what had been proposed for the tiles which was grey.

Councillor Keith Martin proposed, seconded by Councillor Alex Hayward that Planning Permission be Granted as set out in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 6 For, 0 Against and 4 Abstentions.

RESOLVED:

The PLANNING PERMISSION BE GRANTED in accordance with the Conditions and Informatives as set out in the Officer report.

**PC 109/21 21/2453/FUL – Joint Application: Part single, part two storey extension to No. 10 including an increase to the ridge height of the existing outbuilding and single storey rear extension to No. 9 with associated works at 9 AND 10 CHORLEYWOOD BOTTOM, CHORLEYWOOD, WD5 5JB**

The Planning Officer gave an update regarding section 7.7 of the report in respect of public benefits and planning balance. The report made reference at Point 7.7.3 with regards to number 10 not being a suitable size for a growing family. Officers consider this sentence should be reworded to read ‘the benefits of the proposed development to occupiers to both number 9 and number 10 are noted.’ The comments regarding the current layout of the existing dwellings are also acknowledged. Notwithstanding this, the benefits arising from the development ‘create additional or alternative layout to suit the preferences of current occupiers and are personal benefits to the occupiers and are not public benefits in planning terms. Thus there are no identified public benefits or any other factors in the planning balance which outweigh the identified harm to the Conservation Area’.

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

The Planning Officer showed the plan on the screen.

Councillor Chris Lloyd asked if materials would match and be blended.

The Planning Officer talked through the plans for the Committee.

Councillor Alex Hayward stated one negative would be the mass of the development and the fact that it would be almost doubling in size. They also stated this was within a Conservation Area. Having driven round the area from different ways they believed there would only be glimpses of the property. Due to this they did not have a problem with it.

The Planning Officer stated that the report demonstrated why officers considered there would be harm to the heritage asset and asked Members to explain why they disagreed with the Officer recommendation to refuse planning permission.

Councillor Debbie Morris advised she was sympathetic to this application, and was ordinarily pro the Conservation Officer. In this instance where there isn't any Green Belt. The development would be barely seen and what could be seen worked. It would create two more useable family dwellings and the

occupants would be able to access the garden which would be a real benefit. Councillor Morris did not support refusal.

Councillor Chris Lloyd was not minded to refuse the application, assuming there would be no change to the front.

The Planning Officer clarified that there would be no change to the front.

Councillor Chris Lloyd stated that properties in Conservation Areas do need changes to be adapted to 21<sup>st</sup> century living. Councillor Lloyd moved approval (overturning the officer recommendation to refuse) but wanted conditions including a condition on the details on method statements for materials before building commenced.

Councillor Raj Khiroya advised that the Parish Council had no issue and the neither did the neighbours. There was no street scene problems and no change to the front but asked if the roof was the main issue.

The Planning Officer stated the overall scale and design of the extension, the cumulative and individual impacts and each amendment had would fail to preserve or enhance the character of the existing property which therefore had a detrimental impact on the character of the Conservation Area as a whole.

Councillor Alex Hayward questioned the harm to the Conservation Area.

Officers were of the view that there would be less than substantial harm to the area, which was subjective. Members may disagree, but would need to explain why they came to a different view.

Councillor Raj Khiroya seconded the proposal to overturn the Officer's decision and to Grant Planning Permission.

The Planning Officer advised that Conditions which could be included were a standard time limit where work would need to be carried out within 3 years (1), to be built in accordance with plans, the work must carried out together on numbers 9 and 10, details of materials will be submitted including brickwork and rendering, the roof lights on the flank of the outbuilding to have a cill height greater than 1.7m above the floor level of which they are inserted.

Councillor Debbie Morris asked if the roof tiles would be included under building materials.

The Planning Officer confirmed this was correct and materials would include everything: tiles, brickwork or whatever material the extension was planned to be.

Councillor Stephen King asked if there could be a condition on the removal of permitted development rights.

The Planning Officer stated due to the number of extensions that had already been implemented, there would be very little that could be done under permitted development to the actual building and it would not be reasonable to have an additional condition because of the restrictions that would already be in place because of the Article 4 Direction.

Councillor Chris Lloyd was concerned about vehicles parking on the bend as this could be dangerous and asked for more information.

The Planning Officer stated a construction management plan can be put in place as a further condition to overcome this.

On being put to the Committee the motion to Grant Planning Permission was declared CARRIED by the Chair the voting being unanimously agreed.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the following conditions (the wording having been agreed with Members after the meeting)

Conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted at No.9 and No.10 Chorleywood Bottom shall be commenced and completed at the same time in accordance with the submitted application.

Reason: To safeguard the amenities of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).

C3 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), PL 01, PL 02, PL 03A, PL 04B, PL 05B, PL 06B, PL 08, PL 09B, PL10 C and PL11.

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard the character and appearance of the Conservation Area and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010) and Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020).

C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix

2 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010) and Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020).

- C5 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. construction of access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- vi. wheel washing facilities

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with

regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 15 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.

Councillor Chris Lloyd left the meeting.

**PC 110/21 21/2566/FUL: Demolition of existing shed and construction of outbuilding to be used as a home office at 29 Girton Way, Croxley Green, WD3 3QW**

Councillor Raj Khiroya stated there was nothing here to show that Councillors needed to object and moved that Planning Permission be Granted, seconded by Councillor Alex Hayward.

The Parish Council had not objected as they did not wish for the outbuilding to be used as a separate dwelling.

In response to a query from Cllr Raw regarding the Parish Council's comments, the Planning Officer stated that it would be ancillary use only and this was covered under Condition C4. With regards to the drains the Council could not prevent this, although Officers were unaware if this was the intention or not, as this fell outside of the planning remit.

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

RESOLVED:

That Planning Permission be GRANTED in accordance with the Conditions and Informatives as set out in the Officer report.

**PC111/21 10 21/2633/FUL – Construction of three single storey rear extensions and rear balcony at KANTA KUTIR, 31B BEDFORD ROAD, MOOR PARK, HA6 2AY**

This application had been withdrawn.

Chair