HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

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

16 October 2014

Present:

Voting Members:

Councillors Silver (Chairman), Worster (Vice-Chairman), Butchins, Galliers, Gilligan, Graham, Griffin, Lyon, Quilty and Turner

Also Present:

Councillors Batten, West and Winters

Officers:

G Wooldrige Director of Environment
C Hayes Principal Lawyer
B Leahy Development Team Manager
A Jarratt Enforcement and Appeals Team Leader
M Cahill Senior Planning Officer
S Di Paolo Democratic Services Officer

272. MEMBERSHIP

Noted that, since the publication of the agenda, Councillor Clapper had been replaced by Councillor Griffin as a member of the Committee.

273. 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.

274. DECLARATIONS OF INTEREST

No members had an interest to declare in relation to the agenda items for this meeting.
275. **MINUTES**

RESOLVED that the minutes of the meeting of the Committee held on 11 September 2014 be approved and signed as a correct record.

276. **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.

276.1 **14/0449/FUL - 61-63 Bushey Hall Road and Abbeyfield Society Walker Lodge, Ashlyn Close, Bushey, Hertfordshire**

Miss A Jones of High Holborn, London spoke in favour of the application as the agent of the applicant.

Mr I Shermer spoke against the application on behalf of the Grove Hall and Ashlyn Residents’ Association.

Councillor Winters spoke against the application as Community Advocate on behalf of local residents. He noted that the property had been gifted to Abbeyfields and was subject to covenants limiting any development to six semi-detached houses. He likened the proposals to a 2012 application for The Paddocks, Elstree Road, which had been refused on appeal because of the impact of its appearance on the adjacent residential areas. He raised concerns about the scale of the development, which would be on a larger scale than neighbouring properties, contrary to local policies H8(1), D21 (i) and (iii), and overlooking from Villa B contrary to policies 9.4.2 (a)(b)(c)(d)(e) and (i), and 9.2.2 (c), which sought to protect the neighbouring amenities. Public transport links were not close enough; local traffic conditions had not been taken into account; parking would not be adequate; C2 use parking conditions were being applied without evidence that staff would be on site at all times (as required for C2 use). Also, details as to who would be living in the development were vague. Parking facilities for deliveries and service vehicles had not been provided, contrary to Local Parking Standards C4 and C3. The applicant had not properly consulted the local community about the proposals.

During debate, Members raised concerns about:

- the size, mass and bulk of the proposed development in the local context, particularly in respect of Villas B and C, and loss of sky
view. This would be particularly overbearing because of the sloping site;
- insufficient amenity space;
- the possibility that the C2 use might change in future;
- it was not possible to assess whether the car parking provision would be adequate because no information about staff deployment had been provided. Also, it was possible that some units would be sold as shared ownership, in which case car parking was likely to be inadequate, and public transport facilities in the area were limited.

In response, officers explained that:
- the separation distances, amenity provision and car parking provision met policy requirements for C2 development. Villa A would be of similar height to its surroundings; Villa C would not be dissimilar in terms of general bulk and mass. Villa B had been designed to be an ancillary element of two storeys, with a flat roof, and low key cladding;
- the sensitivity of the C2 use was acknowledged, and the minimal care package would be bound up in the legal agreement; care would vary according to individual circumstances. With regard to the Paddocks appeal, the inspector had accepted the C2 designation, so officers had pursued an identical approach with regard to this application. An applicant could seek C3 use but completely different standards would have to apply. Enforcement action would be taken if there were any deviation from C2 use.

Councillor Gilligan proposed, seconded by Councillor Quilty, that the application be refused because the general bulk, mass, and architectural approach (especially Villa B) is uncharacteristic in the context, which is primarily residential houses. The proposed development would therefore create an adverse impact on the surrounding area, dominate the street scene and fail to respect or improve the context of the adjacent properties, contrary to Local Plan policies H8 (i) and (iii), D21 (i) and (iii).

**RESOLVED** that planning permission be refused

**Reasons for refusal**

The general bulk, mass, and architectural approach (especially with regard to Villa B) is uncharacteristic in the local context, which is primarily residential houses. The proposed development would therefore have an adverse impact on the surrounding area, dominate the street scene and fail to respect or improve the context of the
adjacent properties, contrary to Local Plan policies H8 (i) and (iii), D21 (i) and (iii).

Councillors West and Winters left the meeting at this point, at 7.10 pm.

Councillor Silver declared a personal interest in the following application, as a resident of Merry Hill Road.

276.2 **14/0430/FUL - Land South of Merry Hill Road and St Margaret’s School, Merry Hill Road, Bushey, Hertfordshire**

Applications 14/0430/FUL and 14/0432/LBC were considered together then voted on separately.

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

Mrs R Hardy, Headmistress of St Margaret’s School, Merry Hill Road, Bushey, spoke in favour of the application on behalf of the applicant.

During debate members acknowledged that a case of special circumstances for development in the Green Belt had been established.

The Hertfordshire County Council Highways Officer confirmed that the highway authority could support the proposals; the applicant had worked with the authority throughout the application process and it was considered that the proposed development would not have a major impact on the highway network.

In response to Members’ concern that there could be traffic problems during the construction works, officers drew attention to proposed Condition 3 in respect of the provision of a Traffic Management Plan.

**RESOLVED** that:

1. Planning Permission be granted subject to conditions as set out in the officer’s report and completion of a S106 legal agreement;

2. should the Section 106 legal agreement not be completed by 14th November 2014, the Managers of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

   suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Further, monies towards primary education, secondary education, childcare, youth facilities, libraries and sustainable transport have
also 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).

276.3 14/0432/LBC - Land South of Merry Hill Road and St Margaret's School, Merry Hill Road, Bushey, Hertfordshire (Listed Building Consent)

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

RESOLVED that:

1. Listed Building Consent be granted subject to conditions and completion of a Section 106 legal agreement;

2. should the Section 106 legal agreement not be completed by 14th November 2014, the Managers of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Further, monies towards primary education, secondary education, childcare, youth facilities, libraries and sustainable transport have also 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).

Councillor Winters returned to the meeting at this point, at 7.44pm.
RESOLVED that:

1. Planning Permission be granted subject to a Section 106 legal agreement and conditions as set out in the officer’s report;

2. should the Section 106 legal agreement not be completed by 14th November 2014, the Managers of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Further, monies towards primary education, secondary education, childcare, youth facilities, libraries and sustainable transport have also 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 7.45 pm, the Chairman announced a short break. The meeting resumed at 7.58 pm, with Councillor Batten and Councillor Winters in attendance.

Mr J Brindley of The Gavel Centre, Porters Wood, St Albans spoke in favour of the application as agent for the applicant.

In response to questions from Members, officers explained:

• the provision of charging points for electric vehicles could be conditioned;
• there were no restrictions on previously developed Green Belt land being redeveloped for residential purposes; there was no policy against a change of use;
• the highway authority (HCC) had been consulted and a Section 106 contribution towards sustainable transport would be requested in relation to the number and type of units;
• there was a demand for three-bed houses in Bushey; the affordable housing element was based on local need.

Members welcomed the proposals as being an improvement on the existing use of the site.

RESOLVED that:

1. powers be delegated to the managers in Planning and Building Control to grant planning permission subject to the conditions set out in the officer’s report, an additional condition in respect of the provision of charging points for electric vehicles, and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act;

2. should the agreement or unilateral undertaking under Section 106 not be completed by 20/10/2014, the managers in Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

suitable provision for primary education, secondary education, youth facilities, libraries, sustainable transport, travel plan monitoring fee, public open space, public leisure, playing fields, greenways, cemeteries, police and crime, section 106 monitoring fee and amenity space has not been secured. As a consequence the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Core Strategy 2013 together with Planning Obligations SPD 2010 and the National Planning Policy Framework 2012.

276.6 14/0911/FUL - Elton House, Elton Way, Watford, Hertfordshire WD25 8HA

Noted the receipt of additional information as set out in the tabled addendum, which included the conditions proposed for the application.

Mr R Henley of Preston Bennett Planning, Stanmore, spoke in favour of the application as agent for the applicant.
Officers undertook to correct the reason given for Condition 23 in respect of a landscaping scheme.

Members requested that:

- ‘green walls’ be included in Condition 21 in relation to a landscape management plan, and a condition be included in respect of the management of the building in its entirety;
- The words ‘or occupied’ be added to the trigger point for a review mechanism in respect of affordable housing provision.

In response to Members’ concerns regarding access to/from the highway, officers confirmed that drivers would only be able to turn left from the A41 to enter and leave the site, and that it would not be possible to access the property via the Costco site.

**RESOLVED** that:

1. Planning Permission be granted subject to conditions as set out in the tabled addendum together with a condition in respect of a management plan for the building in its entirety and amended condition 21 to include green walls; and completion of a S106 legal agreement, including the requirement for the trigger point for the review mechanism in respect of affordable housing to be when 60% of the units have been sold **or occupied**;

2. should the Section 106 legal agreement not be completed by 28th November 2014, the Managers of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

   suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Further, monies towards primary education, secondary education, childcare, youth facilities, libraries and sustainable transport have also 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).
276.7 14/0769/FUL - A1 Shooting Ground, Barnet By-pass Road, Borehamwood, Hertfordshire

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

Mr Peter Ottery, planning consultant, spoke in favour of the application as agent for the applicant.

Members voiced concerns that the parking provision proposed would not be adequate and the proposed access road would become congested with parked cars.

Officers explained that development standards did not cover car park requirements for cemeteries so there was no technical guidance regarding provision. This challenge had been noted and referred to Planning Policy officers. It was officers’ view that the proposed access road would be inappropriate development in the Green Belt and therefore harmful to the Green Belt, and that improvements could be made to the existing access road.

RESOLVED that planning permission be refused.

Reason for refusal

NPPF and Policies C1, C4 & C17 of the Hertsmere Local Plan 2003 and Policy CS13 of the Core Strategy 2013 seek to ensure that for appropriate uses in the Green Belt such as cemeteries the facilities should be appropriate and preserve the openness of the Green Belt.

The proposed cemetery use would rely on access to be gained from a new road to be accessed from Rowley Lane. The new road would create a large area of hard surfacing on an area of open land between the earth bunds of the golf driving range and the A1 trunk road that serves as an open backdrop for users of that road, and this development is not considered appropriate development for the cemetery use, given that alternative improved access arrangements without the need for the main access road are available to be provided.

There would be an impact on the openness from the new access road due to the structural gabion wall supports necessary adjacent to the raised land levels and the road itself, that would make it visible below the canopies of the trees lining this route.

A case for a departure from Green Belt policy has not been made nor any special circumstances that add up to an argument for very special circumstances to offset the harm to the impact on the openness of Green Belt from the proposal. The proposal is therefore unacceptable and would be contrary to the NPPF and Policies C1, C4 & C17 of the Hertsmere Local Plan 2003 and Policy CS13 of the Core Strategy 2013.
Councillor Winters left the meeting during consideration of the above item, at 9.15 pm.

276.8 **14/0912/FUL - 23 Prowse Avenue, Bushey Heath, Bushey WD23 1JS**

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

Mrs D Eagell of Prowse Avenue, Bushey spoke in favour of the application on behalf of the applicant.

Mr A Bobroff of Linnet Close, Bushey spoke against the application on behalf of neighbouring residents in Prowse Avenue.

Councillor Batten spoke against the application as Community Advocate on behalf of local residents. She noted that the perception was that the recommendation had been formulated weeks previously and had not been revisited by officers. She voiced concerns that there would be a lack of sky gaps, giving rise to a terraced appearance; the proposed dwelling would have more dormer windows than others in the area, and would be out of character with the street. Little consideration had been given to the impact of changes in ground level, the property would appear to be dominant. The lack of a garage was not acceptable and would be out of character in the area; off-street parking should be on the side, not to the front. She asked for the application to be refused as being against Local Plan policies H8, D21, CS21 and Part D of the Planning and Design Guide.

The Development Team Manager apologised for the error in the recommendation in the report; this had been overlooked following staff changes.

**RESOLVED** that permission be granted subject to conditions as set out in the officer’s report.

(Action: Development Team Managers)

277. **OTHER PLANNING APPLICATIONS**

Noted the non-determined applications more than eight weeks old, as set out at Item 6 of the agenda.
278. **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.

279. **DATE OF NEXT MEETING**

Noted that the next meeting of the Committee was scheduled for Thursday 13 November 2014 at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

**CLOSURE: 9.52 pm**

CHAIRMAN