
PLANNING COMMITTEE**MINUTES**

Of a meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 15 December 2022 from 7.30pm to 10.02pm.

Councillors present:

Steve Drury (Chair)
Matthew Bedford (Vice Chair)
Sara Bedford
Ruth Clark
Phillip Hearn
Andrea Fraser (sub for Cllr Lisa Hudson)

Raj Khiroya
Chris Lloyd
David Raw
Phil Williams (Cllr Stephanie Singer)

Also in attendance: Councillor Debbie Morris, Batchworth Community Councillor Diana Barber, Chorleywood Parish Councillor Jon Bishop

Officers: Claire Westwood, Matthew Roberts, Scott Volker, Peter Simons and Sarah Haythorpe

COUNCILLOR STEVE DRURY IN THE CHAIR**PC 70/22 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lisa Hudson and Stephanie Singer with the named substitutes being Councillors Andrea Fraser and Phil Williams. An apology for absence was also received from Councillor Stephen King.

PC 71/22 MINUTES

The minutes of the Planning Committee meeting held on 17 November 2022 were agreed by the Committee and signed by the Chair.

PC 72/22 NOTICE OF OTHER BUSINESS

The Chair advised that as the officer for item 5 had not arrived they would take the item at the end of the agenda. Following advising this the officer arrived and the item was taken in the order it was published on the agenda.

PC 73/22 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.”

The Chair advised that the Liberal Democrats Councillors on the Committee wished to declare a non pecuniary interest in Item 10. Members of the Committee are not personal friends of the Councillor who was acting as an agent on this application and do not feel there is any conflict of interest.

PC 74/22 Public Rights of Way proposal: Three Rivers Cycling and Walking Programmes upgrade of Footpath to Bridleway at CARAVAN LANE HIGH STREET, RICKMANSWORTH WD3 1HN

The Senior Transport Planner reported that the reason for consideration by the Committee of this proposal was to enable cycling on this cycle route by completing the upgrade of footpath 30 to a Bridleway building on the The Herts County Council (HCC) upgrade of the section to the East of Caravan Lane. The path is useful for cycling by the local employees and by school students both from Rickmansworth School at the top of the hill and St Joan of Arc School at the bottom of the hill. The District Council is the rights of way authority and has powers under Section 26 of the Highway Act to make these particular type of orders, called Creation Order, which is slightly different to the usual creation agreement which is done with the landowner. In this case there is no landowner. There had been an advertisement done to try and find the landowner with a few responses but currently there is no landowner. The Council has no option but to make a Section 26 in order to allow people to cycle between the High Street and the Bridleway. This is a standard rights of ways mechanism and Herts County Council supports this and is very keen to go ahead as it creates a link with the cycling network and is part of the District Council cycling and walking network. This particular scheme has already in principle been agreed by IHED Committee who would like this order agreed.

Councillor Phil Williams sought clarification that the Bridleway footpath runs up to the flats at Caravan Lane and then it’s just a footpath that leads to the High Street and all that needed to change is the usage of the 60 metre footpath.

The Senior Transport Planner replied this was correct it was to regularise that. There are many school students who already use the footpath.

Councillor Andrea Fraser raised a point as to whether it will be divided for pedestrians and cyclists or will everyone be using the same part of the upgraded footpath.

The Senior Transport Planner replied there was no proposal to change the physical footpath this was purely a legal change and no bridleways are segregated, it's a footpath that could be used by cyclists or even horse riders. When it is used by a cyclist they get to the High Street and would then have to comply with the one way system.

Councillor David Raw raised a question about Health and Safety, and whether the Council would then be liable for any accidents that would occur after the Council have accepted that cycling is allowed on the footpath.

The Senior Transport Planner replied No. As the Rights of Way Authority we have the powers to make this order. The status and the maintenance becomes the responsibility of the County Council, which is why it is significant that Herts County Council supports this proposal.

Councillor Philip Hearn thought the proposal was sensible and was happy to propose the recommendation as set out in the report.

Councillor Raj Khiroya seconded the motion but asked about the ownership of the land. Looking at the land in question and with regard it not being registered, what will be the implications if somebody comes forward and registers to say that they are the owner what would happen?

Then Senior Transport Planner replied this was the significance of Section 16 notice which we have advertised to compel any owners to come forward and to declare that they are the owners. So far no one has come forward to say that they are the owners and we have directly consulted with the adjacent lands owners. If someone was to register in the future there would be certain legal instructions between them and the Highway Authority, the County Council. There would be no direct implications, the question would be who the land owner is at the time when the order is made. If there had been a land owner come forward then the process would be different.

Councillor Matthew Bedford stated that they had no problem with this in principal. Looking on the Herts County Council website it suggests that the first section from the High Street is a footpath and then it becomes a bridleway, then as you gradually go east from the River Chess it reverts back to being a footpath again. What would be the case, would everyone dismount when they get to the Rivers?

The Senior Transport Planner replied the connection is between Lavrock Lane and All Saints Lane which is under the District Council ownership which is already on the permitted cycling network and this had been used for many years. The connection is between the High Street and All Saints Lane which goes up to Croxley. The point is that All Saints Lane comes out right by Rickmansworth School and many of the current users are school students.

Councillor Matthew Bedford pointed out that looking on the map the Bridleway doesn't go all the way to All Saint Lane, but was happy to go ahead with the proposal and didn't dispute this.

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

RESOLVED:

That Permission be granted to progress Legal work under Section 26 of the Highways Act 1980.

PC 75/22

22/0491/FUL - The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling at WARNER BROS. STUDIOS LEAVESDEN, WARNER DRIVE, WATFORD, HERTFORDSHIRE, WD25 7LP

The Planning Officer reported that there had been no updates since the publication of the agenda. Members would recall that there had been a preliminary report presented to the Committee in May, and an update at the start of the report provided details of the main points that were discussed then although the report and analysis had been updated in full. In brief the development had been split into five main areas with the masterplan provided on the presentation screen. There is the central site which is where the 11 new sound stages would be, in addition to the offices and ancillary workshops. The island site would be home to the studio car park and the studio support building to the south. There is the western part of the site which is comprised of two elements, Backlot 2 and the lower field. The entire lower field is proposed to be protected, kept, managed and maintained as accessible green space for ecological/environmental benefits. The triangle site is where the new southern access roundabout is proposed and would have a bridge linking to the main studio site from the proposed car park. The northern access to the studio is proposed to be widened to assist with the traffic flows into and out of the existing site. There are no further updates.

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

The Planning Officer commented on the issues raised in regard to very special circumstances and advised these are not defined, and determining whether very special circumstance exist is essentially a matter of judgement. For the reasons as set out in the Committee report it is the professional judgement of the officers that there are very special circumstances in this case. There had been mention in regard to the protection of the lower field, the area to the west of Gypsy Lane. There would be two possible ways to secure this for public access and ecological enhancement in perpetuity, either through a Section 106 legal agreement or via planning conditions. The guidance is clear that if planning conditions can be used then they should be used. Following legal advice, officers consider a condition to be most appropriate way to secure retention of the lower field. Although Warner Bros have said that this is their intention to retain the lower field in this way, officers recognise that there needs to be an appropriate mechanism to secure this. If we were to include this as part of a Section 106 legal agreement and in future there was to be a breach of that legal agreement the only way the Council would be able to enforce that would be through the courts via an injunction and stop notice. This would obviously rely on the courts and it could take a longer time and an element of the control is lost. Whereas in the case of a planning condition, it would be a breach of condition notice, and there is no appeal in terms of a breach of

condition notice and this would be in the power of the Council to issue quite quickly in the event that there was a breach. If Members felt it was appropriate to deal with the matter via a Section 106 agreement, a Section 106 agreement is being progressed for other contributions so that is possible but officers wanted to explain why they consider a planning condition is most appropriate.

Local Councillor Stephen Giles-Medhurst had seen the development of the Warner Bros Studios from its inception right through to what the studios are now. They raised the point in regards to any concerns raised about the site that Warner Bros had been receptive not only to local resident's views and local Councillor's views in making changes and amendments to their planning applications as indeed they have done on this one. Since the preliminary report had been presented to the Committee earlier this year a number of changes had been made. This included changes the Councillor had raised about the lower field and incorporating the whole of that area to become a public open space which would be a huge benefit to the local community. When the site was first mooted as a Studio complex there had been lots of concern about traffic generation, gridlock traffic and noise nuisance but none of this had materialised. This is mainly due to how Warner Bros had operated the site and the substantial transport plan which had ensured the local roads are not clogged up with traffic. The improvements to the northern site, where the main car park is for the studio employees, will be of benefit and reduce some of the congestion which does occasionally occur at peak times. The benefit from this development far out way the dis-benefits. The improved solar PV array is going to increase from 10,000 to 13,000 square metres. There is 20,000 square metres of forest planting trees, the green canopy expansion and the access to the availability of the public open space on the lower field, an area which you see now is absolutely barren. This will bring real enhancement and a benefit to the area. The island site had already been taken out of the Green Belt some while ago and will become a sustainable transport mode and car park, and therefore the potential traffic generation and the problems on the Ashfield Junction, which have been a concern for the residents in the area, will be minimal. The Councillor finally added that the residents who lived closest to the site in the Leavesden Ward had not raised a single objection to them. On this basis it just goes to show how well Warner Bros have worked with the local residents along with their informative newsletters.

The Planning Officer had no further comments to make.

Councillor Andrea Fraser asked for an explanation on what would happen if a breach of condition notice had been issued.

The Planning Officer explained a breach of a condition notice was generally served when a householder or a developer does not comply with the condition which has been imposed as part of the planning permission. If the condition related to the ecological enhancements and the ability for it to be a public open space and there is a management plan that is attached, if this was not submitted, then we would issue a breach of condition notice that would require either the details to be submitted for agreement and take effect or if those details had already been agreed but they have not been done on site the notice would require it to be done in accordance with those details. Generally the breach of condition notice would take effect after a period of 28 days. There are no rights of appeal, if they do not comply after the period set out in the notice, it would be an offence under the Planning Act and then this would lead to a prosecution case. The difference with the Section 106 Agreement was that

the compliance element is a far more lengthy period due to the fact that it involves solicitors to make a case for the High Court. This will give the developer or the householder the ability to be able to attend court and discuss those elements before the courts make the decision. The breach of condition notice in officer's view would be a far better more efficient mechanism.

Councillor David Raw stated officers had mentioned condition but not a covenant as it had been indicated by one of the speakers that a covenant was stronger than a condition, and asked for an explanation. They thought the Committee would have the powers to overrule a condition but wanted to know which would be better for the residents.

The Planning Officer replied the methods available to the Planning Committee were either a Section 106 Agreement or a planning condition. On a planning condition if there was to be a breach of the condition, for example if the lower field was not maintained as publicly assessable land, then the Council would serve a breach of condition notice which would come into effect after 28 days and there is no right to appeal this. When the 28 day period had passed if the condition had not been complied with then this would lead to a prosecution case. If there had been a breach of a Section 106 Agreement as explained previously this would go through the courts to try and serve an injunction to get a stop notice. The person you try to serve the stop notice on would be able to attend the court to present their case so it was not automatic that the Judge would agree with the serving of the notice. The Planning Officer view was that it was a more effective tool in this case to use an appropriately worded planning condition.

Councillor David Raw asked if a covenant would be stronger for the residents and where would a covenant come from if it was put in place.

The Planning Officer advised that the Council could not impose a covenant and could only impose a Section 106 legal agreement or a planning condition. From a planning perspective it was not possible to impose a covenant and it could not be tied in with the planning permission. Officers wanted to ensure that there was a mechanism included for any granting of permission to ensure that the lower field is maintained as publicly assessable in perpetuity. The two mechanisms which the Committee has available are either the Section 106 agreement or a planning condition and it had been explained why officers were of the view, following legal advice, that the planning condition is more appropriate. If Members disagree then it can be included as part of the Section 106 agreement.

Councillor David Raw clarified that if residents wanted to have a covenant they would have to get an outside organisation to try and implement a covenant on that area as the Council did not wish to get involved.

The Planning Officer reiterated that they were not saying they did not want to get involved, they were providing details on how it can be secured as part of the planning permission which would be either through a Section 106 agreement or a planning condition to secure the use of the lower field as public open space and ecological area in perpetuity. It was not possible to comment on the mechanics of a covenant this was a legal matter.

Councillor Chris Lloyd said there was a section in the report on Page 14 where there is a list of people who were consulted but wanted to focus on some people

where there had not been any response for example Herts Fire and Rescue Service, Herts Ecology and Watford Borough Council, and wondered if there had been any responses since the report was published..

The Planning Officer advised that there have been no further updates since the report had been published but clarified that Herts Ecology had provided comments. Herts Archaeology had not provided any comments. Watford Borough Council had not provided comments but there had been some discussions with officers. As set out in the report there was a duplicate application which was being considered by Watford Borough Council and was likely to go to their Planning Committee shortly to determine. They had not provided the Council with any formal comments on this application.

Councillor Chris Lloyd said part of the site was in Three Rivers and part of the site in Watford and wondered if there was a plan which indicated what parts of the site were in which area. Details were shown to the Committee by officers clarifying that part of the island site was within Watford and a little strip of land on the other side of the road.

Councillor Chris Lloyd sought clarification on what the Local Councillor had stated that the lower field will be public open space and some of it will be a nature reserve and wanted to know if this was correct.

The Planning Officer explained that the lower field is an area to the West of Gypsy Lane and is to be proposed to be publically accessible to the public and there would be a great deal of ecological enhancement as the application proposed in excess of 10% biodiversity net gain, a lot of this through the works that is proposed for the enhancement of the area. It was formally an agricultural area which had not been managed for a long time so there will be an opportunity to enhance this area. There will be some path ways across the area for the public, but there will be a balance in regard to nature on the site, for example ground nesting birds at particular times of the year. The management plan would need to have measures in place to stop people using particular areas at certain times of the year.

Councillor Chris Lloyd asked with regard to an objection from the Gypsy Lane Residents Group if the Committee could be shown where the 40 houses referred to were located.

The Planning Officer provided a map showing the location of Gypsy Lane and provided details on the location of the cul-de-sac off Gypsy Lane. The map provided details on where the railway was and the vehicular access ended. The public footpath carried on from the vehicular access across the bridge and continued between the lower field and backlot 2 through the site. The lower field backs onto the houses. The existing site line is restricted due to the nature of the levels. Gypsy Lane is a deep cut lane, with planting details provided to take place over the years as proposed as part of the application. As the site develops overtime there will be further mitigation for any views. The existing site line is restricted due to the levels and the deep cut lane but there is a lot of planting proposed. Furthermore, the report refers to the operational management plan that has been submitted, in relation to Backlot 2 and one of the measures is that there would be no storage or structures within twenty metres of any highway or public right of ways. Any temporary structures or storage facilities on the Backlot would not be right up to boundary with Gypsy Lane.

Councillor Chris Lloyd also sought clarification on the railway line and Network Rails comments and wondered if they had required any conditions? The Planning Officer advised that they did not require any conditions but had provided comments which had meant clarification had to be sought from the applicant which was dealt with in Section 7.15.12 of the officer report. They had raised no objection but asked that the applicant would need to agree a road vehicle incursion and also raised a comment on hard standing and drains but the applicant was able to provide confirmation in response to their comments.

Councillor Chris Lloyd raised comments on water, which was critical to the area, and saw that there had been no objection from Affinity and Thames Water but were their conditions which they required as a result of the additional development.

The Planning Officer advised there was flood risk, sustainable drainage and contamination issues on the site, which resulted in Affinity and Thames Water, the Environment Agency, Network Rail and our Environmental Protection Officer who was looking at land contamination issues, all being consulted on the application but none of them raised any objections. They did request conditions which were set out in detail in the report, but at Point 7.16 of the report, it explained that we should not be duplicating conditions. All the consultees requested a number of conditions which essentially did the same things or looked for the same information. In accordance with the planning practise guidance officers had looked at those conditions to avoid duplication. There are a number of conditions which are set out in the report to meet the requirements of the particular consultees.

Councillor Chris Lloyd's final question was about Highways, as there would be contributions to the new roundabout design and the widening of the other access and asked if officers had any plans to show the Committee. They would also be interested to hear any comments Highways had made in relation to the application and what they feel the impact would be. 20 years ago we were all concerned about the traffic but there had not been an issue but if the application was granted there would be more people coming to the site and they assumed there was a condition for a sustainable transport plan.

The Planning Officer advised from a highways point of view there were two consultees, National Highways and Herts County Council as the Highways Authority. The National Highway Authority points related to the national highway network and the strategic road network and any adverse safety impact, material increase in queues on the motorways and the strategic road network. They had said in this case they were looking at the potential impact on the M25 Junctions 19, 20 and 21A and the M1 Junctions 5 and 6. There was an initial objection from them, as Members would be aware, but there had been lengthy discussions with the Warner Bros Transport Consultant and National Highways to respond to those and they now raised no objection but required a condition in relation to Junction 21A on the M25 and further modelling. It was also a matter for Herts County Council as the highways authority who raised no objection but had provided lengthy comments as outlined in Appendix 1 but had requested a number of planning conditions which were included in the officer recommendation. A travel plan had been submitted to ensure that staff and visitors travel by sustainable modes of transport and thereby reducing the reliance on private cars. The County Council have commented that the travel plan as submitted is appropriate for this stage in the planning process but there

are a number of aspects which need to be addressed so have suggested Condition 12. They have also requested financial contributions to be secured through a Section 106 agreement which in part relates to a monitoring fee for the travel plan and other contributions which are in the region of £2.1 million in relation to other mitigations which they consider necessary to mitigate the impact of the development. Subject to these conditions and the Section 106 agreement they raise no objections to the applications on highways grounds.

Councillor David Raw asked about the over development and thought they had heard there were no objections but it stated in the report that there are 84 responses with 64 objections with the first line relating to over development. An email was received earlier on the development of the site since 2000 and up to 2021 and wondered what officers would say to the residents about the overdevelopment of the site since that time. They knew it had been a long period of time, and there are a lot of economic benefits but how do we respond to the points on over development.

The Planning Officer replied that the Local Councillor referred to the point that no objections had been referred to them. Comments had been received in relation to the planning application with a total of 84 responses with 64 objections and 22 in support. Some residents had made more than one comment but the totals are as stated in the report. The objections are summarised in the report and some do relate to overdevelopment. The Committee report sets out the reasons for the officer recommendation for approval. The site has been developed and had changed but it did not equate to harm. A lot of the site is not in the Green Belt and the existing area (highlighted in grey on the map) was removed from the Green Belt some time ago back in 2014 and the island site is not in the Green Belt. The parameters for the development of the island site were previously permitted. The lower field has no proposed physical development and is in the Green Belt, as is Back lot 2 and the central site. Officers did not consider it was over development it's just an expansion of an existing developed site. It is recognised that it's in the Green Belt but as the reports sets out officers are of the view that there are very special circumstances that justify the approval of the application.

Councillor Phillip Hearn thanked officers for the comprehensive report. The Green Belt is very important and we would lose an important any area of Green Belt between Leavesden and Hunton Bridge. The report sets out details around the very special circumstances in this case, but it would be useful to understand these although they understood the economic benefits around the jobs. They referred to a family wishing to build a house in the Green Belt and being denied permission but what would be their view if this application was to be approved.

The Planning Officer would be wary of Members trying to draw comparisons and that each application needed to be considered on its own merits. What is a very special circumstance in one case could be very different to another application so Members needed to be careful with comparisons. Focusing on this application Section 7.22 of the officer report sets out the very special circumstances that officers consider there are and also provides details on the fact that consideration of alternative sites is not considered materially relevant in this case given the site specific nature which essentially involves the integrated expansion of an existing nationally established film production facility. The overall planning balance and other benefits are detailed in Section 7.23 of the report which recognises that there will be some significant visual effects on the landscape during construction but there are to be some primary

mitigation measures proposed which are such that there will no significant landscape or visual effects after the 15 year period. There had been discussion around the multi million pound investment but in terms of other matters, the lower field and biodiversity net gain is not enshrined in planning law but this application will deliver 12.65% habitat so would exceed the Environment Act requirements when it becomes law at the end of 2023. The proposed solar PV is significant as it is estimated to generate an extra 86% reduction in regulated carbon emissions. Bearing in mind our current policy is 5% and our current draft policy for future guidance is 20% obviously the 86% is a significant benefit which is afforded weight in the planning balance. The social, economic and environment benefits which are summarised are also afforded significant weight. In relation to the employment matter the Section 106 agreement is proposed to also deliver an employment and skills plan which is to ensure that local recruitment and training initiatives are carried out both during construction and also in the longer term operation of the studios. The view of officers therefore is that the material considerations including the very special circumstances are such that planning permission should be granted.

Councillor Matthew Bedford said the main focus of the issue was on the very special circumstances in the Green Belt. There was no debate about the fact that a lot of this development was in the Green Belt and there is no debate that the development by definition is inappropriate in the Green Belt and causes harm. The question we have to answer as a Committee is whether or not that acknowledged harm is outweighed by the very special circumstances. Those very special circumstances as the officers have advised are not defined and there is not a check list we can look at to satisfy ourselves. We have to weigh up the balance and make a judgement as to whether the list of things that are on the list of special circumstances and benefits outweigh the harm to the Green Belt. The Councillor's view at this time was they did think there was very special circumstances to justify this development and thought it was different from a single extra house being built in the Green Belt which they did not think was a very special circumstance. Almost by the virtue of the size and importance of this economic activity which will be important at a County and Regional level and would go beyond the District. The film and TV industry across South West Herts is significantly important and the benefits we get from the existing business and from enabling this to expand and to make itself sustainable and resilient justifies the development in the Green Belt and they were happy to move the recommendation as set out in the officer report.

Councillor David Raw wanted clarification on the condition officers had raised earlier on and whether this would be implemented as part of the planning application or does the Committee need to agree it.

The Planning Officer replied that it was included in the recommendation. Officers were of the view that the retention of the lower field is important and the condition was included in the report as Condition 36. Separate to that there was also the requirement for the landscape and ecological management plan as there are two aspects. One being we want to retain this area in perpetuity and the other being we will need to know what that will look like, how it would be managed and there needs to be a detailed and appropriate management plan to support that. It would be dealt by the conditions suggested by officers in the report.

Councillor Phil Williams found the report very useful, and had listened to the debate and would say without the lower field to the west they would be against

the application but it looked like the developers had taken on board everything Members had been looking for. The Committee may consider agreeing to give up this Green belt land. There did seem that there was justification to do so and on the grounds that we have got the planning condition to protect the lower field land they would second Councillor Matthew Bedford's motion to agree the application on the grounds set out in the officer report.

Councillor Sara Bedford made a few points and discussed further some of the points put forward. There had been a point made that no open space had arisen from the developments that had taken place on the old Leavesden Aerodrome, this was not true because the Horses field was gained which is larger than the Leavesden Country Park, obtained from the previous owners of the land which the Studios are sited. The Council obtained that land free of charge as part of the housing that took place and the studios in perpetuity. The Neighbourhood Plan had not been agreed by any Parish Councillors, and nor had it gone to public consultation and had not been agreed by this Council. On the covenant they are agreed with what the Planning Officers had advised. We don't have the possibility of going down that route and can only use this when you are transferring land or have a benefit in the land. We are not able to do that as we don't have an interest in the land. The Local Councillor did not state there had been no objections to the application it was that they had not received any from people in the Leavesden Ward where they are the Councillor. There are over 800 homes in the Leavesden Ward which are within site of the studios and to have not received any objections from them is quite significant. On the travel plan this was originally submitted in March, although there had been updates and negotiations since then, and the County Council are making their comments on the Section 106 agreement with regard to highways, however in March and April we lost a number of bus routes in the local area including the 318 which used to link Abbots Langley with the Studios. There is now no bus that links the two places. There are buses that link the Studios with Watford. In the travel plan there are plans for shuttle buses for a period of time to link the major towns and St Albans city with the studios for employees to come in but wished to make a point that we look at shuttle buses being able to pick up people in Abbots Langley. Whilst they see from the travel plan that there is a desire to have people walking and cycling, Leavesden is at the bottom of the hill which Abbots Langley is located and I don't think people would want to walk there and back and would like this looked at. This would also help casual staff during the day and night. They reiterated the comments made by Councillors M Bedford and Williams that nobody gives up a piece of Green Belt easily or comfortably, but they felt the benefits that have been gained by the community around the Studios in Watford and Three Rivers, by those further away and those in South West Herts and in the wider area have been almost entirely been hugely positive. The benefit for allowing this to go further forward and to be a sustainable development in the future is very important. There are very few businesses which are expanding and growing in this manner and this should be supported, the overwhelming majority of people are very supportive and see it as a pride that the site is in their community. It is with a heavy heart in some ways on giving up the Green Belt site but I feel supportive of this application.

The Planning Officer replied that they had made notes on the points made regarding the travel plan and the shuttle bus. The applicant will need submit details to discharge the planning condition in due course, and officers can have regard to the discussion when reviewing the travel plan details in consultation with the County Council at that time.

Councillor Chris Lloyd said on Herts Ecology they had originally said they had logged an objection which was fairly detailed but they had now come back and said they had no objection. The reason being that their issues had now been addressed and there are various documents they mention. The footpath mentioned near the houses they wished to understand the impact of the additional studio on the residents who had commented. They supported the comments on the shuttle bus.

The Planning Officer replied and clarified what was stated before in previous discussions and showed a cross section of the area and where the houses ended in Gypsy Lane and the visibility and line of sight with the planting to be introduced and what had been done with regard to the temporary permission on Back Lot 2.

Councillor Raj Khiroya wanted to seek clarification on what implications would it have on another application if we were to give permission in a Green Belt area.

The Planning Officer replied that each individual application needed to be considered on its own merits so could not comment on the acceptability of any other application. Some comments on highways had mentioned the consideration of other applications but from a highways perspective they talk about committed development. If there are other pending planning applications which are not permitted development from a highways perspective, it may mean that if permission was granted here this maybe become a committed development, which they and other applicants may have to take into consideration in the future.

Councillor Sara Bedford replied they thought Councillor Raj Khiroya was referring to two other applications that have been made close to this site one of which is the Lidl supermarket which is close to Junction 19/Hunton Bridge roundabout and The Langleybury Film Hub on the other side at the top of the valley. This doesn't set a precedent allowing this development to go ahead but anything that arises from that development, including the traffic, will be a material consideration when it comes to future applications being determined.

The Planning Officer confirmed this application and any other application to be granted would not set a precedent and any application would be considered on its own merits at the time.

Councillor Andrea Fraser said the Committee had touched on visual impact and on the trees to be planted over the next 10-15 years. They asked about the colour of the building and if there was any way these could be integrated and maybe green instead of yellow. Would it also be possible to have more trees with even bigger trunks that can be planted so we don't have to wait 15 years?

The Planning Officer replied in terms of the colour of the buildings we have to have regard to the existing site and it would perhaps stand out more if the proposed buildings were a different colour to the existing straw colour of the existing buildings. Officers consider that the materials proposed are acceptable. There had been concern about the Back lot and as part of the operational management plan, which had been submitted for Back lot 2, it does state that where it is practicably possible the outer faces of the structures on that Back lot would be camouflaged or painted to reduce their visual impact. The buildings on the central site and main stages would be read against the

existing main stages and the colour proposed would be acceptable. There was a real mixture to be provided and a significant number of trees to be planted of varying sizes. Whilst officers understand the point made advice that would generally be received from Landscape officers is that larger trees often do not take as well as smaller trees and are often not as effective and consider what is proposed for the planting which is 186 new trees in addition to other woodland planting and native hedgerows would deliver appropriate mitigation but will take some time to reach maturity.

The Planning Officer clarified the number of comments received were correct as detailed in the report.

Councillor Chris Lloyd noted that a number of charities had benefited from the studios.

The Planning Officer read out what the Committee would be voting on “that the application would be referred to the Secretary of State for the Department of Levelling Up, Housing and Communities which was in accordance with the Town and Country Planning Consultation England Direction 2021 and provided that the Secretary of State does not call in the application for their own determination the application would then be delegated to Director of Community and Environmental Services to Grant Planning Permission subject to the completion of the Section 106 agreement and subject to the planning conditions which are set out in full at section 8 of the report.”

On being put to the Committee the Chair declared the motion CARRIED the voting being 9 For, 0 Against and 1 Abstention.

RESOLVED:

Provided the Secretary of State does not call in the application for their own determination, the APPLICATION BE DELEGATED TO THE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES TO GRANT PLANNING PERMISSION 22/0491/FUL following the completion of a Section 106 Agreement and subject to the conditions set out at section 8 of the officer's report.

The Chair adjourned the meeting for a few minutes to allow people to leave the meeting.

PC 76/22 22/1120/RSP - Retrospective: Addition of first floor Juliet balcony, ground floor window, addition of first floor balcony and alterations to balustrading to rear and alterations to roof form of existing single storey flat roofed extension at 44 SANDY LODGE ROAD, MOOR PARK, HERTFORDSHIRE, WD3 1LJ

The Chair advised that some photographs had been circulated to Committee Members taken by one side of this debate but Members needed to consider all the points relevant to the application

The Planning Officer reported that due to a period of re-consultation which would not expire until 20 December 2022 the officer recommendation, should be altered to read “that the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that

Part Retrospective Planning Permission be Granted subject to the conditions as set out in the officer report. Following the publication of the Committee report two further responses had been received the first from Moor Park 1958 Ltd, who refer to the omission of two side roof lights from the amended drawings and comment that the previous conditions from a 2019 planning application should be carried over if planning permission is granted for this application. Discussions with the agents had previously taken place and the Planning Officer advised that the conditions would be imposed and the requirement would be to remove the flank roof lights within the rear gable as they were originally shown on submitted drawings. However, the roof lights were later omitted from the amended plans therefore any granting of planning permission was not considered to have granted planning permission for them and is not shown. Reference to them is set out in the officer report and it should be noted that the two roof lights which in the gable to the left hand side were subject to a recently refused planning application due to overlooking issues. The decision has been appealed and enforced and action will follow any decision being made by the Planning Inspectorate. In response to carrying over previous conditions, as the works have largely been completed the only relevant condition that would be reasonable to re-impose is the inclusion of the no additional windows condition within the elevations and the roof slopes extensions hereby approved. The second response was from Batchworth Community Council who referred to the loss of privacy of three proposed windows. It should be noted that these are ground floor windows and are actually relating to a separate current pending planning application and are not subject to this application. They also refer to the omission of the roof lights however this has been covered.

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

Local Councillor Debbie Morris objected to the application stating that a bedroom should be a place of privacy, somewhere you can shut yourself off from the rest of the world. The main bedroom at No.46 Sandy Lodge Road is no longer that private space nor is the dressing room adjoining it. There is now a balcony the size of a living room at 16.5 metres which overlooks into No.46. Everyone had heard about the development management policies which state that developments should not incorporate balconies which overlook neighbours to any degree and the officers recognise that this balcony does. The Conservation Officer also points out that balconies are not favoured in the Moor Park Conservation Area. The solution proposed was not to get the applicants to knock it down but to build a privacy screen along the depth of the balcony. The Moor Park Conservation Area does not even mention privacy screens as the authors did not envisage that development would be allowed to necessitate them. The proposed privacy screen would not be made of solid brick in its entirety but is to be 1.6 metres of obscure glazing and obscure glazing is not designed to block out all images. If Members accept the officer recommendation those using the main bedroom at No.46 would never be able to get undressed without the risk of being seen from those next door. Ideally the Committee should refuse the application with regard to the first floor balcony but if Members are not inclined to do that please insist on a solid privacy screen where nothing at all can be seen made of brick and slightly higher than 1.8 metres and that this extends by 1 metre around the corner.

Batchworth Community Councillor Diana Barber stated the Community Council primary objection was to the balcony at the rear of the building. Both the rear and the façade compromise the privacy of the neighbour at No.46. Once again we have architects and applicants showing disregard and almost contempt for our planning officers and building what they exactly want to do, without the regard for the permitted development. Our objections have been previously submitted and we wish to support Councillor Debbie Morris and the neighbours at No.46 Sandy Lodge Road and ask for a refusal.

The Planning Officer responded that as the officer's reports set out there is an acceptance that the current situation in front of the Committee is unacceptable from the first floor balcony due to the fact that it enables flank views directly into the neighbours private area and habitable spaces. The Planning Officer thought a privacy screen would be the most effective way in dealing with mitigating that particular issue. Condition C2 sets out that within one month of the date of the decision, if approved, details of the glazed privacy screen should be submitted and if approved then should be installed as per those approved details for the depth of the balcony. It is proposed to be a glazed privacy screen but there could be some discussion as to whether it should be a solid retaining wall and presumably a rendered wall so that it blends in with the rest of the house. The fact that the condition is included would safeguard the residential amenity of neighbouring occupiers. The Officer appreciated that that many home owners deviate from their plans which is not an offence. The planning enforcement department is the mechanism that ensures that we bring these applications to the Planning Committee for consideration. If Planning Permission was Granted the reason to safeguard the resident next door would be through the privacy screen in the opinion of officers.

Councillor Matthew Bedford sought clarification on the plans, and assumed the balcony was the in the middle at the top of the plan. They thought it was unacceptable the balcony but did not seem to tie in with the plans. The Planning Officer confirmed this and advised there was a glazed roof which could be walked upon and that the balcony was at first floor level. The Case officer when standing on the balcony had concerns on the elevated views to the private area of the neighbour and the private rooms hence the reason why the privacy screen should screen views to the flank. To the other neighbour it is shielded by the gable. .

Councillor Chris Lloyd said having listened to the three speakers what is there to stop us to request the privacy screen to be of a height of more than 1.8 metres. There are two options to either take the balcony down or to help both neighbours I would suggest that there should be a screen that you cannot see through and put this forward to the Committee.

Councillor David Raw wanted clarification on what Councillor M Bedford had stated about the drawing not showing all of the neighbour's house.

The Planning Officer clarified that there is no requirement to show the full extent of neighbouring properties and it would also be indicative as they would not have been surveyed. The officer report sets out the scene and when the officer visited the site and stood on the balcony their concerns are as set out in the report. There was overlooking to No.46 and to offset that harm a privacy screen would be required otherwise it would be unacceptable without the condition.

Councillor Philip Hearn said the current situation was not acceptable on the neighbour but would like to know how this is rectified or if the balcony did not exist at all. In the Three Rivers design criteria around development it should not include balconies at first floor or conservatories which overlook neighbouring properties in any degree. There was a large hedge bordering the properties and if a screen or a wall was to go up would there be any overlooking of the neighbours property. If it was a screen, would you be able to see anything through it and was moving towards having a wall as you could not see anything through it.

The Planning Officer explained on the overlooking aspect, clearly with any house you would get views of neighbouring gardens because of the elevated positioning that you are standing at. A privacy screen or a wall, if that is what is what is decided, would stop any flank views which you would generally not see from windows as they be angled to make it difficult but not impossible. The obscurity is important as if it would still enable people to see people then there is a perception of overlooking. The condition is worded in such a way that we seek details of the obscurity level although it would be an officer judgement on the screen as part of the application. If there are concerns with the screen officers could amend the condition to say notwithstanding what is shown on the plans a 1.7 metre rendered wall or extension of the retaining wall up to a height of 1.7 metres is built within a number of months. That is an option available to Members if they believe it is a more suitable alternative.

Councillor Chris Lloyd said that was what they proposed, a wall, but at 2 metres.

Councillor Raj Khiroya said the report indicated there was an enforcement enquiry currently taking place which they thought was to do with the balcony and sought clarification.

The Planning Officer advised that planning permission had been granted for various extensions before but the report was being received as the works were not done in accordance with the planning permission with a number of deviations. The Committee are only discussing one of them tonight. As mentioned in the update there are two flank windows in the gable to the left which was refused recently and is subject to an appeal but is not included as part of this application? One of the changes was that the first floor balcony was not originally approved and was just a roof with windows. As part of the site visit and the enforcement investigation we wrote to the owners to make them aware of the breach and we set out a number of actions with one being to build in accordance. As Members will be aware the Town and Country Planning Act enables householders to make retrospective planning applications. The applicant had submitted this application to formalise things but during the discussions officers have advised that it is unacceptable as originally submitted as it omitted any reference to a privacy screen. If granted and the enforcement investigation has gone full circle the Committee if granting permission would be subject to that condition as an appropriate mechanism to prevent the overlooking and the harm the resident is currently receiving.

Councillor Phil Williams asked about the hedging and whether this was protected in the Conservation Area.

The Planning Officer advised that hedging was not protected but trees over a certain height and girth are protected. We would not be reliant on hedging as a boundary treatment. Where hedging does enable a specific planning purpose for preventing overlooking then we can look at this. Hedges can die and could be diseased or damaged from a storm and do not have an immediate impact. In our view the screen itself would be more than sufficient to mitigate the current harm. Currently the screen proposed was to the depth of the patio and did not see a reason for it to wrap around but that is a judgement for Members. The key views to avoid were the flank views to prevent the harm.

If the Committee decided to refuse the application it would be on the owners to appeal the decision, like they have done on the rooflight application which was refused recently. At an appeal the Inspector might consider that a screen is not required, or that an obscure screen is fine and Members have to take the risk if the application is refused that someone else may come to a different decision. If the Committee did grant permission they could have some comfort in having some control on what goes on the balcony.

Councillor Phil Williams seconded Councillor Lloyd's motion that we accept the application with the amended condition on the privacy screen on the balcony.

It was clarified by Councillor Lloyd that what they proposed was a solid privacy screen and rendered to match the rest of the house so that you could not see through it.

Councillor Sara Bedford said just because the Committee might set an onerous condition does not mean the applicant cannot appeal the decision and get a glass screen put there if they want. We had this a few months ago with another application where they wanted one sort of cladding and we wanted another and they appealed the condition and got a different sort of cladding and the landscaping condition removed.

The Chair advised that the condition advised a height of 1.8 metres to the height of the retaining wall.

Councillor Raj Khiroya moved an amendment that it should be a minimum of 2 metres. The Chair advised this would depend on the height of where the gable end finished and did not think you could go higher than that.

The Planning Officer advised they would generally condition something to be 1.7 metres minimum but we could make sure the condition is clear that it goes up to the eaves point. They also advised before any vote was taken they clarified that any decision would have to incorporate the change to the officer recommendation as representations could still be received and these would need to be delegated to the Director and we would also be moving across one of the conditions to impose previously no additional windows so that would be added along with an amendment to say notwithstanding the details on some of the plans submitted that a solid retaining wall up to the eaves would need to be erected for the depth of the first floor patio which could be circulated to Members if required.

Councillor Chris Lloyd, seconded by Councillor Phil Williams moved that the decision be delegated to the Director of Community and Environmental Services to grant retrospective planning permission in accordance with officer recommendation

with amendment to Condition 2 to require rendered solid brick privacy screen to the eaves height and with additional condition preventing the insertion of any further windows.

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

RESOLVED:

that the decision be delegated to the Director of Community and Environmental Services to grant retrospective planning permission in accordance with officer recommendation with amendment to Condition 2 to require rendered solid brick privacy screen to the eaves height and with additional condition preventing the insertion of any further windows.
Condition C2 to read as follows:

PC 77/22 22/1309/RSP - Part Retrospective: Alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens at SANDALWOOD, 7A WOLSEY ROAD, MOOR PARK, HA6 2HN

The Planning Officer reported that Paragraph 7.2.3 of the officer report should read "that the garden levels had been increased by a maximum of 0.6 metres in parts rather than the stated 0.3 metres. This change does not alter the current assessment. Written comments had been received from the Conservation Officer stating that the proposed alterations to the rear would not result in any additional harm to the character and appearance of the Moor Park Conservation Area and would not raise an objection. The Landscape Officer had also confirmed in writing that no protected trees would be affected and raised no objection to the scheme in terms of the impact on the trees.

Councillor Philip Hearn moved the deferral of the application for a site visit.

Councillor Sara Bedford felt there should be discussion on the application before moving to decide whether to make a site visit and wanted to understand why a site visit was required.

Councillor Philip Hearn said the reason for deferring the application was that some photos had been provided which could mean there could be an impact on the amenity of the neighbours and it would be useful to see this from both the application site and the neighbours. They were not able to fully understand the impact on the neighbours from the photos.

Councillor Matthew Bedford felt the Committee had sufficient information to consider the application.

Councillor Andrea Fraser stated they thought it was very important that a site visit be conducted because the balcony was a lot simpler than this application and it seemed to be more complex and seconded the proposal to defer the application.

On being put to the Committee the motion to defer the application for a site visit was LOST by the Chair the voting being 3 For, 4 Against and 3 Abstentions.

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

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

Councillor Debbie Morris stated that this is another intrusive and unneighbourly development which was considered to be acceptable by the addition of privacy screens. There would be rather a lot of them running along the sides of the patio which had the footprint of a small house. The reason why privacy screens have been recommended is because the neighbours at No.9 Wolsey Road have lost their privacy because of the development asked for. This is another contrived form of development which is a development only deemed acceptable by additional features that would never otherwise be present. Councillor Morris had been to No.9 and had seen the impact that the development at No.7a has had on their conservatory, patio and garden. Councillor Morris understood why they are so concerned about this development. There was no one on the patio at No.7a but it was clear that anyone there would have a great view into the garden of No.9. Those living at No.9 would no longer be able to use their patio. The raised patio is higher than the boundary fence and the vegetation and the materials proposed for the screen and obscured glazing will not stop those at No.7a from seeing through to some extent. The screens themselves add to the dominance and bulk of the development but putting in a solid wall would only make it worse. There is no solution that permits this development whilst not causing considerable harm to the neighbour amenity. This application should be refused. The plant room roof sits on the boundary of No.9 and is 3.8 metres above the lower ground level. The proposed boundary treatment of ornamental trees would do nothing to shield those at No.9. The development is harmful to No.9 and although privacy screens may work for first floor balconies they don't work here and we should not rely on vegetation for screening.

Community Councillor Diana Barber stated that the Community Council strongly object to this retrospective application and requested its refusal. This is about protecting Batchworth's wider Conservation Areas and not just Moor Park. In the earlier approved application the extent of the patio was a lot less significant in terms of its depth, height and prominence. The significantly increased raised patio as implemented, was done without any attempt to seek approval and was not included in any earlier applications or in the consented application. The planned 1.8 metre perplex screen proposed is nearly 6ft on top of a higher patio, that projects 16.5ft from the rear wall of the house, it is not fitting or appropriate for the Conservation Area. The Moor Park Conservation Area appraisal states that extensions should not result in overlooking and not be prominent to overlooking adjacent properties. This application meets neither of these requirements. The increased height of the patio definitely effects the privacy of the neighbour particularly at No.9. Further complex problems arise due to the landfill from No.7a's basement excavation not being removed but spread over the garden. This has increased the height of the garden level by approximate 1 to 2 ft. This is going to have a negative effect on the existing trees and landscaping. The hedgerow and trees originally located on the northwest side of No.7a have been removed and the hedgerow at No.9 was damaged during the works. The applicant must be aware that this

was a breach of a permitted decision and have ignored Three Rivers advice. The applicant should be forced to revert to the original consented scheme. If this requires the removal of the illegally constructed work Batchworth Council would support enforcement action to enforce such a decision

The Planning Officer stated that this is very similar to the previous application as mainly the discussion was around whether a screen of sorts would be acceptable to offset the harm and whether or not that would have an impact on the wider Conservation Area. The points mentioned referring to the material spread the Landscape Officer had not objected to but agreed that the garden levels had been altered but not significantly or substantially enough for the damage to occur to the trees to warrant an objection. The Conservation Officer had not objected to the imposition of privacy screens.

Councillor David Raw asked if the Committee were to refuse the application would they have to remove the patio as it is and refer to the original plan? The Planning Officer advised that if this application was refused they could appeal. The Council could serve an enforcement notice requiring the works to revert back to what was previously approved which did give consent to a raised patio albeit the element closest to No.9 being much lower and did not incorporate a plant room.

Councillor Matthew Bedford referred to the photos and said the real problem was the roof of the plant room and the fact that people could go and stand on that raised area which was very close to the boundary.

The Planning Officer confirmed that the objector had raised comments on people being at an elevated height of the plant room which was visible. The patio height was at the same level but the element the neighbours were concerned about was overlooking from the plant room. However from the plans the privacy screens wrap around the plant room and are inset from the boundary relatively substantially from where it is most deepest. There is also a condition attached which states that the plant roof should not be accessed for amenity purposes. The screen itself would provide a degree of blockage to the plant room however other concerns highlighted were the privacy screens themselves which may cause an impact on neighbours in terms of overbearing or impacting on the Conservation Area.

Councillor Matthew Bedford said would an alternative be if the screen came straight down to the house and no access allowed to the part on the right of the plant room which would mean no access from the room with the French doors.

The Planning Officer said that would be something for Members to propose. We are basing our decision on the current plans where we believe the privacy screen inset and staggered would be sufficient to prevent any overlooking and not overbearing due to the separation distances and the boundary screening which would partially mitigate it to a degree. Being its location at the back and being a relatively contemporary house in Moor Park it is not considered that privacy screen(s) would adversely affect the host property or the wider Conservation Area. If this was a Pre 1958 house then you could argue a glazed privacy screen would have more harmful impact but based on the site circumstances today it was officers view it would be acceptable.

Councillor Sara Bedford said you could put a screen in but when you came out of the doors you would walk straight into a wall but by taking it in you not only prevent access onto the roof, although didn't understand why you needed access, the screen would be further away from the next door neighbour and appears smaller and less obtrusive to the neighbour.

The Planning Officer advised that if that was an option that Members would agree the application would need to be deferred to allow officers to have those discussions as ultimately there would still be a raised element immediately in front of the door which opens out into that space.

Councillor Sara Bedford moved that the application be deferred but only to enter into discussion on the extent and position of the privacy screen with the applicant and not to visit the site as this was lost earlier in the meeting. This was seconded by Councillor Chris Lloyd.

On being put to the Committee the motion was declared CARRIED by the Chair 8 For, 1 Against and 1 Abstention.

RESOLVED:

Application deferred for further discussions with applicant regarding position/extent of privacy screen(s).

PC 78/22 22/1573/FUL - Change of use of land to provide for 4no. additional pitches for residential purposes together with the formation of hardstanding and driveway at LITTLE LIZ, OLD HOUSE LANE, KINGS LANGLEY, HERTFORDSHIRE, WD4 8RS

The Planning Officer reported that there are a few points to update in respect of the conditions. There is no standard time limit condition. Officers had noted that if Members are minded to approve the application it would be added. Condition 5 is in respect of landscaping and the wording has been amended slightly to ensure that all the approved planting shall occur in the planting season in the event that planning permission is granted and the landscape maintenance plan is carried out on the commencement of the development. An additional condition is suggested requiring all the caravans to be laid out in accordance with the submitted site layout plan.

Councillor Philip Hearn sought clarification on the photos as the most recently taken photo showed some changes to the site to earlier in the year.

The Planning Officer replied the most recent photos were taken last Friday (16 December) and as the report sets out some of the trees that were originally planted as part of the replanting notice have been repositioned. Details were provided on the area where the caravans would be repositioned to.

Councillor Sara Bedford had a lot to do on the trees on the site over the years and wondered if any part of this site which was originally covered with trees and should have been part of the replanting order now was going to be used for the development.

The Planning Officer stated that the woodland previously surrounded the whole of the existing travellers site. In 2020 there was tree removal and as part of the

enforcement work done by other Planning Officers there was a replanting notice and 200 trees were replanted by the applicant, which was found to be satisfactory by the Forestry Commission. This application has now been submitted subsequently and they are proposing to extend into what was formally the woodland. As previously stated some of the trees that had been previously planted had been repositioned.

Councillor Sara Bedford felt what the Council were doing was allowing them to be rewarded for breaking the law.

The Planning Officer clarified that the report at Paragraph 9.8 talks about intentional unauthorised development and officers cannot without uncertainty conclude whether the 2020 tree removal was a prerequisite to this application. There is no proof to state they are linked.

Another Planning Officer clarified that the unauthorised woodland clearance happened very quickly with no evidence. It was a substantial woodland that was historically there before this was a traveller's site and covered a far greater area and almost covered the entire site. However overtime trees have been removed and the traveller's site was granted permission. In 2020, during the pandemic, a decision had to be taken based on the evidence we had and an injunction was put in place which limits and controls what else can be done on the site. In respect of replanting again the mechanism that was available to the Council was a replanting notice. There were issues with that in terms of enforcement if this was not complied with and the onus being based on the Council to replant them and recoup the costs. It was decided at the time that we would try our best and negotiate a landscaping scheme in addition to the advice from the Forestry Commission. In excess of 250 trees were planted, yes the Council would have wanted more but we had to take a decision and what we got was the best we could have got based on a number of circumstances and the evidence that was with us at the time. This application does encroach into what was previously a woodland which has been covered in the report. It has been highlighted that this is inappropriate in the Green Belt and the impact that it has on its character. However this application does enable us to have the ability to have a further enhanced landscaping scheme as the previous officer had set out under Condition 5 which the applicant had agreed as a pre-commencement condition to all boundaries of the traveller's site. A landscape management scheme would need to be submitted to ensure those trees including numbers, species and any existing trees that need to be repositioned, number of plants, the size of the planting and how they would be protected until fully established is all secured. Concerns were raised that this has potentially enabled this further application however unauthorised intentional development is a material consideration especially in Green Belt and is usually used for these types of applications when encampment has occurred. Ordinarily we would have expected the tree removal to have happened and something immediately after but that had not happened and it had been over two years since the works took place. Our ability to give any material weight to that removal is diminished. Members could come to a different view based on the material considerations. There are a number of details in the report which favour the applicant in terms of the need for pitches, the lack of alternative sites and that there is no policy or 5 year plan for travellers and gypsy sites in the District. The District is predominantly covered

in Green Belt and any further pitches that may come forward are likely to be in the Green Belt and in a more harmful location.

Councillor David Raw agreed with Councillor S Bedford's comments. On the removal of trees they should be planted back in the same space.

Councillor Phil Williams asked if there will there be a net gain or a net loss in regards of the trees from what was on the site 5 years ago.

The Planning Officer replied it was impossible to provide what was there originally and was all done as part of the M25 works as part of the mitigation of the M25 itself. There was some substantial screening and is different to what you see now. What we are trying to achieve here is that another 10 metres either side will allow for more landscaping although this will take time but any replanting notice would have taken time. There are some issues with some of the ground conditions here to get trees to maturity which was why we agreed the level we did. The injunction stopped any further encroachment which was our most important concern initially. It would not result in a net gain of trees but the condition tries to do its best in mitigating that impact and to screen the development.

Councillor Sara Bedford said there are certainly not more trees and there are much smaller trees. Even if this Committee chooses to refuse it would be given on appeal regardless of the harm that they do and regardless of the trees that are removed.

Councillor Philip Hearn reluctantly proposed the recommendation, as if we refuse it, it would overturned at appeal seconded by Councillor Phil Williams.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 5 For, 1 Against and 4 Abstentions.

RESOLVED

That Planning Permission be Granted in accordance with the conditions and informatives set out in the officer report.

PC79/22 ADJOURNMENT OF THE MEETING

The Chair proposed, seconded by Councillor Matthew Bedford, that the meeting be adjourned to be reconvened on Thursday 5 January 2023 as it would be not be possible to complete the two remaining applications on the agenda this evening, the items of business being:

22/1776/FUL - Construction of a single storey rear extension and alterations to patio at 31A TROWLEY RISE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0LN

22/1658/RSP - Retrospective: Part demolition of existing single storey side extension and construction of two storey side and rear extension with balcony, two storey rear extension, single storey rear extension with balcony, loft conversion including dormers to front and rear and roof lights, alterations to fenestration and extension and alterations to terrace including landscaping works and alterations to land levels at KEEPERS LEA, OLD SHIRE LANE, CHORLEYWOOD, HERTFORDSHIRE, WD3 5PW

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

RESOLVED:

Agreed that the meeting be adjourned to be reconvened on Thursday 5 January 2023 to consider the following items of business:

22/1776/FUL - Construction of a single storey rear extension and alterations to patio at 31A TROWLEY RISE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0LN

22/1658/RSP - Retrospective: Part demolition of existing single storey side extension and construction of two storey side and rear extension with balcony, two storey rear extension, single storey rear extension with balcony, loft conversion including dormers to front and rear and rooflights, alterations to fenestration and extension and alterations to terrace including landscaping works and alterations to land levels at KEEPERS LEA, OLD SHIRE LANE, CHORLEYWOOD, HERTFORDSHIRE, WD3 5PW

CHAIR