

Cabinet Planning and Parking Panel  
10 September 2020

WELWYN HATFIELD COUNCIL

\* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 10 September 2020 at 7.30 pm via a Zoom meeting.

PRESENT: Councillors S.Boulton (Chairman)

A. Chesterman, B. Fitzsimon, G. Hayes, T. Kingsbury,  
J. Quinton, A Rohale, P. Shah and P. Zukowskyj

OFFICIALS Head of Planning (C. Haigh)  
PRESENT: Planning & Policy Implementation Manager (S. Tiley)  
Parking and Cemetery Services Manager (V. Hatfield)  
Senior Parking Services Officer (M. McCann)  
Governance Services Officer (G. Paddan)

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83. MINUTES

The Minutes of the meeting held on 30 July 2020 were approved as a correct record and signed by the Chairman.

84. 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.

85. INTRODUCTION OF TWO DISABLED BAY PARKING PLACES IN CHURCH STREET, WELWYN

Members considered the report of the Corporate Director (Resources, Environment and Cultural Services) on the introduction of two disabled bay parking spaces in Church Street, Welwyn. With more of the UK population being eligible to apply for a disabled blue badge; eligibility now includes medical conditions where those with health issues cannot undertake a journey without there being a risk of serious harm to their health.

Welwyn Parish Council had highlighted that currently there was no on street provision for disabled badge holders only. Letters were sent to nearby residents and businesses in Church Street/High Street in respect of the advertisement of the proposals to invite any objections against such a scheme. The report noted that two objections had been received.

Members were pleased with the proposal. It was agreed that more disabled parking bays were required especially within the current climate of social distancing.

RESOLVED:  
(Unanimously)

*“The Borough of Welwyn Hatfield (Church Street, Welwyn) Disabled Bay Order 2020.”* That the Panel considers the objections received, and in addition to the issues raised in Section 15 around equalities and diversity. Having considered all the issues in this report, recommends to Cabinet to proceed with the creation of the above Traffic Regulation Order for two disabled bays in Church Street (**Appendix B**) for the reasons set out in this report.

86. LOCAL PLAN UPDATE

Report of the Corporate Director (Public Protection, Planning and Governance) providing an update on the Local Plan process, including the recent examination hearing sessions, the updated Objective Assessment of Housing Need (OAN) and recent letters between the Inspector and Head of Planning.

The Officer advised that the ONS published the new 2018 based projections earlier this year and the household projections in June 2020. These had been recognised by the Council, the Inspector and other parties that these were important pieces of evidence to inform the objective assessment of housing need for the Borough. It was noted that Turley’s updated OAN had used the 2018 based population and household projections alongside other factors to recommend an updated objective assessment of housing need of 715-800 dwellings per annum for the original plan period of 2013-2032. For the revised plan period of 2016-2036 the report had placed more justification on an OAN at lower end of the range, which equates to 14,300 dwellings as shown in Turley’s OAN report in Appendix 1.

The Inspector has commenced consultation on the updated OAN evidence and further evidence on Birchall Garden Suburb and Symondshyde. Members noted that in addition to the potential for additional dwellings at Symondshyde the Inspector had also indicated that consideration be given to increasing dwelling numbers at HS27 and HS22. The numbers had been limited for these sites at Cuffley and Brookmans Park due to highway capacity issues which were challenged at the hearing session.

Members discussed the following:

1. Some Members felt that the figure was too high and that if data changed within the five year period this could have some disturbing affects. Reference was made to North Herts having taken the position of using a longer trend period of ten years to help smooth potential issues. Some Members felt that Turley’s figures were unacceptable and that further work was required.

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2. A Member asked whether it would be feasible to obtain two further sets of figures besides Turley's reported figures to provide a comparison before a decision is made.
3. Two questions were raised in terms of how long did it take Turleys to produce the report? Also are Turley's exclusive to the Council? The Officer explained that it took Turley's approximately one and half months to produce the report and that they are national consultants. There are other OAN consultants that could be engaged but Turley's have the background knowledge to the Council's Local Plan.
4. Clarification was sought on the percentage of affordable housing in different towns and villages that is applied within the Borough in the submitted Local Plan. The Officer clarified that the percentage of affordable dwellings was based on viability evidence. If there was to be the same percentage affordable housing applied in the Borough it would reduce the affordable housing figures for Welwyn Garden City to 25%, currently the figure was 30%. The figure for villages was currently 35%.
5. Further questions were raised in terms of: Was there a danger of building more house than those needed? Would builders be waiting for payment with part developed sites?
6. Reference was made to the Government's consultation on fundamental changes to the planning system. It was noted that they are also consulting on the proposed changes to the standard methodology for calculating housings need – a figure of 667 dwellings per year for Welwyn Hatfield had been generated using the new methodology. The material difference was noted.
7. The issues relating to discussing figures from three different consultants would not necessarily provide a comparison, as they could be very different and how would one justify the dissimilarity in figures? Also there would be a cost involved. There are other parties who have commissioned work and information will be fed into the Inspector's consultation, which will be reviewed.

The Head of Planning advised that it would be advantageous to go back to Turley's with Member's comments and see if they have a response to the points raised. They may prepare a supplement to their report.

RESOLVED:

That this item be deferred until November 2020, as additional information is required by the Panel.

87. MHCLG WHITE PAPER - PLANNING FOR THE FUTURE

Members considered the report of the Corporate Director (Public Protection, Planning and Governance) on the MHCLG White Paper for planning for the future. The Government is consulting on fundamental reforms to the planning system. It proposes to build a new simpler, clearer and quicker system that would actively encourage sustainable, beautiful, safe and useful developments

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but at the same time make it harder for developers to escape their obligations to improve infrastructure.

The Government is also consulting on four associated measures until 1 October 2020: changes to the standard methodology for calculating housing requirement; First Homes; temporarily lifting the small sites threshold for affordable housing; and extending the current permission-in-principle to major development. [www.gov.uk/government/consultations/changes-to-the-current-planning-system](https://www.gov.uk/government/consultations/changes-to-the-current-planning-system).

The Head of Planning summarised the White Paper and explained that a response has been drafted for Members to consider and add comments. It was structured around three pillars and 24 proposals. The three pillars being:

Pillar One – Planning for development. These proposals focus on certainty and delivery by proposing the organisation of land and associated simplified routes to planning permission.

Pillar Two – Planning for beautiful and sustainable places. To have good design in the planning system, to introduce a fast-track for beauty through changes to national policy and legislation to fast-track high quality development which would reflect on local character and preferences.

Pillar Three – Planning for infrastructure and connected places. The Government could seek to use developer contributions (levy) to obtain a greater proportion of the land value which occurs through the grant of planning permission.

The White Paper notes that areas zoned as “protected” will basically continue with the existing planning process, with all existing Green Belt designations remaining in force.

Within the “growth” areas, certain pre-approved development types will be given automatic pre-approval via the new permitted development rights. These new permitted development rights will also have to take account of local design codes.

Changes to the Standard Methodology - The new methodology proposes to introduce a new element to take account of the number of homes already in the area and an affordability adjustment that takes account of changes over time. The new standard methodology currently results in a requirement for 667 dwellings per year, compared with the current requirement for 875 dwellings per year.

Members raised and discussed the following:

1. It was agreed that change was needed but concern was expressed in terms of the watering down of the democratic process. Members felt that local

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- views and their electorate's visions would not be taken into account, it seemed to be controlled by the Government's national codes and policies.
2. Further comments were made on the lack of emphasis on climate change, environment impact and affordable housing.
  3. Concern was expressed in terms of the Infrastructure Levy and its use; would there be sufficient levy to complete what is required locally by the community? Growth area developments – what type of development would be permissible? Head of Planning explained that there will be national codes but local authorities would also have localised design codes and officers processing planning applications would check proposals against agreed design codes before applications are approved.
  4. On a positive point it was felt that getting local plans through would be swifter.
  5. Members agreed that a robust response was required to the proposals listed within the consultation paper.

It was noted that individuals could submit comments directly to the Government's consultation by 29 October 2020:

[www.gov.uk/government/consultations/planning-for-the-future](http://www.gov.uk/government/consultations/planning-for-the-future).

RESOLVED:  
(Unanimously)

That Head of Planning circulates a draft response to Members for comment.

## 88. NEW PERMITTED DEVELOPMENT RIGHTS

Report of the Corporate Director (Public Protection, Planning and Governance) on the new permitted development rights (PD). The Government has recently announced a number of new permitted development rights to help kick-start construction and speed-up development, as part of the response to the coronavirus pandemic. This report explored the possible implications of these new rights and whether the Council should create Article 4 Directions to remove them.

Additionally new legislation has been published which will dramatically change the well-established use class system in England. These new provisions have come into force on 1 September 2020. The new Class E use class for commercial, business and service uses has been introduced, which subsumes A1 shops, A2 financial and professional services, A3 restaurants and cafes, B1 business/offices and some D1 (clinics, health centres, crèches, day nurseries and day centres) and D2 (gyms, indoor recreations not involving motorised vehicles or firearm) uses.

The report noted that the PD rights do not apply to listed buildings, scheduled monuments and land within their curtilages, conservations areas and Sites of Special Scientific Interest (SSSI) and certain other areas. Additionally buildings which were not used for an eligible use or for a Class C3 residential use on 5 March 2018 and buildings constructed before 1 July 1948 or after 5 March 2018.

Members were advised that the planning system allows the Council to prepare an Article 4 Direction where it considers that permitted development rights would be prejudicial to the proper planning of an area and constitute a threat to the amenities of that area. This means that property owners once again have to submit a full planning application. Directions can either be created proactively where the Council believes that the rights will harm the area or reactively where the Council has evidence that the rights have harmed the area.

The Secretary of State has the power to veto Article 4 Directions prior to their confirmation. Members noted that an Article 4 Direction is unable to be administered to the Use Class E as they are now all within the same use class rather than it being a permitted development right.

The following points were raised and discussed:

- A question was raised in respect of obtaining a list of where flats/blocks of apartments are located that may be extended upwards under the new permitted development rights? Unfortunately this information was not available at the meeting. Some concern was expressed in terms of future standards of these extensions.
- Class ZA – loss of S106 money. This would have an impact on the Borough. We may see restrictions causing issues for developers and this may result in cases whereby they may just submit a planning application on what they would like to see, also what the residents may want and negotiations will be held with Planning Officers.
- The issue of extending houses upwards to provide additional room(s) will probably be contentious, as character of buildings change and residents will not be able to voice their opinion.
- Consideration was given to the use of vacant buildings within the Welwyn Garden City town centre; would it be possible to agree what percentage of the buildings can be used for certain businesses/residential? Unfortunately, this would not be possible under the new PD, as it would now be overruled by the new class use. The loss of retail was considered, as empty shops could be converted to cafes/restaurants.
- Investors are likely to extend student accommodation upwards for a better yield on rental. Reference was made to properties in Hatfield, whereby a developer may put two storeys on a row of terraced houses. These rooms could have inadequate access and poor fire provision which may lead to issues of poor fire escapes. Also an impact the adequacy of natural light in all habitable rooms of each new dwelling. Ventilation to extensions may pose other issues. Members were of the opinion that it would be safer to have an Article 4 Direction to avoid the issue raised above.
- Noted that Secretary of State has the final say on Article 4 Directions. If the Council wished to remove some rights it would have to consider writing new PD rights for certain areas and also justify reasons making the changes. A blanket ban for the Borough may not be feasible, whereas pockets around

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the Borough which may be under threat such as the houses highlighted around the Hertfordshire University could be considered.

- The impact of additional two storeys on houses within the Garden City could destroy the historical ambience of the Garden City.
- It was noted that any Directions would need to be subject to public consultation and a wait of one year to allow compensation claims to fall away.
- It was suggested that if two storey houses were extended by additional two storeys, it would mean that the houses would be doubled and this would have an adverse effect on amenities within the Borough – e.g. schools, transport and highways.

After careful consideration it was agreed that a paper be brought back to the Panel for consideration of removal of certain PDRs, taking into account the planning issues and what is known so far in terms of PDRs within Hertfordshire and recommend a way forward.

RESOLVED:  
(Unanimously)

That Head of Planning to produce a document showing where Article 4 Directions could be introduced against permitted development rights; for consideration by the Panel at a future meeting.

89. REVIEW OF THE HATFIELD COMMUNITY SPORT FUND

Members considered the report of the Corporate Director (Housing and Communities) on the review of the Hatfield Community Sport fund. The report noted that in February 2016 the Development Management Committee agreed to a variation of the Section 106 agreement attached to the planning permission S6/2003/0150/FP dated 13 January 2006. The previous agreement was for the University of Hertfordshire to replace sports pitches and facilities at Angerland Common, on the exercise of the planning permission. After lengthy negotiations between all key stakeholders, this obligation was replaced with a new obligation requiring the University to contribute the sum of £1.4 million, on completion of the deed of variation, into a designated bank account administered by Welwyn Hatfield Borough Council on behalf of a Hatfield Community Sports Fund (the fund).

It was agreed by Cabinet on 5 April 2016 that the Fund should be overseen and administered by the Hatfield Community Sports Fund Board (HCSFB), which was established through the Local Strategic Partnership (Welwyn Hatfield Alliance). It was agreed that a proportion of the Fund to be ring-fenced specifically for football and for rugby, with the remaining funds being made available, via a grants system administered by the HCSFB, to the wider sporting community of Hatfield.

Members noted that the Fund has now been operational for three years and to date only £116,487 has been spent from the £1.4million. All of the expenditure has been from the wider community sports pot, no expenditure has been made

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from the ring-fenced football or rugby funds. Fund's Board requested that consideration be given to a review of criteria associated to the Fund. Cabinet agreed to freeze the Fund in September 2019 whilst that review took place.

The review has now been concluded and associated recommendations and alterations were being proposed. Members raised and discussed the following points:

1. It was stated that the main reason for this review was to make it clearer for clubs to apply for funding for sports facilities.
2. Noted that the Board supported the original split of funds (£800,000 – football / £200,000 – rugby / £400,000 – community).
3. The funds are for sports facilities within Hatfield. Some discussion ensued on the use of funds within Welham Green and surrounding parishes. It was clarified that the scope of the review did not include the geographical where funds could or could not be spent. Should this be something that Members want to review that would be a matter for the Development Management Committee to review.
4. Clarification was sought on the possible development of sports facility at Birchwood. The Officers advised that there had been some publicity via the press some time ago but no planning application has been received. Also it was explained that any pre-planning application advice was confidential – between Planning and the developer/applicant.
5. A Member requested that the wording at 3.13 within the report '*Three Board members highlighted the need for greater dialogue and communication between the Hatfield Community Sport Fund and the Welwyn Hatfield Community Fund (managed by GLL).*', be removed, as it was felt that collaboration would not be workable, as these are two very different funds. It was clarified by the Officer that it has been set up to avoid double funding of projects and to ensure great transparency between the funds. The criteria has been tightened to ensure that the fund is used for what it is intended. As such there was an agreement that the wording was not needed to be changed.
6. Applicants will now be required to engage with Officers prior to making an application to ensure that clubs and organisations apply for projects/programmes that meet the new criteria.

RESOLVED:  
(Unanimously)

- 1.1 To recommend that Cabinet agrees to the new criteria as proposed by the Hatfield Community Sport Fund Board (set out in Paragraphs 3.9 and 3.10 of this report and in Appendix three).

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- 1.2 To recommend that Cabinet agrees the revised submissions process for applications to the Hatfield Community Sport Fund Board as set out in paragraph 3.9.4 of this report and allows applications to be submitted from January 2021.

Meeting ended at 9.30 pm  
GP