

Cabinet Planning and Parking Panel
11 November 2021

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 11 November 2021 at 7.30pm in the Council Chamber, Campus East, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Kasumu (Chair)
S.Boulton (Vice-Chair)

G.Hayes, A.Hellyer, S.McNamara, G.Michaelides,
R.Platt, J.Quinton, D.Richardson, A.Rohale, P.Shah,
C.Stanbury, S.Thusu

ALSO D.Bell (Executive Member for Resources)
PRESENT: A.McHugh (Residents Panel Representative)

OFFICIALS Head of Planning (C. Dale)
PRESENT: Planning and Policy Implementation Manager (S. Tiley)
Head of Environment (D.Reyner)
Parking & Playground Services Manager (E.Robova)
Principal Planner (M.Wilson)
Senior Planner (L.Palmer)
Senior Planner (M. Pyecroft)
Principal Governance Officer (J. Anthony)
Democratic Services Assistant (V.Mistry)

23. MINUTES

The Minutes of the meeting held on 15 September 2021 were approved as a correct record.

24. DECLARATION OF INTERESTS BY MEMBERS

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

25. PUBLIC QUESTION TIME AND PETITIONS

The following question was received from Mr Russell Haggard and the Vice-Chair as Portfolio Holder responded with a response:

“An application to register Singlers Marsh in Welwyn as a Village Green was filed in 2020. The land is owned by WHBC and is designated in the current Local Plan

Cabinet Planning and Parking Panel
11 November 2021

as green belt, a local nature reserve and a local wildlife site (as confirmed by the then Head of Planning, Colin Haigh, in March of this year). None of these protections are sufficiently strong as to guarantee to preserve the land's undeveloped nature indefinitely – these designations can be removed at the council's instigation whenever it chooses.

At my suggestion, WHBC enquired of Hertfordshire County Council (HCC) last October about the additional safeguards conferred by becoming a registered village green. HCC confirmed to Colin Haigh that “the registration of land as Town or Village Green offers it significant protection” as stated in an email dated 8 October 2020.

HCC's consultation on the application ran from 1 September to 12 October this year. Before, during and after the consultation period, repeated attempts to discuss the application with the council's Head of Environment have been rebuffed. Rather than engage collaboratively, a decision was made to take an adversarial approach. An opportunity to work together to decide the best outcome for Singlers Marsh from an environmental standpoint has been squandered.

WHBC eventually filed an objection to the application, which will likely now lead to a public inquiry. Given that the flimsy evidence cited in the objection can easily be refuted, this inquiry will likely be a straightforward waste of taxpayers' money. However, the underlying issue in its objection is that WHBC states that a village green will serve Singlers Marsh less well than being designated as a nature reserve. After extensive research, and having checked with HCC itself, I can find no evidence that this is an “either-or” situation. I have asked WHBC to unpack this statement, but they have declined.

It is clear that becoming a registered village green will give Singlers Marsh substantial additional protection from development, and will not interfere with its management as a nature reserve. Why does WHBC refuse to discuss the application with its local residents, and what is the basis for its claim that the lesser protection of not being a village green is the best situation for Singlers Marsh?”

Answer:

I would like to thank Mr Haggar for his question.

The statutory Registration Authority for the purposes of village green applications is Hertfordshire County Council. Once the Registration Authority receives an application it must follow the process which is set out within the legislation.

As Singler's Marsh is owned by this Council, the Council has 2 roles to perform. Firstly, as local planning authority and secondly, as landowner. As landowner, the Council was asked to submit representations to Hertfordshire County Council as the Registration Authority. As landowner, the Council is under a legal duty to apply a separate set of considerations from that of the local planning authority,

Cabinet Planning and Parking Panel
11 November 2021

although the same organisation. Having considered the requirements of the relevant legislation this Council as landowner reached the view that these requirements had not been met and, in light of this, the application to register Singler's Marsh as a village green should be objected to.

It should be noted that this Council's representations are not the only representations which have been made to the Registration Authority and, therefore, a public enquiry would be a possibility even had this Council not submitted representations to the Registration Authority.

As this is a statutory process, it would not be appropriate for this Council to deal with other interested parties outside of the formal procedures. Ultimately, it will be a matter for the Registration Authority to decide if the application to register Singler's Marsh as a village green should be granted or not.

26. RESPONSE TO NORTHAW AND CUFFLEY PARISH COUNCIL - DRAFT NEIGHBOURHOOD PLAN DOCUMENT (SEPTEMBER 2021)

Report of the Corporate Director (Public Protection, Planning and Governance) on Northaw and Cuffley Parish Council's (NCPC) draft Neighbourhood Plan Document for consultation (Regulation 14). The consultation of the draft plan ran for six weeks and ended on the 1 November 2021.

Members noted that due to the consultation deadlines, a response had been approved by an Executive Members Decision Notice. The response was included in Appendix A.

A Neighbourhood Plan puts in place planning policy for a neighbourhood area to guide future development. It would attain the same legal status as a local plan once approved at a referendum. Once the Neighbourhood Plan is made part of the statutory development plan, applications for planning permission must be determined in accordance with the plan unless material considerations indicate otherwise. The consultation was the first opportunity to comment on the draft Neighbourhood Plan.

At this stage in the preparation of the Neighbourhood Plan Welwyn Hatfield Borough Council is a consultee.

Strategic policies together with national policies, provided a context for Neighbourhood Plan policies. The Neighbourhood Plan could include policies that differ from non-strategic local planning policies or introduce new policies (providing they are in general conformity with strategic local planning policies).

In the response to the Parish Council, the Council advised the Parish Council to ensure the criteria proposed was not overly prescriptive and does not conflict with the delivery of strategic policies in the Local Plan. Failure to do so could result in a wholly unimaginative approach to building design.

During the debate the following points were raised and discussed:

Cabinet Planning and Parking Panel
11 November 2021

- Members thanked Northaw and Cuffley Parish Council on their hard work for putting together the Neighbourhood Plan.
- Members asked if other parishes within the Borough had prepared a Neighbourhood Plan. Officers stated that Welwyn Parish Council had notified the Council that they wish to prepare a Neighbourhood plan but had not provided any further information on timescales or progress to date.
- Members asked if Northaw and Cuffley were overly prescriptive in the plan or were officers giving advice to them to not be overly prescriptive. Officers stated that the response highlighted the danger of being too prescriptive and permitting bad designs that met all the criteria, and not encouraging good design. Officers also highlighted concerns that some of the requirements related areas covered by permitted development rights and would not get through the examination. However Officers did acknowledge that there was merit in providing clear guidance on what was acceptable and what was not.
- Members were happy to see that climate change issues had been referenced in the plan. However Members believed these issues could be more prominent in the plan and added to the design code.
- Members asked what would be the impact on the Neighbourhood Plan should the Council's Local Plan not be adopted? Officers confirmed that in the absence of an adopted Local Plan, the proposed Neighbourhood Plan would not be in conformity with the current development plan in place and this would cause a conflict. The examiner would need to consider the extent to which the Parish Council was setting strategic policies rather than site location and development management policies. Officers confirmed that the Council would need to get further information on this matter should the Local Plan not be adopted.
- With reference to paragraph 3.5 of the report, Members mentioned the lack of Traffic concern expressed in the Council's response to the consultation. Officers stated that the response set out the context in terms of additional sites be put forward for examination in the Local Plan.
- Members asked how the sites proposed in Cuffley would be allocated? Officers noted the risk to the Parish Council in having identified additional sites which had not been included in the Local Plan. Officers noted that the sites HS29 and HS30 were closer to the station, services and facilities and therefore should be preferred over Cuf15.
- Members asked when the site location would be published. It was stated that the Council was waiting for a response to the letter Cabinet had sent the Secretary of State seeking clarification on government policy and housing targets.

RESOLVED:
(unanimous)

The Panel noted the response to the Northaw and Cuffley Parish Council Draft Neighbourhood Plan Document (Regulation 14) and that, due to the timing of the end of the consultation period, was approved via an Executive Member Decision Notice. The Panel also noted the next stages of the neighbourhood plan process.

27. RESPONSE TO HERTSMERE BOROUGH COUNCIL - NEW LOCAL PLAN CONSULTATION

Report of the Corporate Director (Public Protection, Planning and Governance) on Hertsmere Borough Council new local plan consultation.

The report discussed the latest consultation from Hertsmere Borough Council. Hertsmere were in the process of preparing a new local plan. The Council had been consulted on at previous stages of the preparation of their local plan. Officers confirmed that this was still an informal document as defined by regulation 18.

In the consultation document Hertsmere Borough Council set out their preferred special strategy and related policies for accommodation growth. Whilst this was supported by some evidence, a sustainability appraisal was still in preparation. This meant the Council was unable to assess how individual sites performed against each other.

The report itself focused on two specific areas, the proposed new settlement at Bowmans Cross; and sites around Potters Bar, where there were infrastructure implications given the proximity of the settlement to Welwyn Hatfield Borough.

The Draft HLP Regulation 18 document had been approved for consultation with consultation responses required by 6 December 2021 (the deadline has been extended from the previously advertised date of 22 November).

Provision would be made for at least 12,160 new homes, a minimum of 760 homes a year, up to 2038, with a large proportion of the borough's future development needs provided by the four main areas of Borehamwood and Elstree, Potters Bar, Bushey and the new settlement of Bowmans Cross.

The draft HLP proposed 6,000 homes at the new settlement of Bowmans Cross together with supporting infrastructure and employment/business facilities. This would be delivered through 2,400 dwellings proposed within the plan period up to 2038 and a further 3,600 will be delivered beyond the plan. This new settlement was adjacent to the boundary with Welwyn Hatfield and St Albans.

During the debate the following points were raised and discussed:

- Members were concerned about site PB2 on the local plan. Officers confirmed that Hertsmere's PB1 was different to Welwyn Hatfield's PB1 but they were both located in Potters Bar. Officers confirmed that in the past Welwyn Hatfield was not at a stage to fully consider PB1 on the local plan.
- Members considered the proposed new settlement at Bowmans Cross site, to be located at one of the least sustainable areas in Hertfordshire. The roads were hazardous and very few people would want to walk/ cycle on that road.
- Members asked how much weight would be attached to the concerns raised in any response? Officers stated that all matters raised would be looked at by

Cabinet Planning and Parking Panel
11 November 2021

the local plan inspector and they would need to consider particularly, the points around exceptional circumstances and rationale for selecting sites.

- It was noted that every local authority had concerns about infrastructure when looking at local plans and a greater level of engagement with Herefordshire County Council would be welcomed.
- Members thought that the Council should explore future cooperation in Potters Bar with Hertsmere Council and strengthen this as the Council have sites within boundaries.
- It was noted that in the draft response, Welwyn Hatfield would add an extra sentence emphasise the need for borough councils to work together on their respective Local Plans and future development plans.

RESOLVED:
(unanimous)

The Cabinet Planning and Parking Panel agreed the consultation response provided in Appendix A with the additional sentence to reflect a need to work 'together on current and future local plans'.

28. BROWNFIELD LAND REGISTER 2021

Report of the Corporate Director (Public Protection, Planning and Governance) on the Brownfield Land Register for 2021.

Local planning authorities are required to publish and update annually a Brownfield Land Register of all previously developed sites which meet the criteria for inclusion and, in the opinion of the local authority, are considered to be suitable for development. The report set out details of the sites included in the Council's 2021 update to the Brownfield Land Register. No sites have been included on Part 2 of the Register again this year, meaning that 'Permission in Principle' has not been granted for any proposals on any site.

The 2021 Brownfield Land Register included 51 sites with a total dwelling capacity of 3,676 dwellings and this compared with a dwelling capacity of 3,987 across 64 sites in the 2020 Brownfield Land register. The majority of sites on the 2021 Brownfield Land Register already had a form of planning permission making up 60% of the total dwelling capacity.

The intention of the Brownfield Land Register (BLR) was to improve knowledge of the availability of previously developed land for residential development and encouraged its use. Should they decide to do so, part 2 of the register also allows local planning authorities to grant 'permission in principle' (PiP). PiP allows the principle of development on a site to be established, without need for the level of detail and evidence typically required when granting a conventional outline or full planning permission. Sites receiving PiP would then only need to seek a 'Technical Details Consent', where more detailed issues aside from the principle of development would be considered. As no sites have been included on Part 2 of the register, the Brownfield Land Register for Welwyn Hatfield is purely a means of providing information about land availability in the borough.

During the debate the following points were raised and discussed:

- It was noted that there were not many Brownfield Land sites located in the Borough.
- Members asked if the density requirement for the dwelling capacity for each of these sites was calculated in the usual way for all sites in the Local Plan or were they treated differently to each other? Officers stated that each site was assessed individually and the density assumptions vary depending on the type of site and its location. Also density requirement would vary depending on the evidence submitted. Given that a number of sites on the Brownfield register had received planning permission, density would have already been established.
- Members asked whether the criteria that a development was likely to be achievable meant it was likely to get planning permission. Officers confirmed that the assessment would not mean a particular development scheme submitted for approval would be automatically deemed suitable if it had the same number of dwellings. However the assessment would give an indication, based on the information available that, a certain number of dwellings should be capable of being delivered at a particular site. The number was also a guide to what could be achieved, rather than a requirement.
- Members noted that whilst building on Brownfield sites to increase the housing stock was welcomed, this needed to be balanced with a need to have developments to facilitate employment opportunities and business growth. This may require consideration of building on the green belt. Officers stated that the Local Plan was not just about allocating sites for development, and did look at employment needs. This also applied to the current district plan, which identified areas which had been designated as employment areas; and this was a consideration when planning applications were considered. However, Officers did advise that given the Borough's lack of a five year land supply, the weight that is given to the need to protect employment site was not as strong as the weight that is given to deliver additional dwellings. Officers noted that the Council had lost appeals on planning decisions where employment use was prioritised as a consequence of this weighting.

**RESOLVED:
(unanimous)**

The Panel noted the sites and dwelling capacity on the 2021 Brownfield Land Register, and that the Register will now be updated on the Council's website.

29. ARTICLE 4 DIRECTION - ADDITIONAL STOREYS IN HATFIELD

Report of the Corporate Director (Public Protection, Planning and Governance) on an Article 4 Direction for Additional Storeys in Hatfield.

Article 4 Directions enabled local planning authorities to remove specific permitted development rights on identified sites, which meant that if any such

Cabinet Planning and Parking Panel
11 November 2021

development is proposed, planning permission must be applied for in the normal way. A number of Article 4 Directions have been enacted by the Council in the last two years. Following consultation and member decision, the Council confirmed an Article 4 Direction to remove the permitted development right enabling offices to be converted to residential uses in the four most significant employment sites in the borough. The permitted development rights had come into effect on 12 October 2020. Subsequently, a second Article 4 was approved by members in June 2021 to remove the right to demolish existing employment buildings and replace them with residential on the same employment sites, and this will come into effect in February 2022.

In 2020, the Government introduced a new permitted development right which would allow owners of existing blocks of flats to extend by up to two additional floors for additional flats. This could present an issue in Hatfield due to the heritage assets in the town, in particular Hatfield House and Park, and the possible impact on their character and setting.

Following member approval, an Article 4 Direction which would remove this permitted development right in Hatfield was proposed on 07 July 2021 with a start date on 07 July 2022. A public consultation was undertaken and following analysis of the results, Officers recommended that the Article 4 should be confirmed and take effect on 07 July 2022.

During the debate the following points were raised and discussed:

- Members enquired as to reasons for the delay in implementation. Officers stated that the reason for the deferred start was to avoid the risk of compensation payments having to be paid if changes were made overnight. A year's notice would, Officers advised, remove that risk. However, it was noted that the permitted development rights would be in place until the Article 4 Direction commenced and there were risks associated with that.
- Members asked if the Council could extend the Article 4 Direction to Welwyn Garden City? Officers confirmed that new Article 4 Directions could in theory be put in place to cover Welwyn Garden City, but that these Directions were needed in Hatfield which were not as well protected in the planning application process.

RESOLVED:
(unanimous)

- (1) The Cabinet Planning and Parking Panel noted the results of the public consultation which took place for six weeks in July and August 2021.
- (2) The Cabinet Planning and Parking Panel recommended to Cabinet the confirmation of the Article 4 Direction covering the whole of Hatfield, to start on 7 July 2022.

Cabinet Planning and Parking Panel
11 November 2021

- (3) That the decision to be taken by the Executive Member using their delegated powers under paragraph 18.1(b) of the Cabinet procedure rules.

30. REVIEW OF THE PARKING SERVICES WORK PROGRAMME 2022-2024

Report of the Chief Executive on the review of the Parking Services Work Programme 2022-2024.

Throughout the year, the Council would receive many requests for parking restrictions, and these would be recorded on the Parking Services Investigation List for consideration for a future Parking Work Programme. The Work Programme allows the Parking Services team to manage the expectations of the communities' requesting restrictions and the associated workload demand of the team.

The current Work Programme, agreed by Cabinet on the 7 June 2018, addressed many requests made from several wards. The current works programme is still ongoing and parking proposals in some locations are yet to be finalised. These locations are Handside, Peartree, Ellenbrook, HighDells and Hilltop.

Up to the 6 August 2021 the Council had received a further 330 parking requests from the community in areas that are currently not on the Works Programme.

The proposed new works programme would consider Sherrards, Hollybush (North), Howlands (North), South and East Hatfield, Robin Hood Lane/ The Common and Pine Grove. It was noted that the new works programme would not commence until the schemes on the current works programme have been completed.

During the debate the following points were raised and discussed:

- Members asked about item 3.6 of the report and expressed concerns that the response rate was relatively low, especially for the College Lane and Hazel Grove areas. Officers agreed to update Members on the response rate as a number of parking surveys had not been reached in the past.
- Members asked how the Council weighted responses. Officers confirmed that only one request or response was considered from any one property and that all requests and responses were treated equally regardless of the longevity of the resident or landlord that had provided it.
- Members noted that Pine Gove in Brookmans Park had been included in the new proposed works Programme. It had previously been classified as a lesser priority and not included. Members noted that Chancellors School was located on Pine Grove, and then school had been expanding. It was noted that most of the students who attend the school resided in Hatfield and not Brookmans Park, which contributed to traffic and parking issues in the area, which caused a risk to students.

Cabinet Planning and Parking Panel
11 November 2021

- Members noted that a few schools were located on Woods Avenue, and that there had been incidents of children being injured from traffic accidents. Members asked whether Woods Avenue could be included in the works programme given the risk to students. Officers noted that it may be more appropriate for Hertfordshire County Council to lead on improvements given their role in ensuring safety on the Highways; but, there may be some small measures the Council could take to improve the situation.
- Members noted the choice of Howlands (North) and Hollybush (North). Officers remarked that there would always be merit in extending the areas being worked on to incorporating neighbouring sites, but this would need to be balanced against the limited resources and time available.
- Members discussed the cycle of surveys, consultations, work programme allocation and work completions, noting that it could take several years before a possible concern was addressed. However, residents should continue to raise parking observations so that they could be logged and when appropriate considered for the work programme. Officers noted that safety issues would need to be considered by Hertfordshire County Council as the Highways Authority.
- Members noted that the Peartree consultation process was repeated given the low response rate. The consultation had now ended, and Officers were consolidating the results which will be published on the website soon.

RESOLVED:
(unanimous)

- (1) The Panel recommended to Cabinet to approve the new Works Programme 2022-2024, as outlined in sections 3.11 and 3.13 of the report with the exception of Robin Hood Lane/The Common & Pine Grove. Officers were instructed to consider options for including Woods Avenue on the Parking Works Programme and to return to the Panel with options for its consideration and agreement.
- (2) The Panel recommended to Cabinet that delegated authority was given to Head of Environment in consultation with Executive Member for Resources to make minor adjustments to the programme as agreed, in order to assist with the delivery of Council's corporate projects as and when required.

Meeting ended 9.24pm
VM