



Democratic Services
Hertsmere Borough Council
Civic Offices
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Date: 10 November 2021

To: All Members of the Planning Committee

cc: All other recipients of Planning Committee agenda

Planning Committee – Thursday, 11 November 2021

I enclose for consideration at the above meeting the Update Sheet and associated documents:

2021-10-14 Minutes Published (Pages 3 - 8)

2021-11-11 Update Sheet Committee (Pages 9 - 12)

Yours faithfully

Marie Lowe
Democratic Services

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HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

**Minutes of the meeting held in Council Chamber - Civic Offices and
remotely - Online**

14 October 2021

Present:

Voting Members:

Councillors Silver (Chair), Rosehill (Vice-Chair), Briski, Evans, Graham, Gray, Lyon, Newmark, Quilty and Turner

Also Present:

Councillors Bright, Dr Cohen, Morris and Plancey

Officers:

S Bijle	Managing Director
P Geraghty	Executive Director
H Patterson	Head of Legal & Democratic Services
R Whear	Head of Planning & Economic Development
S Chughtai	Legal Services Manager
S Laban	Development Team Manager
S Richards	Principal Planning Officer
P McIntosh	Principal Planning Officer
W Clarke	Senior Planning Officer
G O'Brien	Planning Officer
M Pengelly	Planning Officer
M Lowe	Principal Democratic Services Officer
L Hammond	Democratic Services Officer

215. **MEMBERSHIP**

The Chair welcomed everyone to the meeting and noted that Officers were either participating online or were present in the Council Chamber. The Press and Public were able to view the meeting live on the Council website.

There had been no changes in membership of the Committee.

216. **COMMUNICATIONS AND APOLOGIES FOR ABSENCE**

Officers had circulated an addendum report detailing amendments and additional information in connection with the applications on the agenda which had been published on the Council's website and had been made available to Members of the Committee, the press and the public.

Following Members' request from Councillor Gray, a point of order was raised under Paragraph 15.12 of Section 4.1 of the Constitution that there be a security presence in the Council Chamber for the duration of the meeting. The Chair arranged this with immediate effect.

Apologies for absence had been received from Councillor Spencer.

217. **DECLARATIONS OF INTEREST**

Councillor G Briski declared a non-pecuniary interest in Item 5C, 20/2141/FUL Land at Cowley Hill Stables, Cowley Hill, Borehamwood, WD6 5NA, and would remain in the Council Chamber but would not take part in the debate or vote.

218. **MINUTES**

A Member questioned the accuracy of the Minutes with regards to application 20/2141/FUL Land at Cowley Hill Stables. This was on the basis that, following an advice note received by the Committee from the Head of Legal and Democratic Services, Councillor Silver had moved as proposed the deferral of the agenda item. Councillor Silver confirmed that this was the case.

RESOLVED that the minutes of the meeting, amended at 185.1 to read:-

The Chair reported that the Committee had requested a site visit, however it had not been possible to organise this prior to the meeting. Therefore, following receipt of an advice note from the Head of Legal and Democratic Services the Chair recommended that the item be deferred to allow a site visit.

219. **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.

219.1 **21/0430/FUL Bushey Grove Leisure Centre, Aldenham Road, Bushey, Hertfordshire, WD23 2TD**

Noted the receipt of additional information as set out in the published addendum report and Appendix 3 - Noise Impact Assessment Report.

Mr Clifford, who had registered to speak on behalf of Centrica Business Solutions UK Ltd, declined to do so at the meeting.

Members expressed continued concerns regarding the sustainability of the site following confirmation received from the Manager that the Leisure Centre currently did not purchase green energy, their electricity contract was serviced by traditional means of energy generation. This was not in accordance with the Council's Local Plan or policies.

Officers advised the Committee that the application related to the installation of a containerised combined heat and power system in an external location. The internal workings and source of power was not a material consideration to the planning application, which was for siting of the power unit.

The Head of Planning and Economic Development confirmed that the comments made by the Committee regarding the sustainability of the Combined Heat and Power (CHP) unit in relation to the Council's policies and Local Plan had been noted.

The Committee raised further concerns regarding the proposed Containerised Combined Heat and Power (CHP) unit would increase the current noise levels currently experienced in the area and the effect on the immediate neighbours.

Officers explained that, initially, it had been understood that the existing noise being produced by the Leisure Centre was from their air-conditioning. However, after further consultation, it has been clarified by the Regional Manager of the Leisure Centre that the current noise being produced was in fact from the flue fan for the existing boilers. The CHP would reduce the demand placed upon the boilers, as they would not be in use most of the time. This would significantly reduce the noise currently being emitted from the Leisure Centre. The CHP unit would also be subject to a condition to ensure that noise from the unit would remain below background noise levels at the nearest sensitive receptor, as such any reduction in noise from existing sources would continue to be accounted for in the operation of the new CHP unit.

The Regional Manager for the Leisure Centre had also advised that new ball-bearings had been ordered to replace the existing ball bearings of the boilers flue fans which would also help to reduce the current noise being produced.

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

219.2 21/1020/FUL Egerton House, 8 Egerton Close, Bushey, Hertfordshire, WD23 1FQ

Noted the published addendum had contained no updates in relation to the application.

Councillor P Choudhury spoke against the application as a Community Advocate.

Members noted that, following deferral of the application at the September 2021 Planning Committee on all grounds, specifically in respect to the lack of an adequate set back of the proposed garage from the highway (whether this should be 6 metres as per the Council's Design Guide Part D) and the potential impact this may have on highway safety Officers had sought further observations from the Highways Team at the County Council. This was to better understand the initial consultation comments received from Highways in light of the guidance regarding set-backs but to also better understand their view on the amended proposals incorporating the greater set-back of 4.5m.

Officers advised that, in conclusion, the fact that the set-back was questioned has enabled a more favourable and safe solution to the siting of the garage as part of this development. In line with the Highways Manager's comments and at para. 111 of the NPPF and relevant local plan policies the proposal was not considered to result in conditions prejudicial to highway safety and as such it was considered acceptable in such regards.

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

[At 18.51 at the end of the previous item the Chair adjourned the meeting.]

[At 18.59 before the start of the next item the Char resumed the meeting.]

219.3 **21/2141/FUL Land At Cowley Hill Stables, Cowley Hill, Borehamwood, Hertfordshire, WD6 5NA**

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

Following a Members' request from Councillor Newmark, a point of order was raised under Paragraph 15.12 of Section 4.1 of the Constitution, the Chair clarified that at the site visit she had not expressed remarks which could be construed by those members of the public present that she had predetermined the application. The statement she had made to one person was that she would only decide on the application following the presentation at the Planning Committee.

Mr T Morris spoke against the application.

Mr S Brown, the agent representing the Applicant, spoke in favour of the application.

Councillor Vince spoke against the application as a Community Advocate.

Councillor Newmark requested the consent of the Chair to question the Applicant's Agent and following confirmation from the Head of Legal and Democratic Services that this was permissible, the Chair gave her consent.

In response to request for clarification from Councillor Quilty regarding a comparison of the volume of the built form. Officers confirmed this to be an increase from the existing proposal but the percentage increase was considered to be at the lower end of the scale.

Officers clarified that the red line boundary, which showed site ownership, had been defined by the developer who was entitled to do so.

Mr S Brown, with permission from the Chair, informed the Committee that the s.106 agreement had been signed but was unable recall whether the affordable housing had been capped at the LHA rate.

During the debate, it was subsequently confirmed by the Head of Planning that the affordable housing secured via the s106 agreement had been capped at the LHA rate.

Councillor Evans requested that if members were minded to approve the application, could a condition be added regarding further provision of on-site renewable energy, particularly solar panels. This condition was agreed in principle by officers. Officers latterly confirmed that solar PV panels were already proposed on the affordable housing units.

Councillor Quilty requested that if Members were minded to approve the application, could a condition be added to ensure all dwellings had the opportunity to have access to electric vehicle charging points (EVCP). Officers confirmed that there was a condition (condition 17) which required EVCP but this could be varied to provide infrastructure for remaining dwellings.

Councillor Newmark proposed that the application be refused. Councillor Gray seconded. On being put to the vote the proposal was lost.

Following Members' request from Councillors Evans, Gray and Newmark, a recorded vote was taken under Paragraph 17.4 of Section 4.1 of the Constitution that the application be refused. The details of the vote were as follows:

For the Motion: Councillors Graham, Lyon, Quilty, Silver and Turner (5)

Against the Motion: Councillors Evans, Gray, Newmark and Rosehill (4).

Abstentions: None.

Councillor Briski following a declaration of interest did not participate in the discussion or vote.

RESOLVED that planning permission be **GRANTED** subject to the conditions set out in the Officer's report, tabled addendum and Condition 17 be varied to provide infrastructure for electric vehicle charging points (EVCP) for remaining dwellings and the additional condition for further provision of on-site renewable energy agreed in principle by Officers.

220. **PLANNING APPEALS: CURRENT POSITION**

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

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

There was none.

222. **DATE OF NEXT MEETING**

The next meeting was scheduled for Thursday 11 November 2021 at 6pm.

CLOSURE: 8.50 pm

CHAIR

**Planning Committee
11th November 2021**

UPDATE SHEET

**Item 5.1
21/1338/FUL
Prestige House, 16 Melbourne Road, Bushey**

Amendment to the report

Within paragraph 7.28 to the report it should read as Bushey Golf Club rather than Bushey Country Club and within paragraph 7.31 it should read Melbourne Road rather than Melbourne Lane.

Clarification to the report

Further clarification on the provision of disabled parking bays as part of the proposed development has been sought from the developer and will be verbally updated to members at the planning committee meeting.

**Item 5.2
21/0727/FUL
Land adjacent to 1 – 7 Brick Kiln Close, Bushey**

Amended plan

An amended plan has been received (drawing number 10979 PL_012 revision B) which has reduced the gradient of the new rear gardens to the proposed dwellings to a more suitable and usable gradient for future residents.

Accordingly, the drawing number condition (condition no. 19) has been revised as follows:

The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

- 001 - Storm water drainage arrangements
- Drainage calculations
- Revised flood risk assessment and surface water drainage strategy (version 5)
- Housing need and sequential test statement revision b (dated august 2021)
- Climate change and energy statement - revised (dated 10/05/2021)
- 10979_das residential planning
- Phase 1 Geoenvironmental assessment - dated March 2021 and associated mapping
- Tn ecology (march 2021)
- 2021-03-19 brick kiln close - transport statement

- 210329 416.08492.00004 land off brick kiln close geotechnical stability assessment
- 210329 416.08492.00004 land off brick kiln close geotechnical stability assessment
- Statement of community involvement
- Brick kiln close bushey wd23 2ld residential scheme rev 1 tree report
- Brick kiln road tree constraints plan
- Jkd012r01 rev 02 - Brick kiln close landscape sketchbook
- Jkd012p01 rev 03
- Jkd012p02 rev 01 Planting strategy plan
- 10979pl_001 Location plan-a3
- 10979pl_004 Basement plan-a1
- 10979pl_005 Ground floor plan-a1
- 10979pl_006 First floor plan-a1
- 10979pl_002 Existing site layout-a1
- 10979pl_003 Proposed site layout-a1
- 10979pl_008 Elevations - southwest-a3
- 10979pl_009 Elevations - northeast-a3
- 10979pl_010 Elevations - northwest-a3
- 10979pl_011 Elevations - southeast-a3
- **10979pl_012 Section 1-a3 – Drawing number amended to 10979 PL_012 revision B**
- 18040cv-02-03 rev c Sheet 1 topo survey
- 18040cv-02-03 rev c

Reason: For the avoidance of doubt and in the interests of proper planning.

Clarification to the report

In terms of the proposed nature reserve, the following management and maintenance arrangements are proposed:

- The proposed nature reserve would be surrounded by new 1.8m high timber fencing with a new small flight of steps leading to a new access gate on the western boundary;
- Maintenance to be carried out on an annual basis by specialised contractors;
- Overhanging and damaged tree branches to be cut back for health and safety reasons and periodic thinning of brambles and other invasive shrubs;
- Timing for works to avoid bird nesting seasons;
- Removal of any accumulated litter and garden waste.

The above will form a scope of works to the contractor appointed either by the developer or Management Company.

Additional representations

A signed petition has been received following the completion of the planning committee report, which is to be treated as one letter of representation, raising the following concerns:

- The proposed development is out of keeping and detrimental to the character and appearance of the street scene and wider visual amenities;
- Issues of ingress and egress and the narrowness of the existing road access;
- Insufficient parking arrangements;
- Loss of trees and wildlife;
- Failure on behalf of the applicant and developer to engage with the local residents and community.

Item 5.3

21/1493/FUL

27 Leeming Road, Borehamwood, Herts, WD6 4EB

No Update.

Item 5.4

21/0050/FULEI

Land North of Butterfly Lane, Land surrounding Hilfield Farm and Land West of Hilfield Lane, near Aldenham, Hertfordshire.

Objections received

The Committee Report contains a bullet point list summarising the points that were raised by objectors. Mid-way down page 47 of the report (which is page 149 of the agenda) is this summary of a point that was raised by several objectors:

- *Rather than allowing solar farms on Green Belt land, the installation of solar panels should instead be encouraged on the roofs of large buildings.*

Since the committee report was published, someone who had made an objection has contacted the planning officer to complain that the point that he had made is not adequately summarised. He had made a similar point to others, but rather than referring to conventional solar panels he had referred to a product which his company makes which is an innovative type of glass that can be installed as windows to an existing or new building. This glass generates electricity when light passes through it. It differs from conventional solar panels in that it is clear, with no visible cells, wires etc, and thus it can serve as a window. He writes that it can produce 1-2 watts of electricity per square foot of glass, for 10-12 hours. He objected to the application on the ground that if the Council were to insist on his company's product being used on new developments in the borough it might generate a similar or greater quantity of electricity to the proposed development, thereby making it unnecessary to approve this application on Green Belt land.

Errors

In section 9.0 of the report (page 51 of the report or page 153 of the agenda) there is a typing error under the heading International Policy. The date of the Paris Agreement was 2015, not 2016.

Paragraph 3.11. The first sentence should read: “*The solar farm would generate up to 49.9MW of renewable electricity.*” Please disregard “... *per year*”. For the estimated annual figure, please see section 10.11 (comments by the Climate Change and Sustainability Officer) fourth paragraph, second sentence. She estimates that it could generate up to 49,395 MWh electricity per year.

Additional informative

Further to the section of the report addressing equalities and diversity (11.14) the following additional informative is recommended by officers for inclusion on the decision notice:

Hertsmere Borough Council encourages all developers to consider carefully the ethical and environmental source of products and building materials that they use in the borough. It is recommended that materials be used that are produced with proper regard to the working conditions and the environmental impacts at their point of manufacture.

Queries by councillors

Some councillors have asked the Planning Officer for clarifications and additional information as follows:

Q.) Where were the soil samples taken when the value of the agricultural land was assessed?

A.) Supporting document R015 is the Agricultural Land Classification Report, which was prepared for the applicants by Askew Land and Soil Ltd. It states that a chartered soil scientist carried out a survey on the site in July 2020. The finding was that the soil is London clay and that all of the agricultural land on the site is in subgrade 3b. Figure 1 of that document is a map showing where the soil samples were taken, which were in locations all over the site.

Q.) A councillor asked for some examples of solar farms of a similar size that have been allowed in Green Belt locations or close to heritage assets.

A.) Here are two examples which were both for the same capacity of 49.9MW and both were in the Green Belt:

- Iron Acton in South Gloucestershire, ref P20/13909/F, approved in Aug 2020. The setting of neighbouring heritage assets was a consideration.
- Bulphan Fen in Thurrock, ref 21/00077/FUL, approved in Jan 2021. The site was in the Metropolitan Green Belt.