HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

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

9 January 2014

Present:

Voting Members:

Councillors Silver (Chairman), Gilligan, Graham, Griffin, Harrison, Heywood, Knell, Parnell, Quilty and Ricks

Officers:

G Wooldrige Director of Environment
K Breslin Principal Solicitor
B Leahy Development Team Manager
M Demetri Planning Officer
E Oteng Enforcement Officer
S Di Paolo Democratic Services Officer

Also in attendance

J Dale Area Highways Manager, Hertfordshire County Council

473. MEMBERSHIP

Noted that, since the publication of the agenda, Councillor Gunasekera had been replaced by Councillor Griffin, Councillor Worster had been replaced by Councillor Knell and Councillor Clapper had been replaced by Councillor Parnell as members of the Committee.

474. 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.

The Chairman announced that there would be a short break before consideration of Item 5e) TP/12/0070 18 Watford Road, Radlett WD7
8LE to allow members to consider the additional information provided in respect of this item.

475. **DECLARATIONS OF INTEREST**

Councillor Heywood declared a non-pecuniary interest in Item 5d) 13/2361/FUL – Cranborne Recycling Centre, Cranborne Industrial Estate, Cranborne Road, Potters Bar, Hertfordshire because she was the council’s Portfolio Holder for Environment and Transport. She undertook to withdraw from the meeting while this item was considered.

476. **MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on 12 December 2013 be approved and signed as a correct record.

477. **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.

477.1 **13/2314/FUL - Land at 36-44 Lodge Avenue, Elstree, Hertfordshire**

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

Mr E Gregory of Lodge Avenue, Elstree spoke against the application on behalf of a number of local residents.

**RESOLVED** that the application be refused.

**Reasons for refusal**

1. The proposed scheme would cause harm to those residing at 3 Tauber Close. The windows of 3 Tauber Close serve habitable rooms apart from the first floor flank window which serves the bathroom. Whether the angle is taken straight from these windows or along a 45 degree line, the close proximity to plots 1, 2 and 3 is unacceptable. There would be a demonstrable harm caused to outlook and privacy of those who reside at 3 Tauber Close. Further, the flank and rear elevations of 3 Tauber Close are situated at a proximity of 4m to the shared boundary with units 1 and 2. Thus, the windows of 3 Tauber Close would be within 4m of the rear garden amenity of the units. This relationship is not
deemed acceptable to either those residing at 3 Tauber Close or to the future occupants of unit 1, 2 and 3. Objection is therefore raised by virtue of policy H8 of the Local Plan (2003) and Part D of the Planning and Design Guide (2013).

2. Policies H8 and D21 of the Hertsmere Local Plan (2003) seek to ensure that new development respects or improves the character of its surroundings in terms of layout amongst other things. This is supported by policy CS22 of the Hertsmere Core Strategy (2013). The proposal is deemed to be over development given the character of the proposal compared to the surrounding context as the proposal has the following characteristics:

- the proposal is in a 'T' shape layout form which is not orientated around the access road in a curved manner. This does not follow the cul-de-sac design approach which is required by Part D of the Planning and Design Guide (2013) and is a characteristic of the area. This cul-de-sac design cannot be achieved on the site given the design of the plot buildings and their orientation around the access road;

- Plot 1, namely bedroom 1 and bedroom 2, have been designed to have views straight onto the flank elevation of plot 2 at a distance at only 5m away. This would cause harm to the future occupiers of plot 1 in terms of outlook, sunlight and daylight. The minimum requirement as stipulated within Part D of the Planning and Design Guide (2013) is 10m;

- Plot 4 has been designed to have views straight into the rear gardens of 38 and 40 Lodge Avenue from bedroom 1. This would cause harm to the existing residents of 38 and 40 Lodge Avenue who would be harmed by privacy implications. Bedroom 1 of plot 4 is 13m away from the shared boundary with number 40 Lodge Avenue and is 4m away from the shared boundary with 38 Lodge Avenue;

- Plot 1 only has a 1m separation distance with the shared boundary with 44 Lodge Avenue. Having a 2 and a half storey flank elevation in such close proximity to the boundary would not allow sufficient landscaping to mitigate the impact of this elevation. It would harm outlook to the occupiers of 44 Lodge Avenue. The Planning and Design Guide Part D (2013) states that there should be a minimum of 2m separation distance between shared boundaries;

- Plot 4 only has a 1.29m separation distance with the shared boundary with 36 Lodge Avenue. Having a 2 and a half storey flank elevation in such close proximity to the boundary would not allow sufficient landscaping to mitigate the impact of this elevation. It would harm outlook to the occupiers of 36
Lodge Avenue. The Planning and Design Guide Part D (2013) states that there should be a minimum of 2m separation distance between shared boundaries.

The detriment that would be caused by reason of the position of the development would adversely detract from the character and appearance of the local area. The proposal would fail to comply with policies D20, D21, H8 and H10 of the Hertsmere Local Plan (2003), policies CS1 and CS22 of the Hertsmere Core Strategy (2013), Part D (2013) of the Hertsmere Planning and Design Guide SPD (2013) and the National Planning Policy Framework (2012).

477.2 13/2395/FUL - The Old Dairy, Shenley Park, Radlett Lane, Shenley WD7 9DW

Councillor Gilligan declared a non-pecuniary interest in this application as the council’s appointed representative on the Shenley Park Trust. She remained in the meeting and voted.

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

Mr D Morgan of Mill Green, Hatfield spoke in favour of the application as agent for the applicant.

**RESOLVED** that:

1. powers be delegated to the Managers of Planning and Building Control to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act by the 21st January 2014;

2. should the agreement or unilateral undertaking under Section 106 not be completed and signed by the 21st January 2014, the Managers of Planning and Building Control 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 public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Further, monies towards primary education, secondary education, youth facilities and libraries 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 CIL Regulations (2010), policies R2 and L5 of the Hertsmere Local Plan adopted
```

477.3 13/2017/FUL - 37 Newlands Avenue, Radlett, Hertfordshire WD7 8EJ

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

Parish Councillor D Lambert of The Green, Letchmore Heath spoke against the application on behalf of Aldenham Parish Council.

During discussion members noted the Parish Council’s concerns but commented that significant developments had changed the character of Newlands Avenue in recent years. The proposed development would not be out of keeping, as many properties had already been built almost up to the sides of their plots.

RESOLVED that planning permission be granted subject to conditions as set out in the officer’s report and amended Conditions 16 and 17 as set out in the tabled addendum.

Having previously declared a non-pecuniary interest in the following application, Councillor Heywood withdrew from the meeting at this point, at 6.45 pm.

Councillor Graham declared a non-pecuniary interest in the following application as the site was owned by Hertsmere Borough Council and he was the council’s Portfolio Holder with responsibility for property. He withdrew from the meeting at this point, at 6.46 pm.

477.4 13/2361/FUL - Cranborne Recycling Centre, Cranborne Industrial Estate, Cranborne Road, Potters Bar, Hertfordshire

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

In response to concerns raised by members in respect of site contamination, the Development Team Manager explained that the installation of lighting and foundations would be controlled by condition and assessed by the Environmental Health Scientific Officer to ensure that the existing site contamination was taken into account in any works.

RESOLVED that planning permission be granted subject to conditions as set out in the officer’s report.
Councillors Graham and Heywood returned to the meeting at this point, at 6.58 pm.

The Chairman announced a short break before consideration of the next item, to allow additional papers to be provided.

The meeting reconvened at 7.10 pm with all members present.

**477.5 TP/12/0070 - 18 Watford Road, Radlett WD7 8LE**

Noted the receipt of additional information as set out in the tabled addendum and the following supporting documents:

- Letter dated 25 November 2011 from HBC Planning and Building Control to consultees in respect of Hertsmere Local Development Framework Revised Core Strategy for submission to Secretary of State and Statement of the Representation Procedure;
- Core Strategy information as presented on the HBC website 9/01/14;
- Minutes of the meeting of the Council held on 16 November 2011;
- HBC Development Management Policy Pack for Elected Members;
- Appeal Decision in respect of Appeal Ref: APP/N1920/A/07/2038615, 18 & 20 Watford Road, Radlett, Hertfordshire WD7 8LE;
- HBC Local Development Framework (LDF): Planning Obligations Supplementary Planning Document (SPD) Part A - General Principles (December 2010);
- HBC LDF: Planning Obligations SDP Part B – Calculating Developer Contributions (December 2010);
- HBC LDF SPD Planning and Design Guide Part D: Guidelines for Development (November 2006);
- HBC LDF Parking Standards SPD (October 2008);
- HBC LDF Parking Standards SPD (October 2008) Adopted Revisions to SPD (December 2010).

Following the officers’ presentation the Chairman asked members of the committee if there were any matters raised in the additional papers that they wished to have clarified at this point. In response to questions from members, the Development Team Manager explained that:

- while the current application was only in respect of 18 Watford Road, the earlier appeal decision in respect of 18 & 20 Watford...
Road, Radlett was one of many material considerations to be taken into account. The officer’s presentation had demarcated the area equivalent to the site of the current proposal. This application had been refused by the committee on the grounds of scale, mass etc but the Inspector had found the relationship of the proposals to the street to be acceptable. The comparison had been provided to members in the presentation to aid debate;

- an additional condition in respect of Japanese Knotweed management was proposed as set out at page 17 of the tabled addendum;

- details of the access were shown in principle on drawing number 10000/03/55B and not 1000/03/55B as stated on page 21 of the tabled addendum. The access arrangement had been amended to incorporate a wider bellmouth with access further to the left and a number of turning arrangements to allow vehicles to exit in forward gear;

- the site of 16 Watford Road was ‘safeguarded’ land within the Green Belt, available for residential development should it become necessary. Its status was similar to conventional Green Belt land, therefore the Green Belt boundary should be considered to be at the rear boundary of the application site.

Mr A Christoforou of The Green, Letchmore Heath, spoke in favour of the application as agent for the applicant.

Mr S Barker of Barker Parry Town Planning, Hitchin, spoke against the application on behalf of neighbours at 20 Watford Road.

The Principal Solicitor explained that the committee’s original decision on this application had been quashed for highways reasons by the Judicial Review application. This covered purely procedural matters and had no relation to the planning merits. The application had returned to committee for determination because the original decision had been quashed.

In response to concerns raised by members regarding the proposed access, the Area Highways Manager explained that the two existing access points had poor visibility in both directions. It was proposed to close the access closest to Radlett and widen the other. If vegetation were removed, the visibility standard requirement could be achieved to the right. Visibility to the left would be 11m short of guidance standards, however vehicles approaching from this direction would be on the other side of the road so this was considered to be less critical. Overall the proposals would improve on the existing access, which had very poor visibility and no footway, so the proposals were considered to be acceptable in highways terms.
In response to concerns raised by members in respect of the impact of the proposals on the Green Belt, the Development Team Manager explained that the site area included a hedge that could be removed at any time without planning permission. A landscaping condition would be included in any permission to reinforce the area's transitional appearance from Green Belt to urban. It was necessary to take into account the wider context, and there were larger properties near the site. While it was recognised that the issues were complex in respect of bulk, scale, mass and visual appearance, the footprint of the proposed development was similar to previous applications; it was likely that any refusal on Green Belt/effect on local context grounds would be dismissed by the Planning Inspector at appeal.

Officers acknowledged that the wording of proposed Condition 16 in respect of visibility splays was unclear and would be amended.

Officers confirmed that the provision of a footway was included in the application and that this would become the responsibility of the Highways Authority. Members requested that the footway be made to link in to the pavements on either side.

A proposal by Councillor Graham, seconded by Councillor Gilligan, that planning permission be refused on the grounds that the application was contrary to Policies H8(i) and (xiii) was put to the vote and defeated.

**RESOLVED** that planning permission be granted subject to conditions as set out in the officer’s report and tabled addendum and the existing Section 106 Agreement dated 31 August 2012.

Action: Development Team Manager

478. **OTHER PLANNING APPLICATIONS**

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

479. **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.
480. **DATE OF NEXT MEETING**

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

CLOSURE: 8.33 pm

CHAIRMAN