

Development Management Committee
20 January 2022

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 20 January 2022 at 7.30 pm in the Council Chamber, Campus East, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors J. Boulton (Chairman)
B. Fitzsimon (Vice-Chairman)

S. Elam, C. Juggins, N. Pace, J. Ranshaw, D. Richardson, J.P. Skoczylas, P. Shah, T. Travell, R. Trigg, S. Tunstall, J. Weston

ALSO PRESENT: Legal Advisor, Trowers (J. Backhaus)

OFFICIALS PRESENT: Head of Planning (C. Dale)
Development Management Services Manager (D. Lawrence)
Senior Development Management Officer (R. Lee)
Democratic Services Assistant (V. Mistry)

51. MINUTES

The Minutes of the meeting held on 9 December 2021 were approved as a correct record and noted by the Chairman.

Ahead of the committee's deliberation on the applications presented at the meeting, the Head of Planning made a statement on how the Local Plan proposals being considered by the council, following on from the recent Cabinet Planning and Parking Panel and Cabinet meeting, had changed the context in which the reports before the Committee should be viewed. Officers advised that the weight given to the Emerging Local Plan should be moderated so that less weight is attributed to it than previously was the case.

52. 38 THE RIDGEWAY CUFFLEY POTTERS BAR EN6 4AX - 6/2021/1252/FULL - ERECTION OF A DETACHED DWELLING WITH NEW VEHICLE ENTRANCE AND CROSSOVER

Report of the Head of Planning on the erection of a new 2.5 storey dwelling with vehicular access. The proposed dwelling would be of a neo-classical architectural style that would measure approximately 9.8m in height to the

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ridgeline, 16m in total width and 26.5m in overall depth. The new dwelling will have a footprint of around 284sqm and the 2.5 storey element of the building will be set back from the road by approximately 14m. The single storey linked garage will be approximately 5.1m to the ridge and will be located approximately 4.5m from the front boundary of the site. The single storey part of the building will be built on the western shared boundary with the host property (No. 38) and the upper storey element will be set in by approximately 2.6m. The dwelling would retain a distance of around 5.7-6.6m from the eastern side boundary to No. 36. The proposed gates will measure approximately 1.2m tall and the existing circa 2m high hedge along the front boundary is shown on the submitted plans as being retained.

The development would be served by a parking and turning area at the frontage and double garage.

The application was presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major Objection.

Northaw and Cuffley Parish Council have submitted a Major Objection as follows: *'The Parish Council Planning Sub-Committee met on 19th May 2021 and recommended that the Clerk under delegated authority submit a Major Objection on the basis that this property is located within the green belt and does not meet special circumstances for proposed development.'*

Officers advised the Committee that in light of the recent CPPP meeting on the 13 January on the Local Plan, less weight should be given to the Emerging Local Plan. However, Officers were of the consideration that this would not affect the recommendations in the report.

Members stated that the objection was received because the site was within the greenbelt. However, officers emphasised that there is an exemption stated within Paragraph 149 (e) of the NPPF which permits limited filling in Green Belt villages and it was considered that in this case the proposals meet this particular exception. Members asked whether they should treat it like a planning application in a village as opposed to a planning application in the greenbelt. Officers stated that yes they should consider it as a planning application within a village and the NPPF does mention the exception within villages in the greenbelt.

Members were concerned about the loss of trees on the property. Officers stated that there will be a loss of trees but have recommended a condition for landscaping to include replacement trees and shrub planting to mitigate the loss of these trees subject to the further consideration of the Landscape officer.

Members asked about a previous application in 2020 that was refused and what the size of the property was. Officers stated that there was no previous planning application on the site in relation to this, however Officers did acknowledge that paragraph 4.8 states that pre-application advice had been given.

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Members asked about the ecological constraints, can these be conditioned? Officers stated that there was a condition imposed to ensure that the submitted documentation was followed. The applicant had submitted a sound report on ecology and Herts ecology were content with this.

The Chair gave an overview of the main points raised throughout the discussion.

Following discussion, it was proposed and seconded by Councillors N. Pace and B. Fitzsimon and

RESOLVED:
(13 in Favour, unanimous)

That planning permission be granted subject to the conditions proposed in the report.

53. 1 AND 1A TOWN CENTRE AND 3-9 TOWN CENTRE, HATFIELD, AL10 0JZ - 6/2021/1987/VAR - REMOVAL OF CONDITION 4 (CYCLE ONLY ROUTE) AND VARIATION OF CONDITIONS 6 (NOISE SCHEME), 7 (ELECTRIC CHARGING POINTS), 9 (ASSESSIBLE HOUSING), 13 (INTEGRATION WITH EXISTING CYCLE FACILITIES), 17 (PARKING), 19 (PLANTING), 28 (ARBORICULTURAL IMPACT ASSESSMENT REPORT), 29 (ENERGY STRATEGY) AND 30 (APPROVED PLANS) ON PLANNING PERMISSION 6/2019/2430/MAJ

Report of the Head of Planning on the removal of condition 4 (cycle only route) and variation of conditions 6 (noise scheme), 7 (electric charging points), 9 (assessable housing), 13 (integration with existing cycle facilities), 17 (parking), 19 (planting), 28 (arboriculture impact assessment report), 29 (energy strategy) and 30 (approved plans) on planning permission 6/2019/2430/MAJ.

Planning application reference number 6/2019/2430/MAJ for the Demolition of existing buildings and the erection 3 x buildings comprising of 71 x flats and 1,110 sqm of flexible commercial uses (use class: A1, A2, A3, A4, D1 & D2) (including a small office element (B1a)) and associated works to include car and bicycle parking, plant and refuse storage and public realm works had a resolution to grant planning permission subject to completion of a S106. This application was heard by Members on the 23/4/2020 and followed by completion of the S106 on the 3/2/2021.

The site (which is some 0.71 hectares in size) is located at the eastern end of Hatfield Town Centre, bounded to the east by Wellfield Road and Queensway. Much of the application site is currently vacant (following the demolition of the building at no. 1 Town Centre), although a two storey building currently exists at nos. 3 – 9 Town Centre. Pedestrian access runs through the site into the town centre from Wellfield Road, Queensway and the town beyond. The site is also occupied by an existing short stay public car park (the car park contains 74 spaces and is operated by the Borough Council) which is accessed from Kennelwood Lane.

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The application was presented to the Development Management Committee because the Borough Council was the applicant.

As discussed under the committee report for Link Drive, Lovell have proposed to move all affordable housing units to this application site. Therefore, as both application sites are now linked through the affordable housing provision, they must both be presented side by side to the Development Management Committee.

Officers advised the Committee that in light of the recent CPPP meeting on the 13 January on the Local Plan, less weight should be given to the Emerging Local Plan. Officers were of the consideration that this would not affect the recommendations in the report as the applicant had started development on site. It would also be unreasonable to request additional affordable housing due to the stage of progression of the application.

Elizabeth Beighton, spoke as the agent, stated that the changes to the application were minor. The residential mix would not change under the current proposals. The changes to the scheme are driven by changes to the energy and ventilation strategy including a change from gas to electric heating as well as the desire to significantly improve the sustainability credentials of the development. Reduce its carbon footprint and performance from acoustic performance. These changes will ensure that the development meets the future emerging homes standards and also recognises the council's declarations of a climate change emergency in the Borough. In respect of affordable housing, the scheme proposes changes to distribution only and not the overall level and it proposes the 38 units in both schemes and managed in one block at 1 Town Centre rather than across both sites. This had been discussed with and agreed by the Council's housing team.

Members were concerned about the affordable housing being in one block as Members would have preferred to have a mix of housing. Members asked what the cost benefit would be and how will it be easier to manage. Officers stated that it would provide the Council's housing department an ease of management to have all units in one block, which would save time and cost in comparison to having to cover social housing units located in two or more buildings. This arrangement would also avoid the council housing team having to share the management of the communal areas with private landlords and homeowners which sometimes delayed decisions being made on works and improvements. Officers confirmed that this was a very standard approach that most affordable housing providers prefer and reiterated that the development as a whole would be mixed and that there would be no difference in the quality of the build or the building between those blocks used for private housing and those used for social housing.

Members asked how many affordable housing flats would there be? Officers confirmed that there will be a total of 38 affordable homes (18 allocated from the 1 Town Centre development, and a further 20 allocated from the Link Drive development). It was confirmed that there will be shared ownership homes

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consisting of 1 bed and 2 bed flats. Members asked what the policy was, and what was the view on having social housing all on one site rather than spreading it on different sites? Officers stated that there was no policy requirement for mixing tenures in the 2005 Welwyn Hatfield District Plan. There is a policy in the emerging local plan which required proposals to demonstrate the mix of tenures types and provide evidence that the housing size and type would meet the local housing need and market demand.

Members wanted clarification on parking spaces and sought clarification on whether the parking spaces were intended for residents of the flats or solely for visitors, and would there be a need for a parking permits scheme? Officer stated that The Kennelwood Lane car park would be shared during the day between residents and visitors to the town centre, with the car park becoming solely for the use of residents at night time. The Highways Authority were content with this arrangement including the dual use of the car park. With regards to whether a parking permits scheme would be required, officers stated that this was something that could be discussed with the developer and added as an informative. A decision on how the car park would best be managed could be decided at a later date with the involvement of relevant officers.

Members were concerned about the EV charging points and that it was too low. It was noted that the LGA recommended 20% active and 20% passive for electric cars. Members asked what the current policy requirements was for Welwyn Hatfield. Officers stated that the current Hertfordshire policies do not state a specific figure on EV charging and did not differentiate between active and passive installations. Members noted that there were 2 active and 12 passive charging points in the proposed development.

The Chair gave an overview of the main points raised throughout the discussion.

Following discussion, it was proposed and seconded by Councillors R. Trigg and N. Pace and

RESOLVED:
(11 in favour, 1 abstention, 1 against)

That planning permission be approved subject to the completion of a satisfactory deed of variation and the agreement of any necessary extensions to the statutory determination period to complete this agreement for.

An informative is to be added advising the applicant to consider how the car parking spaces allocated to residents in the Kennelwood Lane Car Park will be managed.

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54. LINK DRIVE CAR PARK, LINK DRIVE, HATFIELD, AL10 8TY - 6/2019/2431/MAJ - ERECTION OF A 6 X STOREY BUILDING COMPRISING OF 80 X FLATS, ASSOCIATED WORKS TO INCLUDE UNDERCROFT CAR PARKING, CYCLE PARKING, PLANT AND REFUSE STORAGE

Report of the Head of Planning on the erection of a 6 storey building comprising 80 flats (30 1-bed and 50 2-bed). A total of 74 parking spaces are proposed and space for the storage of 80 cycles.

The site (which is some 0.43 hectares in size) is located to the south of Queensway and the north of Link Drive. The site is currently used as a surface car park which has 114 spaces (long stay). The car park is operated by the Borough Council. Vehicular access to the site is from Link Drive and there is pedestrian access to the site from the town centre (via both a pedestrian crossing and underpass further to the north-east).

The planning committee resolved to grant planning permission on 16th July 2020 subject to completion of a S106 agreement. Lovell have since been appointed as a developer partner to take forwards the scheme, as well as the project at One Town Centre (planning application ref: 6/2019/2430/MAJ).

Through the design development, Lovell are seeking to make a number of amendments to both schemes. At the time it was intended that minor material amendment (s73) applications would be submitted for both applications, however due to delays in signing of the S106 agreement for Link Drive it has been agreed that the proposed amendments will instead be secured under the current application (ref: 6/2019/2431/MAJ). As such, Lovell are hereby submitting an amended set of plans and reports for consideration.

The application was presented to the Development Management Committee because the application is a major development and the Borough Council is the applicant. The application is also required to be presented alongside the application for One Town Centre (6/2021/1987/VAR) as Lovell intend to move all affordable housing units from this application, Link Drive, to One Town Centre.

Officers advised that the developments in the emerging local plan would not have an impact on the decision of the application. This is primarily because the application had already received a resolution to grant planning permission but a section 106 agreement was not signed.

Elizabeth Beighton, spoke as the agent and stated that the application sought to deliver a more sustainable development arising through changes to legislation. The scheme would deliver high quality attractive development and it did have an acceptable relationship with the heritage assets and the environmental area and residential amenities. There would be 25% EV charging points in the car park which is an increase from the previous application and is a benefit associated from the changes. The proposal to re-locate the 20 affordable housing units from this site to 1 Town Centre was made following extensive discussions with the Council's housing team. Management of the affordable housing block would help

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with the maintenance of the communal spaces and the exterior of the building. This will be difficult if there are mixed tenures within the block. The application delivered a policy compliant level of affordable housing.

Adam Edwards, spoke on behalf of WelHat Cycling, stating that the car park is a crucial link between the cycle path along Woods Avenue and the cycle path along the Town Centre to the Station. It is not regarded as a cycle path but is a safe linkage between these two routes. The cycle path is a crucial path along the infrastructure in Hatfield. The Cycling club do not object to the proposed development itself but did object to the lack of cycle provision in the development. There was a walking route going through the site but not a cycle route. The cycling club would withdraw the objection if a new cycle route was provided to the west of the skate park which would directly link the Link Drive junction to the cycle path along Queensway. The committee was asked to add a requirement for 50 metres of cycle path to the west of the skate park to link the two cycle paths together.

Councillor Jackie Brennan, spoke on behalf of Hatfield Town Council, stated that whilst the Town Council welcomed the investment in Hatfield and the rejuvenation of the Town Centre, it had concerns about the development. Firstly there was a lack of 3 or 4 bedroom properties. In the officers' report, it stated that housing requirement for 2013 to 2032 was 63% 3 and 4 bed properties. The Town Council also welcomed the switch to climate friendly heating and electric heating, but questioned why 80 individual air source pumps were chosen ahead of a whole block or communal heating option. Concerns were raised with the proposal to locate all the affordable housing at 1 Town Centre. As stated by an officer from the Borough Council on 18 November 2019, that 25% of homes on this site should be affordable, and the Town Council would strongly prefer for this to be enforced. The Town Council also raised concerns about the 74 car parking spaces provided at Link Drive for residents and visitors, advising that this was inadequate as most of the flats were 2 bedrooms. It was noted that on the 20 November 2019, the Borough Council parking officer stated that 80 parking spaces in the development will be restricted to residents and not visitors and residents would not be eligible for permits in the surrounding areas. The Town Council also proposed that the planning permission should have a condition which sought to protect the skate park and ensure it was maintained as required.

Members asked about the location of bins in the development. Officers confirmed that following amendments to the size to the numbers of bins stores, client services confirmed that the proposed bin stores were sufficient to provide for the required number and size of bins. County Highways had considered the bin storage to be acceptable and confirmed the access to the site for refuse vehicles was acceptable. The officer had included a condition to be discharged prior to the application of the development that waste bins and bin storage facilities shall be provided in the application.

Members were concerned about the parking in the proposed development. Concerns were raised that more parking was needed to ensure visitors to the town centre were able to park.

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Members were concerned about the water stress levels. Officers stated that it was in the informative section of the report provided an opportunity for a statutory technical consultee to make the applicant aware of the issue with the area. The officer dealing with the case did not feel it to be a material planning consideration otherwise it would have been addressed.

Members asked if they could accept the requirements asked by the WelHat Cycling objection on creating a new cycle path which would also help encourage people to cycle more in the town centre. Officers stated that there is no policy requirement for a cycle route to be provided. If there were to be a cycle route provided then it would involve substantial amendments to the application. It would need to likely be secured by a section 106 agreement. It was stated that that the cycle routes are public rights of way so will fall under Hertfordshire County Council and they will have the powers to create a cycle path. The site itself provides more than adequate cycling parking facilities which will encourage cycling. Officer stated that there was no formal route through the car park and it will be outside the scope of the application to try and insist upon a cycle route. Members also enquired whether a condition could be introduced to protect the skate park as suggested by the town council. In regards to the skate park, officers stated that there are legal tests for planning conditions and one of them was that it must relate to the development permitted so it will not be relevant for the application.

Members were still concerned about the affordable housing. Members asked if 25% of affordable housing could be added to the development instead of all being at 1 Town Centre. Officers stated that in terms of policy the two sites would be linked by a section 106 agreement so together they would deliver policy compliant affordable housing.

Members noted the issue with the choice of 80 air source heat pumps being used at the development instead of one communal system. Members asked if a condition could be added to affect this. Officers advised that give that this was what was being proposed by the developer having considered the technical requirements of the building, it would be difficult for the Committee to add a condition for an alternative heating solution.

The Chair gave an overview of the main points raised throughout the discussion and concerns raised.

Following discussion, it was proposed and seconded by Councillors N. Pace and S. Tunstall and

RESOLVED:
(9 in favour, 2 abstentions, 2 against)

That planning permission be approved subject to the completion of a satisfactory S106 planning agreement and the agreement of any

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necessary extensions to the statutory determination period to complete this agreement for.

55. APPEAL DECISIONS

Report of the Head of Planning detailing recent appeal decisions for the period 26 November 2021 to 7 January 2022.

RESOLVED:

That appeal decisions during the period 26 November 2021 to 7 January 2022 be noted.

56. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

Report of the Head of Planning providing the Committee with a summary of planning applications that may be presented to DMC in future.

RESOVLED:

That future planning applications which might be considered by the Committee be noted.

Meeting ended 9.17pm
VM