HERTSMERE BOROUGH COUNCIL

ELSTREE & BOREHAMWOOD PLANNING COMMITTEE

Minutes of the meeting held in Committee Rooms A, B and C, Civic Offices, Elstree Way, Borehamwood

17 July 2008

Present:

Voting Members:

Councillors Gunasekera (Chairman), Solomons (Vice-Chairman), Bright, Butler, Choudhury, Gamble, J Heywood, Strack, Swallow and Zucker

Officers:

R Grove Head of Planning and Building Control
P Chacon Development Control Manager
A Chrusciak Area Team Leader
G Paddan Trainee Democratic Services Officer

200. MEMBERSHIP

Noted that, since the publication of the agenda, the following changes had been made to the Membership of the Committee:

Councillor Choudhury had replaced Councillor Dr Cohen; and Councillor Gamble had replaced Councillor Gray.

201. COMMUNICATIONS AND APOLOGIES

The Chairman reported that application number TP/08/0830 – Bonus Print, Borehamwood had been withdrawn from the agenda.

The Chairman welcomed Polly Chacon, Development Control Manager and Alex Chrusciak, Area Team Leader for Bushey/Aldenham, to their first meeting of the Committee.

An apology for a late arrival had been received from Councillor Bright.
202. **DECLARATIONS OF INTERESTS**

Councillor Zucker declared a personal interest in application number TP/08/0421 – 49 Shenley Road, Borehamwood, in that he knew the Estate Agents.

203. **MINUTES**

The minutes of the meeting of the Committee held on 19 June 2008 were approved and signed as a correct record.

204. **PLANNING APPLICATIONS FOR DETERMINATION AT THE MEETING**

Considered the planning applications listed at item 5 of the agenda.

204.1 **TP/08/0421 - 49 Shenley Road, Borehamwood**

Change of use of ground floor retail (A1) to restaurant (A3)

Mr Lorenzo Rastelli of Zinco’s Restaurant, spoke against the application. Mr Andrew Neil, the applicant, spoke in favour of the application.

Members expressed concern in relation to the number of restaurants and eating establishments along Shenley Road, and considered there to be an over concentration of A3 uses in the area. They questioned whether appropriate marketing of the premises had taken place, and were referred to a letter from a previous client from 2005 expressing an interest in the premises. Members were disappointed to note that only one estate agent had been used to market the premises, and considered that had the owners been more robust in their marketing techniques the premises could have been let as an A1 use.

Responding to Members’ queries regarding parking, Officers emphasised that town centre car parks were adequate for town centre retail units. There was therefore no need for parking to be provided.

**RESOLVED** that:

1. the application be refused due to an over concentration of A3/A4/A5 uses in the centre, making the proposal contrary to Policy T6, of the Hertsmere Local Plan 2003 subsection paragraph 2; and

2. the final wording for the reason for refusal being delegated to the Head of Planning and Building Control, following consultation with the Chairman of the Committee.
Note: During consideration of the above item, Councillor Bright entered the meeting at 7.54pm, but did not take part in the vote.

204.2 **TP/08/0537 - Dental Surgery, Manor Way, Borehamwood**

Conversion of ground floor from doctors surgery to a 2 bedroom flat

Mr Michael Kauffman, the applicant, spoke in favour of the application. There was no one present who wished to speak against the application.

Members, whilst welcoming an additional unit into the housing stock, were disappointed to note that the need for conversion had come about due to lack of funding for the surgery from the NHS.

Referring to parking on site, Members considered that two parking spaces was adequate for the flat and requested that they be clearly marked to prevent any patients to the surgery parking using those spaces. Ward Members were of the opinion that there was a problem with on street parking near the surgery and, in particular, causing obstruction near the roundabout. Officers reported that Hertfordshire Highways had not raised any objections or concerns, but would request that Highways investigate the general issue of yellow lining of the roundabout and immediately adjoining roads.

**RESOLVED** that:

1. planning permission be granted as set out in the Report of Officers; and

2. Hertfordshire Highways be requested to investigate the issues reported in the preamble above.

204.3 **TP/08/0518 - Land adjacent to 76 Hackney Close, Borehamwood**

Construction of new office/light industrial unit on 2 floors, with parking on ground floor, at rear of Churchill House, Hackney Close

Mrs Jill Kaye, 76 Hackney Close, spoke against the application. Mr Alan Bodnitz, Churchill House, spoke in favour of the application.

Officers referred the Committee to the photographs of the derelict site to the rear of Churchill House. Members agreed that the site was in a poor state of repair and was subject to vandalism by local youths. Members raised concern in regards to the height and size of the proposed development. It was noted that there was currently little natural light on the adjoining footpath, and that the erection of the development may lead to a loss of light. Officers informed the Committee that installation
of streetlights in the alley could be provided via a Section 106 contribution, if necessary.

Members were keen to promote local businesses in the area and considered the design of the development to be an attractive proposal for the derelict site.

In response to a Member’s question, Officers explained that the Council’s Parks team had not raised any objection to the disused play area being disposed of as it considered that there were better alternative facilities in the locality. Members considered that more information was required from the Parks team, and requested that the application be deferred to allow a site visit.

RESOLVED that the application be deferred to allow a Members’ site visit to be arranged, with an Officer of the Parks team present.

204.4 TP/08/0830 - Bonus Print, Stirling Way, Borehamwood

Noted that this application had been withdrawn from the agenda.

(Action: Head of Planning and Building Control)

205. 5 DELIUS CLOSE, ELSTREE - ENFORCEMENT

Report of Officers EBW/08/04 sought authority to issue an enforcement notice to secure the removal of an unauthorised front porch at 5 Delius Close, Elstree. The Development Control Manager informed the Committee that ongoing discussions with the owner of the property had not produced a satisfactory outcome. Therefore, it was considered necessary to seek enforcement action.

Responding to Members questions, Officers explained that the roof of the porch was overhanging onto the neighbour’s property. Additionally, had the roof been flat instead of pitched, then enforcement may not have been as expedient. Officers confirmed that the porch was extremely visible and prominent in the street.

RESOLVED that Officer be authorised to issue an enforcement notice under the provisions of Section 172 Town and Country Planning Act 1990 requiring:

1. the removal of the unauthorised structure and the reinstatement of the land to its former state; and
2. that officers take all necessary action, including prosecution, to secure compliance with any actions issued under paragraph 1.

(Action: Enforcement Manager)

206. OTHER PLANNING APPLICATIONS
Noted the following applications as set out in item 7 of the agenda:

(a) applications determined by Head of Planning and Building Control under the scheme of delegation;
(b) non-determined applications more than eight weeks old; and
(c) withdrawn applications.

207. PLANNING APPEALS AND ENFORCEMENT OF PLANNING CONTROL
Noted the position regarding the following, as set out at item 8 of the agenda:

(a) planning appeals;
(b) enforcement of planning control; and
(c) planning obligations.

TP/08/0135 – The Shire London, St Albans Road, Barnet, EN5 4RE
Noted that the appeal had been allowed and costs had been awarded against the Council. Members expressed their disappointment with this outcome.

208. DATE OF NEXT MEETING
Noted that the next meeting of the Committee was scheduled to be held on Thursday 14 August 2008 at 7.30pm at the Civic Offices, Elstree Way, Borehamwood.

CLOSURE: 9.10pm

CHAIRMAN