

HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

**Minutes of the meeting held in Council Chamber, Civic Offices, Elstree
Way, Borehamwood, Herts, WD6 1WA**

16 May 2019

Present:

Voting Members:

Councillors L Silver (Chair), Quilty (Vice-Chair), Carter, Briski, Evans, Gray,
S Hodgson-Jones, Newmark, Spencer, Turner and Swerling

Also Present:

Councillors Clapper, Lambert, Morris, Myers and Vince

Officers:

C Hayes	Principal Lawyer
A Waite	Head of Planning & Economic Development
K Humphries	Principal Planning Officer
S Richards	Principal Planning Officer
K Hogendoorn	Senior Planning Officer
M Sanders	Senior Planning Officer
W Clarke	Senior Planning Officer
R Khoja	Planning Officer
J Lemm	Senior Planning Officer
A Witherick	Democratic Services Officer

29. **MEMBERSHIP**

The Chair welcomed both returning and new Members to the Planning Committee.

Councillor A Swerling substituted for Councillor J Graham.
Councillor D Carter substituted for Councillor R Lyon.

30. **COMMUNICATIONS AND APOLOGIES FOR ABSENCE**

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 Councillors J Graham and R Lyon.

31. **DECLARATIONS OF INTEREST**

Councillor S Quilty declared a non-pecuniary interest in Item 5a, 19/0043/FUL-Reviva Waste Composting Site, Elstree Hill South, WD6 3BL, as a County Councillor and had voted on the Hertfordshire County Council Development Control Committee. Councillor S Quilty left the room during the item.

Councillor L Silver declared a non-pecuniary interest in Item 5H-19/0244/FUL Bushey Golf and Country Club, Bushey, WD23 1TT, as a previous member of the Bushey Country Club Committee.

Councillor S Quilty declared a non-pecuniary interest in Item 5H-19/0244/FUL Bushey Golf and Country Club, Bushey, WD23 1TT, as a previous member of the Bushey Country Club Committee.

Councillor A Spencer declared a non-pecuniary interest in Item 5E-18/1328/VOC Yavneh College, Hillside Avenue, Borehamwood, WD6 1HL, as his granddaughter attended the school.

Councillor G Briski declared a non-pecuniary interest in Item 5E-18/1328/VOC Yavneh College, Hillside Avenue, Borehamwood, WD6 1HL, as his cousin and acquaintances attended the school.

Councillor A Spencer declared a non-pecuniary interest at the start of Item 5F- 19/0278/FUL 57 Newberries Avenue, Radlett, WD7 7EL, as the speaker in objection was an acquaintance. Councillor A Spencer did not participate in the debate or the vote.

32. **MINUTES**

RESOLVED that the minutes of the meeting of the Planning Committee held on 11 April 2019 be approved and signed as a correct record.

NOTED that the Minutes of the Special Meeting held on the 15 May 2019 would go to the next scheduled meeting on the 13 June 2019.

33. **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.

33.1 **19/0043/FUL-Reviva Waste Composting Site, Elstree Hill South, WD6 3BL**

Ms A Goddard of Elstree spoke against the application on behalf of themselves and local residents.

Adrian Jackson of Condry & Lofthouse Architects spoke in favour of the application as architects for the applicant.

Cllr Clapper spoke against the application as Community Advocate.

The Committee raised concerns about the type of materials which might be stored and processed on the site. Officers made clear that the application was for change of use to Class B8 (Storage and Distribution). This use class would not allow for the processing of waste materials and did not cover the storage of toxic materials as this was covered by separate legislative requirements. The Committee agreed that this should be highlighted in the Informatives to ensure that there was no misunderstanding in the limitations of the permissions should the application be granted.

It was recognised that the change of use would represent no greater impact on the green belt. The application was also different from the current usage of the site which had caused a large number of local concerns. Officers noted that enforcement had been undertaken related to the site with Environmental Health and highways involved, including court action.

The application also tightened up some aspects as the site permission from Hertfordshire County Council had originally limited movements to 200 HGV movements per day; the proposed provision was not restricted to limiting only HGV movements but covered all vehicles. The Committee remained concerned about the impact on local roads and debated whether to apply a condition restricting access to the site at peak times. Officers advised that restricting access to the site could lead to unintended consequences such as vehicles circling or parking nearby prior to the entry period. It was proposed that this could be alleviated through a condition restriction limiting vehicles from leaving (rather than entering) the site during peak hours related to school times.

The Committee questioned whether there was anything which could be done to address the issues faced by local people by the current usage. Officers advised that it would not be possible to apply a condition stating that the composting must cease because that is a lawful use for which planning permission had already been granted by the County Council; however it was recognised that to reduce the level of uncertainty and to encourage action to be taken, the period during which the permission must be implemented in order for it not to expire could be reduced to expire after 1 year instead of 3 years, and this was supported by Members.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the following changes to the conditions and informatives:

CONDITION 1 amended

That Condition 1 be revised to read that "The development hereby permitted shall be begun before the expiration of 1 year from the date of this permission."

ADDITIONAL: CONDITION 9

On weekdays (Monday to Friday) no vehicle shall pass from (egress) the site onto the public highway between the hours of 08:00 and 09:00 in the morning, or between the hours of 15:00 and 16:00 in the afternoon.

Reason: To ensure that the development does not exacerbate traffic congestion on the local highway network during busy peak periods, pursuant to Policy SADM40 (Highway and Access Criteria for New Development) of the Hertsmere Local Plan (Site Allocations and Development Management Policies Plan 2016).

ADDITIONAL INFORMATIVE 4

The applicant is reminded that the planning permission that is hereby granted is for storage and distribution uses within Use Class B8 only. For the avoidance of doubt, this use class does not allow the storage, handling, composting or processing of waste. The applicant is also reminded that the storage or handling of toxic, explosive, hazardous or noxious substances or items is controlled by regulations that are separate from the Planning system, and that such substances or items must not be stored on the site without the necessary licences.

33.2 **18/2168/FUL 459 Park Avenue, Bushey, WD23 2BW**

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

A resident of Park Avenue, Bushey spoke against the application.

Mr C Jones spoke in favour of the application as planning consultant for the applicant.

The Committee queried whether there was sufficient amenity space and access to balconies. Officers confirmed that the top floor had access to a roof terrace area with other flats having balconies.

The Committee questioned whether there was sufficient vehicle parking with a suitable mixture of standard parking spaces, disabled parking bays, visitor parking and access to electric charging points. Officers

confirmed that further details could be required through a condition requiring a parking management plan.

Members raised issues around whether the policy around affordable and social housing was appropriate due to perceptions that it was aspirational rather than a required target. It was clarified that affordable and social housing requirements took a number of different forms and that the proposals for affordable market rent were covered by this. It was noted that rent levels alone were not the only areas of concern when taken in to consideration alongside other tenancy terms and conditions. Officers confirmed that they were working to ensure that suitable conditions were negotiated with any agreement requiring sign off by the Head of Planning & Economic Development and this is why it was subject to a suitable Section 106 agreement being in place.

RESOLVED that planning permission be **GRANTED** subject to the receipt of a suitable planning obligation in the form of a Section 106 agreement to secure the provision of affordable housing, the conditions set out in the Officer's report, the tabled addendum and a further condition requiring details of the parking management plan.

33.3 **19/0101/FUL Birchville Court and haulage depot, Bushey Heath, WD23 1PB**

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

Ms King spoke in favour of the application as the agent.

The Committee supported the use of tenure blind design and the assurances given about access to the amenity space and parking for all residents. There were concerns however with the shift from affordable housing to social rent. Officers highlighted that affordable and social housing are both treated the same within the policies.

Members raised concerns about the lack of renewable energy provision. Officers confirmed that whilst there was no requirements the developer had chosen to include electric charging points.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the tabled addendum.

[At 7:46pm at the end of the previous item the Chair adjourned the meeting.]

[At 7:55pm Councillor M Vince joined the meeting prior to the next item.]

[At 7:55pm before the start of the next item the Chair resumed the meeting.]

33.4 **18/2337/FUL Key Point, 3-17 High Street, Potters Bar, EN6 5AJ**

Mr P Jenkins of SF Planning Consultants spoke in favour of the application as agent for the applicant.

The Committee were concerned that incremental developments could avoid the threshold for the provision of affordable housing, however the limitations of the planning system were recognised.

Officers confirmed that there was sufficient parking on site for the other properties as there was a ramp to basement facilities and that details of waste storage had been covered through a condition.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the tabled addendum.

33.5 **18/1328/VOC Yavneh College, Hillside Avenue, Borehamwood, WD6 1HL**

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

Mr P Daly spoke in favour of the application as agent for the applicant.

Members queried how well the proposals would deal with the travel issues and what the review mechanisms were for the conditions. Officers confirmed that the review was at the 3 and 5 year points through a written process.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the tabled addendum.

[At 8:24pm Councillor P Morris left the meeting prior to the next item.]

33.6 **19/0278/FUL 57 Newberries Avenue, Radlett, WD7 7EL**

Mr A Topper of Newberries Avenue, Radlett spoke against the application, as a neighbour.

Councillor A Spencer declared an interest as he was an acquaintance of the applicant and did not take part in the debate or vote.

Mr S Warner of Stevensons Court, Bedford spoke in favour of the application as agent for the applicant.

Cllr D Lambert spoke against the application as Community Advocate.

Officers provided clarification that, although policies within the pre-submission Radlett Neighbourhood Plan could be given weight, the majority of them did not apply to the bungalow specified for demolition

in the planning application. The bungalow was not listed either individually or as one of those providing group value.

Members raised concerns about the potential loss of light and the impact on the tree and hedge boundary. Officers had visited the site and made an assessment as to the level of impact as this was to the secondary window of the kitchen rather than the main window and source of light. Officers further confirmed that Condition 3 included provisions for soft landscaping to ensure suitable protections were put in place for the trees and hedges.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the tabled addendum.

[At 9:03pm Councillor M Vince left the meeting prior to the next item.]

33.7 **19/0288/HSE 4A Rendlesham Avenue, Radlett, WD7 8PF**

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

Ms Dickson of Rendlesham Avenue, Radlett spoke against the application, as a neighbour.

A query was raised as to whether the correct notices had been issued as required. Officers highlighted that the presentation photograph included the visible site application notice. Neighbour letters had been sent to all properties that bounded the application; this was considered good practice although not required by the legislation. With regards to the specific query whether a particular property had been consulted it was not an adjacent property and Officers noted that the residents were present at the meeting and had objected thus showing that, whilst they were not required to be consulted, they had had an opportunity to provide input.

The Committee questioned whether the hedge boundary fell within the ownership of the property. Officers reaffirmed that although planning permission could be granted, permission would be required from other parties to implement it. This would include seeking permission if, for example, the hedge was owned by a third party, such as Hertfordshire County Council, or to establish a new access.

The Committee were concerned about the size and bulk of the property given the limited size of the plot. Officers noted that there was sufficient amenity space and that the street scene already represented a wide mixture of previously extended buildings and so it was not considered to be out of keeping.

Councillor A Spencer proposed that the development should be refused on the basis of its height, scale and bulk. Councillor J Newmark and

Councillor S Quilty refined this to include references to being out of keeping with the street scene and references to SADM3 and SADM30 of the 2016 Local Plan. Councillor C Gray seconded the resolution.

RESOLVED that planning permission be **REFUSED** as the proposal represented an overdevelopment of the site due to its height, size, scale and bulk. Also the proposed property would be out of keeping with the street scene. This was contrary to SADM3 and SADM30 of the 2016 Local Plan.

[At 9:27pm Councillor D Lambert leaves the meeting prior to the next item.]

33.8 **19/0244/FUL Bushey Golf and Country Club, Bushey, WD23 1TT**

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

Officers presented the application. Members agreed that conversion to allow class A3 (restaurant) usage was an acceptable reuse of the premises.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the tabled addendum.

33.9 **19/0483/FUL The Directors Arms Public House, Ripon Way, Borehamwood, WD6 2HS**

Members requested information on the potential future uses of the site and the reasons for demolition. Questions were also raised as to whether the existing building could have been used for temporary accommodation needs.

The Chair reminded Members that they could only consider the application before the Committee. Officers responded that the proposal was to ensure that the site did not cause an issue prior to an application for future use being put forward.

A Member asked that as much recycling and reclamation as possible was undertaken.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the tabled addendum.

33.10 **19/0227/ADV Bushey Grove Leisure Centre, WD23 2TD**

Officers presented the application. Members noted that it was a minor issue.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report and the tabled addendum.

34. **PLANNING APPEALS: CURRENT POSITION**

Noted the current planning appeals and appeal decisions as set out at Item 6 of the agenda.

35. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was none.

36. **DATE OF NEXT MEETING**

The next meeting was scheduled for Thursday 13 June 2019 at 6pm.

CLOSURE: 9.50 pm

CHAIR