HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the meeting held in Council Chamber, Civic Offices, Elstree Way, Borehamwood

13 November 2014

Present:

Voting Members:

Councillors Silver (Chairman), Clapper (Vice-Chairman), Worster (Vice-Chairman), Butchins, Gilligan, Lyon, Quilty, Turner and West

Also Present:

Councillors Dr Cohen, Keates and Swerling

Officers:

C Hayes Principal Lawyer
B Leahy Development Team Manager
A Jarratt Enforcement and Appeals Team Leader
S Richards Senior Planning Officer
N Eagle Planning Officer
S Di Paolo Democratic Services Officer

315. MEMBERSHIP

Noted that, since the publication of the agenda, Councillor Graham had been replaced by Councillor West as a member of the Committee.

316. COMMUNICATIONS AND APOLOGIES

Officers had tabled papers detailing amendments and additional information in connection with the applications on the agenda, copies of which had been made available to Members of the Committee, the press and the public.

Apologies for absence had been received from Councillor Galliers.
317. DECLARATIONS OF INTEREST

Councillor Quilty declared an interest in item 5f) 14/1186/FUL – Land rear of 15-17 London Road, Bushey as he and his family were regular users of the surgery, and the osteopath at 15 London Road. He undertook to withdraw from the meeting while this application was considered.

318. MINUTES

RESOLVED that the minutes of the meeting of the Committee held on 16 October 2014 be approved and signed as a correct record.

319. PLANNING APPLICATIONS FOR DETERMINATION AT THE MEETING

Consideration was given to the planning applications listed at Item 5 of the agenda and the amendments and additions sheet as tabled by officers.

319.1 14/1248/FUL - Land to the rear of 12-14 Oundle Avenue, Bushey, Hertfordshire

Noted the receipt of additional information as set out in the tabled addendum.

Mr S Warner of Heronslea, High Street, Bushey spoke in favour of the application as the applicant.

Miss S Verdon of Oundle Avenue, Bushey spoke against the application on behalf of neighbouring residents.

Councillor Swerling spoke against the application as Community Advocate on behalf of residents of Oundle Avenue. She voiced concern as to the impact of the proposed development on the residents of the neighbouring bungalows with regard to the safety of the proposed narrow access, the loss of parking provision, and the impact on these properties of the back garden development. The 1m gap between the entrance doors to 12 and 14 Oundle Avenue and the vehicular access was not sufficient to meet the requirements of Part 9.72 of the HBC Planning and Design Guide and would not provide an acceptable level of amenity for these properties. Also, the following policies should be considered: Paragraph 53 of the National Planning Policy Framework (NPPF) relating to the development of residential gardens; Local Plan Policies: H10 regarding a proper means of access that was convenient and safe; H8(i) regarding size, height, mass and appearance: CS25 regarding parking provision.
In response to questions from Members, officers explained that:

- the proposed new access meant that the proposals were considered to be for backland development, and not tandem development;
- as there were no parking restrictions on Oundle Avenue and no apparent pressure on onstreet parking, it was officers' view, in consultation with the Highways authority, that the proposed changes to parking provision were acceptable;
- no confirmation had been obtained from the Fire Authority as to whether the proposed access was sufficient to allow access for a fire appliance.

Discussion followed regarding the implementation of planning guidelines and their implications for this application.

Councillor Quilty proposed, seconded by Councillor Gilligan, that planning permission be refused because the proposed development breached Policy M2 of the Hertsmere Local Plan, Policy CS 25 of the Hertsmere Core Strategy 2013, the Hertsmere Parking Standards Supplementary Planning Document (SPD) and Part 2 of the Hertsmere Planning and Design Guide 2013. The development would have the consequential effect of two properties which currently had sufficient parking provision, 12 and 14 Oundle Avenue, having substandard parking as per the parking guidelines.

RESOLVED that planning permission be refused.

Reasons for refusal

The proposed development breaches the following policies: M2 Hertsmere Local Plan; CS25 of the Core Strategy 2013; Hertsmere Parking Standards SPD 2013; Part D of the Hertsmere Planning and Design Guide 2013. The proposed development would have the consequential effect of creating substandard parking provision for the adjacent properties at 12 and 14 Oundle Avenue, and this would not be compliant with the Hertsmere parking guidelines.

Councillor Swerling left the meeting at this point, at 6.54 pm and did not return.
319.2 14/1111/FUL - Land South of Elstree and Borehamwood Station and Adjacent to Coleridge Way and Byron Avenue, Borehamwood, Hertfordshire

Noted the receipt of additional information as set out in the tabled addendum.

Miss I Longmuir of Rapleys, King Street, Manchester spoke in favour of the application as agent for the applicant.

Mr A Lewis of Wordsworth Gardens, Borehamwood spoke against the application on behalf of the Elstree and Borehamwood Residents Association.

Members raised concerns about the development increasing pressure on local on-street parking, the removal of trees from the site, on-site parking management and site security, and inadequate separation distance from the flatted developments. The proposed affordable housing provision was welcomed.

Officers explained that:

• the proposed parking provision was considered to be sufficient because of the sustainable location close to the railway station and local bus routes. Parking was expected to be contained onsite;
• the tree officer had commented that it was now acceptable to develop the site; the proposed layout would allow the retention of the majority of the existing trees. The provision of a further landscaping schedule that satisfied the ecologist and the tree officer would be conditioned. Tree Preservation Orders (TPOs) sought to control removal, not to automatically prevent development;
• only two small end blocks on the flatted developments would be non-compliant with regard to separation distances. These elevations would only contain bathroom windows so the shortfall of 5m was not considered to be significant. The rest of the proposed development was policy compliant;
• the site had been allocated 50 units in the Council’s Housing Strategy;
• Section 106 funding would be provided for an off-site play space, on land owned by Taylor Wimpey in a location within close proximity to the site. As the land on which the off-site play area was to be provided was currently under the ownership of Taylor Wimpey, the details of the transfer of the site to the Council would be secured in the Section 106 Agreement.
It was proposed and seconded that any planning permission should include conditions/planning obligations requiring:

- the provision of a management strategy for the communal parking facility, to include the maintenance of adequate parking provision and management of the communal parking to avoid indiscriminate parking;
- the provision of security lighting for the car park;
- the transfer to Hertsmere Borough Council of the ownership and management of the off-site play space.

**RESOLVED** that:

1. powers be delegated to the Development Team Managers to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act prior to the 28th of November 2014;

2. the planning permission include conditions/planning obligations with regard to:
   - the management of the communal parking facility;
   - the provision of security lighting for the car park; and
   - the transfer of the ownership and management of the off-site play space to Hertsmere Borough Council;

3. should the agreement or unilateral undertaking under Section 106 not be completed and signed before 28th November 2014, the Development Team Managers be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

   > suitable provision for affordable housing, public open space, public leisure facilities, playing fields, greenways, cemeteries, allotments, museum and cultural facilities, and section 106 monitoring has not been secured. Further, suitable provision for primary education, secondary education, nursery education, child care, youth, libraries, fire hydrants and sustainable transport measures has not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS21 of the Core Strategy (2013), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).
At 7.25 pm the Chairman announced a short break. Councillor Dr Cohen left the meeting at this point and did not return.

The meeting reconvened at 7.38 pm.

319.3 14/1149/FUL - 1-21 High Firs, Gills Hill, Radlett, Hertfordshire

Noted the receipt of additional information as set out in the tabled addendum.

Mr J Parkinson of High Firs, Gills Hill, Radlett spoke in favour of the application as the applicant.

Ms C Apcar of Apcar Smith Planning, Theobald Street, Borehamwood spoke against the application on behalf of a number of local residents.

Councillor Clapper explained that she had called the application in to Committee for decision because of concerns regarding the height of the proposed development, which could be considered to be dominant in the street scene.

In response to questions from Members, officers explained that the development would be substantially screened and that Paragraph 60 of the National Planning Policy Framework regarding architectural styles had to be taken into consideration as well as local policies.

**RESOLVED** that planning permission be granted subject to a Section 106 agreement. Should a signed and completed Section 106 agreement not be completed by 1st Dec 2014 then the application will be liable for CIL charges in accordance with the Councils agreed charging schedule.

Councillor Keates joined the meeting during consideration of the above item, at 8.03 pm.

319.4 14/0584/FUL - 199 Watling Street, Radlett, Hertfordshire WD7 7NQ

Noted the receipt of additional information as set out in the tabled addendum.

Mr P Coward of Station Approach, Radlett spoke against the application on behalf of the owners of neighbouring properties.

In response to Members concerns regarding the impact of the proposed development on the already congested highway and parking provision, officers explained that the planning appeal decision overturning the Council’s refusal of permission for development on the adjacent Fire
Station site, and the lack of objection by highways officers, meant that it was not possible to object to this application on highways grounds.

Officers confirmed that Condition 18 (d) with regard to wheel washing would include the following additional text: “(including appropriate drainage provision)” and that this would be included in the standard condition in future.

A member expressed concern that there could be sheet asbestos on the site which would require care to be taken on demolition.

**RESOLVED** that:

1. powers be delegated to the Development Team Manager to Grant Planning Permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act prior to the 28th of November 2014;

2. the words “(including appropriate drainage provision)” be included in Condition 18 (d) – siting and details of wheel washing facilities;

3. that an informative that there may be asbestos on the site and care should be taken with demolition be included;

4. should the agreement or unilateral undertaking under Section 106 not be completed by 28th of November 2014, the Development Team Manager be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

   suitable provision for affordable housing, public open space, public leisure facilities, playing fields, greenways, cemeteries, allotments, museum and cultural facilities, under provision for on site amenity and section 106 monitoring has not been secured. Further, suitable provision for primary education, secondary education, nursery education, child care, youth, libraries, fire hydrants and sustainable transport measures has not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).
319.5 14/1544/FUL - 2 Loom Lane, Radlett, Hertfordshire WD7 8AD

Noted the receipt of additional information as set out in the tabled addendum.

Parish Councillor Mrs V Charrett of Theobald Street, Radlett spoke against the application on behalf of Aldenham Parish Council.

Members expressed concern about the impact of the scale, mass and bulk of the development on the conservation area, and highway safety in respect of the road junction. Officers acknowledged that it was a sensitive site but explained that it had been sought to protect the setting, and that the design had been formulated under highways guidance.

Councillor Worster proposed, seconded by Councillor Gilligan, that the application be refused because of the impact of its scale, mass and bulk on the surrounding conservation area, contrary to Local Plan Policies H8, D21 and D20, Policy CS22 of the Core Strategy 2013, and the Planning and Design Guide SPD.

RESOLVED that planning permission be refused.

Reasons for refusal

The application was refused because the scale, mass and bulk of the proposed development, being greater than that of the local listed building, would be detrimental to the local street scene, adversely dominate the listed church and would fail to add to and enhance the conservation area, contrary to Hertsmere Local Plan Policies H8, D21 and D20, Policy CS22 of the Core Strategy 2013, and the Hertsmere Planning and Design Guide SPD.

At 8.58 pm the Chairman announced a short break. Councillor Clapper left the meeting at this point and did not return.

At 9.07 pm the meeting reconvened. Having previously declared an interest in the following application, Councillor Quilty withdrew from the meeting while it was considered.

319.6 14/1186/FUL - Land Rear of 15-17 London Road, Bushey, Hertfordshire

Noted the receipt of additional information as set out in the tabled addendum and additional response from the highway authority.

Mr J Holmes, of Aitchison Raffety, High Street, Berkhamsted spoke in favour of the application as agent for the applicant.
Mrs G Morton of London Road, Bushey spoke against the application on behalf of neighbouring residents.

Councillor Keates spoke in favour of the application as Community Advocate. He explained that two medical practices would be relocating to the site, of which one was the applicant. He noted, in the interests of balance, that he was a patient of the other surgery and also of Mr Morton at 17 London Road. The two practices had experienced an over 10% increase in patient numbers in the last 6 years, and a further 10% increase was projected for the next 3 years. Finding a suitable site had been very difficult. The outlook from 15 and 17 London Road would be over the extensive roof area; this had been discussed with the applicant and it was hoped that the developer would be able to come to a satisfactory accommodation with Mr Morton. The new facility was desperately needed.

RESOLVED that planning permission be granted subject to conditions as set out in the officer’s report and additional conditions as contained in the response from the highway authority.

Councillor Quilty returned to the meeting at this point, at 9.26 pm. Councillor Keates left the meeting and did not return.

319.7 13/2386/FUL - Bridge Court, Mutton Lane, Potters Bar, Hertfordshire EN6 2AW

Noted the receipt of additional information as set out in the tabled addendum.

In response to concerns raised by members regarding the reduction in car parking, officers confirmed that the site was within the accessibility zone and there would be 11 spaces for 8 flats. There would be room for refuse vehicles to manoeuvre; the highways authority had no concerns.

Noted that it was not possible to impose a clawback provision with regard to affordable housing provision because this was a retrospective application and the units had already been sold; and that the grass area would be used as amenity space.

RESOLVED that planning permission be granted subject to a Section 106 agreement. Should a signed and completed Section 106 agreement not be completed by 1st Dec 2014 then the application will be liable for CIL charges in accordance with the Council’s agreed charging schedule.

(Action: Development Team Managers)
320. **OTHER PLANNING APPLICATIONS**

Noted the non-determined applications more than eight weeks old, as set out at Item 6 of the agenda.

321. **PLANNING APPEALS AND ENFORCEMENT OF PLANNING CONTROL**

Noted the following, as set out at Item 7 of the agenda:

a) planning appeals, and  
b) enforcement of planning control.

Members thanked the Planning Enforcement team for the improvements in enforcement performance.

322. **DATE OF NEXT MEETING**

Noted that the next meeting of the Committee was scheduled for Thursday 11 December 2014 at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

**CLOSURE: 9.37 pm**

CHAIRMAN