

EXTRACT - HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

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

11 April 2019

Present:

Voting Members:

Councillors L Silver (Chair), Graham (Vice-Chair), Quilty (Vice-Chair), Davis, Lyon, Merchant, Newmark, Spencer, Turner, West and Worster

Also Present:

Councillors RZ Butler, Dr Cohen, Morris and Vince

Officers:

C Hayes	Principal Lawyer
A Waite	Head of Planning & Economic Development
K Humphries	Principal Planning Officer
K Hogendoorn	Senior Planning Officer
M Sanders	Senior Planning Officer
A Witherick	Democratic Services Officer

524. **MEMBERSHIP**

Councillor K Merchant substituted for Councillor C Kelly.
Councillor L Davis substituted for Councillor D Lambert.

525. **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 C Kelly, D Lambert and J West.

The Chair also gave thanks to Councillor C Kelly who was not present and was not seeking re-election but had served on the Planning Committee for a number of years.

526. **DECLARATIONS OF INTEREST**

Councillor S Quilty declared a non-pecuniary interest in Item 5a 18/2410/FUL Caldecote Farm, as he had attended the pre-application meetings with the applicant and had complied with the requirements of the Localism Act by retaining an open mind.

Councillor S Quilty declared a non-pecuniary interest in Item 5b 18/1475/OUT Sunny Bank Junior and Infant School, as an elected Member for Hertfordshire County Council.

Councillor J Graham declared a non-pecuniary interest in Item 5b 18/1475/OUT Sunny Bank Junior and Infant School, as an elected Member for Hertfordshire County Council and the County Councillor for that area.

Councillor J Newmark declared a non-pecuniary interest in Item 5a 18/2410/FUL Caldecote Farm, as his children attend Immanuel College School which owned the Grade II listed building impacted by the application.

[At 6.07 pm Councillor H Cohen joined the meeting prior to the next item.]

527. **MINUTES**

RESOLVED that the minutes of the meeting of the Planning Committee held on 14 March 2019 be approved and signed as a correct record.

528. **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.

528.1 **18/2410/FUL Caldecote Farm, Caldecote Lane, Bushey, WD23 4EF**

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

Mrs Jacobus of Caldecote Lane spoke against the application on behalf of herself and other local residents.

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

Cllr P Morris spoke in favour of the application as Community Advocate.

Officers responded to points made during the speeches that the ownership of the land, including potential of covenanting or gifting to the Council, was not a material planning consideration.

The Committee were informed that there had been correspondence between Officers and the applicant's agent to ensure that appropriate declarations of interest had been made. Councillor S Quilty had already declared as a non-pecuniary interest that he had been present for the pre-application meetings with the applicant.

Members noted that this would be an opportunity to establish an equestrian facility of local, regional and national importance. This would create new jobs both directly and ancillary to the centre. It would also create possibilities for under-represented groups such as disabled riders.

A Member of the Committee cited three examples where the Council had permitted development on the Green Belt previously. Officers responded that there were distinct differences and this was why the Officer recommendations in each of those cases had been supportive. This included where:

- a) The application was for a temporary structure only.
- b) The proposed building was on a previously developed part of the site and the rest was outdoor playing fields, thus retaining the openness of the Green Belt.

Officers highlighted that this application was primarily for indoor facilities (albeit with some ancillary outdoor facilities) to be provided where the National Planning Policy Framework only made reference to appropriate ancillary facilities for outdoor sports and outdoor recreation.

Officers highlighted concerns that the sequential assessment which had been completed to justify the development in the Green Belt was not to the standard that they would usually expect and had questionable methodology. This included requirements as to the value of the land assessed with no indication as to the basis of the limit and inclusion of ownership which was not a planning consideration. The concern was that the threshold for "Very Special Circumstances" had as a result not been reached or adequately demonstrated by the applicants.

In response to Member queries the Officers explained that there were three heritage assets which were potentially impacted by the proposed development. The report had identified that there would be harm, albeit less than substantial, to the Caldecote Towers which were a nationally Grade II listed building.

Members of the Committee felt that of the five reasons provided by Officers for refusal, the last three could be dealt with through the use of planning conditions. Officers noted that some, such as sewage disposal, would potentially require further development on the site over

and above that already cited in the application and could therefore not be resolved using planning conditions.

The Legal Officer reminded the Committee that the probability of an appeal or the possible awarding of costs was not a valid planning consideration and should not form part of the deliberations.

The Committee debated the wording of a proposal to overturn the Officers' recommendation for refusal. Officers stated that as the Committee were minded to reverse an Officer's recommendation fundamentally contrary to the provisions of the Local Development Plan that the application would have to go to the Planning Referrals Committee. This was a requirement of the Council Constitution. Any such proposal should also include the application of suitable planning conditions by the Planning Referrals Committee to be included should it be granted.

Councillor S Quilty proposed, seconded by Councillor A Spencer that the application should be granted on the basis that any harm caused by the development could be considered to be clearly outweighed by the following benefits:

- The potential for the creation of jobs directly within the scheme and community access to outdoor sports facilities not readily available in the local area.
- To diversify the local economic sectors in Bushey by establishing a hub and centre of excellence for equestrian sport science coupled with the provision of disability access to training and riding horses. These facilities to benefit Local, Regional, National equestrian users.

That such permission would need to be granted by the Planning Referrals Committee where appropriate planning conditions could be applied.

RESOLVED that a recommendation be made that planning permission be **GRANTED** as the threshold for 'very special circumstances' for development in the Green Belt had been met. This was due to the creation of jobs, benefits to the local economy and community, the improvements to access for outdoor sports facilities, in particular for those with disabilities.

That such recommendation be made to the Planning Referrals Committee for further consideration of the application and the inclusion of appropriate planning conditions, recognising that the Secretary of State would be required to be consulted prior to any such permission being finally approved.

[At 7:47pm at the end of the previous item the Chair adjourned the meeting.]