Cabinet Planning and Parking Panel
30 July 2020

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 30 July 2020 at 7.30 pm via a Zoom meeting.

PRESENT: Councillors S.Boulton (Chairman)

A. Chesterman, B. Fitzsimon, G. Hayes, T. Kingsbury, J. Quinton, D. Richardson, A Rohale, P. Shah, P. Smith (substituting for S. Kasumu) and P. Zukowskyj

OFFICIALS PRESENT: Head of Planning (C. Haigh)
Head of Environment (D. Reyner)
Parking and Cemetery Services Manager (V. Hatfield)
Principal Planner (S. Chivers)
Senior Planner (M. Pyecroft)
Governance Services Officer (G. Paddan)

---

75. SUBSTITUTIONS

The follow substitution of Panel Member had been made in accordance with Council Procedure Rules:-

Councillor P. Smith for S. Kasumu.

76. APOLOGIES

An Apology for absence was received from Councillor S. Kasumu.

77. MINUTES

The Minutes of the meeting held on 2 July 2020 were approved as a correct record and signed by the Chairman.

78. DECLARATION OF INTERESTS BY MEMBERS

Councillors S. Boulton and P. Zukowskyj declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being Members of Hertfordshire County Council.

79. PUBLIC QUESTION TIME AND PETITIONS

The following question was received and the Chairman responded:

Question from Councillor P. Hebden

Prior to the A4 consultation taking place representations were made that the whole of the Great North Rd Hatfield, between Hertford Rd and the junction with B197 French Horn Lane, and also the Old Hatfield conservation area should be included in the consultation. These representations were dismissed as these areas were considered not to be strategic to the Borough.

Old Hatfield is designated as a Neighbourhood Centre in planning policy SP5, requiring a mixed balance of offices, shops, cafes and other facilities. More conversion to flats would turn the area into a dormitory suburb instead of contributing to a mixed economy.

Located next to the mainline railway station, this is a strategic location for office development and Gascoyne Cecil Estates have found a good strong demand for office use and their proposed redevelopment of Salisbury Square will regenerate the area with a mixed development of offices, flats and retail units. There are few office blocks left in Old Hatfield with the majority having been converted to flats and further loss will hinder the regeneration.

Paragraph 3.9 on page 55 of your agenda pack notes the representations made. Can WHBC please clarify why Old Hatfield was not considered in the consultation, when and how “other areas” continue to be monitored and the expected timeframe for this to be brought back to Members?

Response from the Chairman

Article 4 Direction is not consultation in the traditional sense of gathering views and making a decision based on those views. Rather its purpose is for the Council to give forewarning to landowners that it is minded to remove permitted development rights *and* believes it has the justification to do so, in order that compensation claims can fall away after twelve months.

The boundaries of the four strategic areas that were recommended for inclusion in the Article 4 Direction largely match the boundaries of employment areas identified in Policy SADM10 of the Submitted Local Plan.

In drafting their original report to this Panel, officers did not consider that Old Hatfield had enough office stock to warrant being identified as a strategic location where permitted development rights should be removed. It is not identified as an employment area in Policy SADM10 of the Submitted Local Plan.

Old Hatfield was considered by officers when preparing the recommendations and as part of the Panel’s discussion and on balance Councillors agreed that only strategic sites with important levels of office stock should be included in the consultation.

If members of the Panel wish to reconsider this matter, it would be necessary to carry out a separate consultation and wait a further twelve months in order to apply an Article 4 Direction to Old Hatfield.

Point of clarification

On a point of clarification it was explained that this Panel will have the opportunity to consider the Old Hatfield area (shops being converted to residential) once a report is circulated, as per the motion passed at the last Council meeting.

80. PARKING STRATEGY 2020-2030

Report of the Corporate Director (Resources, Environment and Cultural Services) on the Parking Strategy 2020-2030 for the borough of Welwyn Hatfield. The Parking Strategy has been developed to enhance traffic management and support the local community and its environment. It will guide Parking Services in their planned work for the next ten years. Nine core strands have been identified with several objectives and associated actions that will need to be explored in each of the following areas:

1. Traffic Management and Road Safety
2. Economic Vitality of Town Centres and Shopping Centres
3. Environment
4. Residential areas/On-street Parking
5. Resident Parking Permit Policy
6. Schools
7. Communications and Engagement
8. Business and Employment Areas
9. The Future

The Council will initially investigate electric car charging points alongside its regular parking programme. When the Parking Strategy is adopted, reports when required will be presented by Officers to the Cabinet Planning and Parking Panel, which will provide updates on the objectives and progress in meeting the aims within the Strategy.

Members raised and discussed the following points:

- Members congratulated the Parking and Cemetery Services Manager on the report in terms of the readability and layout. A comment was made on point 3 above in terms of having the ‘Environment’ running throughout the report. It was confirmed that the strands listed above do interact with each other.

- The possibility of having electric charging points installed at all new developments. It was clarified that each new development would be assessed within its infrastructure layouts in terms of charging points. The

need will be examined as in the future there may be more people working from home so less travel.

- Questions were raised on who will be paying for the installation and running costs of charging points. The Council would look to enable infrastructure being installed.

- Would be possible to have express charging points in the vicinity of block of flats, as normal electric charging can take up to 12 hours for a car to be fully charged? The Officer explained that this would be considered alongside other infrastructure deliberations.

- Most charging points will be installed in destination locations and the town centre will be avoided, as parking time limits may not be suitable. The impact on substations was debated. Clarification was provided on the term of 'destination' location – referring to car parks.

- Restrictions should meet the needs of an area, as some areas/roads require different parking restrictions due to commuter areas and/or schools. It was confirmed that residents are given options and the opportunity to consider the proposed restrictions and put forward their ideas before any decision is made. All new parking provisions are monitored to establish the take up and whether certain parking areas need to be revisited for residential parking limits/permits.

- As the government has been encouraging walking, cycling and use of public transport since 2016, it was felt that local authorities should work together to investigate this to make it workable. Also the take up of these amenities during bad weather.

- The need to encourage residents back into the town centre, would it be possible to provide a free period of parking at some point between Monday to Friday? This could be monitored to see if it is practicable. The Officer advised that a period of free parking was available and other options were being considered to promote businesses in the Town.

- The future of car usage was considered and it was felt that there may be commercialisation of electric charging points, whereby large companies may approach the Council for planning to install charging points in car parks. Also there has been an increase in E-car sharing schemes especially in large cities. It was agreed that it would be a gradual advancement and would not be viable to provide free charging points.

RESOLVED:
(Unanimously)

That the Panel recommends to Cabinet to adopt the Parking Strategy 2020-2030 (Appendix A).

81. ARTICLE 4 DIRECTION - EMPLOYMENT SITES

Report of the Corporate Director (Public Protection, Planning and Governance) on the Article 4 Direction which enables local planning authorities to remove permitted development rights, this means that if any such development is proposed, planning permission must be applied for in the normal way. This Panel had considered a report on this on 3 July 2019 and subsequently recommended to Cabinet than an Article 4 Direction which would remove permitted development rights allowing offices to be converted to residential use on four key employment sites within the Borough, should be consulted upon.

Appendix 1 attached to the report contained plans of the areas which are to be covered by the Article 4 Direction. Appendix 2 reports on the results of the consultation which was undertaken and following analysis of the results it has been proposed that the Article 4 Direction should be confirmed so that it can take effect on 12 October 2020.

It was noted though not in the report that the Government has introduced new statutory instruments (coming into effect in September 2020) further amending permitted development rights to include demolition of commercial buildings (dated prior 1990) and construction of new homes in their place. A report on this legislation will be presented to this Panel at the next meeting.

Members considered the following points:

- It was noted that with change of use through ‘permitted development’ you cannot secure S106 funds. There has been no affordable housing being delivered within the 400 new flats that have been created through this route and that there would be another 200 dwellings being created. Also these developments have not made any contributions to healthcare or open spaces that would normally be sought.

- Hertfordshire LEP carried out a study just over 18 months ago which has highlighted that there has been a loss of 400k sq. metres of office space across the County.

- It was noted that Officers had not considered the Old Hatfield area, as stated earlier under the public question item. The areas listed within the report had been consulted and 15 support the A4D and 3 in opposition. There was nothing significant to hinder the advancement of the A4D.

- Clarification was sought on the new permitted development recently announced by Government and it was advised that the rights apply to commercial buildings constructed prior to 1 January 1990 that have been entirely vacant for at least 6 months prior to the application for prior approval. If an application is presented for demolition and it meets the tests set, the Council will have to consider this along with other factors

such as flooding, roads, contamination and impact of noise on future residents and allow redevelopment.

- Members can only consider the A4D, as it stands at present. There will be other changes to permitted development rights in September 2020 and Members will be presented with an opportunity to debate the changes.

RESOLVED:
(Unanimously)

1. That Cabinet notes the results of the public consultation which took place for six weeks in October and November 2019.

2. That Cabinet approves the confirmation of the Article 4 Direction covering the most important office sites in the Borough, to start on 12 October 2020.

82. PROPOSED CONSULTATION ON COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE

Report of the Corporate Director (Public Protection, Planning and Governance) on the proposed consultation on Community Infrastructure Levy (CIL) draft charging schedule, which is a locally set planning charge, first implemented nationally in 2010. This means that local planning authorities can choose to implement to raise contributions from new developments in their area towards the delivery of necessary supporting infrastructure.

A decision was made at the Council's Cabinet meeting on 4 April 2017 to publish for consultation a Preliminary CIL Draft Charging Schedule (PDCS). The responses to that consultation were reported to Cabinet Planning and Parking Panel on 14 December 2017, when they were noted, and officers indicated that further advice from viability consultants BNPPRE would be sought to see if any changes to the schedule were justified. The Panel also agreed that the timetable for progressing the Welwyn Hatfield CIL should be developed to co-ordinate with the Local Plan timetable.

The report sought agreement from the Panel that the CIL Draft Charging Schedule and associated Draft CIL Instalments Policy should be recommended to Cabinet for approval for it to be subject to an eight-week public consultation exercise, with a view to proceeding to independent examination of the Schedule and subsequent adoption.

Following amendments to the CIL regulations (2010) in 2019, the Draft Charging Schedule is now the first and only statutory stage of consultation required in respect of CIL. Nevertheless, the previous consultation responses to the PDCS have informed the production of the DCS. The consultation on the DCS will set out the type of development which will be liable for CIL and the proposed charging rates.

It was noted that CIL contributions received by the Council can only be spent on infrastructure. The Council is required by recently amended CIL regulations to produce annually a list of all infrastructure projects and the S106 and CIL funding spent on them. This is called the Infrastructure Funding Statement (IFS).

The main advantage of CIL is that receipts can be used to help fund all sorts of strategic infrastructure – these include major road improvements and other sustainable transport projects such as those identified in the County's Local Transport Plan. Strategic green infrastructure projects such as the Council's emerging Green Corridor Masterplan could also be funded. These types of infrastructure would be difficult to fund through multiple Section 106 contributions.

The report noted that an updated study of development viability had been conducted on behalf of the Council by property consultants: BNP Paribas Real Estate (BNPPRE).

The following points were raised and discussed:

- Clarification was sought on the charging schedule relating £20 per sqm for Class C2 student accommodation and higher rates for Class C3 residential levy charges. Head of Planning explained the recommended levies were based entirely on viability evidence.

- Viability rates were considered and a question was asked how the Council had arrived at £20sqm rate for student accommodation? The yield and comparison to other rates for the Borough were discussed, together with how it matches our OAN. An example was provided, using Bio Park and the proposed dwelling. Could staff residency on site be considered as C2 along the lines of new student accommodation? There would certainly be a fall in the contributions, thus delivering only a quarter of the yield. An explanation was provided setting out that developers cannot just choose between C2 and C3 class developments. Head of Planning advised that this is a separate issue and will be investigated further.

- Clarification was sought on the Hat 1 site. Would there be any opportunity to acquire CIL contribution from this site, which has S106 agreement in place. It was confirmed that this large site providing approximately 1650 units comes with substantial associated infrastructure including a secondary school so from a planning point it is better to have a S106 agreement in place so that the development mitigates its own impact on the area. If CIL was applied it would make it unviable and the developer is likely to ask to reduce the amount of affordable housing provided.

- Would it be possible to set out in any further report to the Panel what the CIL would be against the S106 monies? It would demonstrate the actual costs being managed by the developer.

- What is left for the Council to spend on leisure once all the big projects such as roads have been paid for? These are funds from S106 and CIL funds. Head of Planning explained that the decision is for Members to consider. Planning provides an Infrastructure Funding statement, this lists all the things that are needed for the Borough, the Council works with the County and developers and budgets to deliver those items. Sometimes there is not enough money available to deliver everything on the list and Members have to choose along the lines of priority. County would have view, as they provide most of the major projects within the Borough.

- Town and Parish Councils are provided with 15% of CIL monies collected in their area by default (of the CIL contribution) and 25% if they have a Neighbourhood Plan in place. But Hat 1 receives nothing due to S106 costs and their effect on viability leading to a zero CIL charge; some concern was expressed on this matter. It was felt to be unsatisfactory for certain areas. The Officer explained that Hatfield Town Council would not get the 15% of the CIL but would be benefit from the S106 funding. There will be a master plan exercise and the Town Council will have the opportunity to input their aspirations and will receive its 15% share from other developments within its area.

RESOLVED:

(Unanimously)

That the Panel agrees that the CIL Draft Charging Schedule in Appendix A and Instalments Policy (Option D as set out in Appendix B) should be recommended to Cabinet for agreement for public consultation.

Meeting ended at 8.40 pm
GP