

Development Management Committee
28 July 2022

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 28 July 2022 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors J.Boulton (Chairman)

J. Broach, C. Juggins, S. Kasumu, S. McNamara,
D. Panter, J. Quinton, J. Ranshaw, D. Richardson,
P. Shah, C. Stanbury, S. Tunstall, J. Weston

ALSO PRESENT: Legal Advisor, Trowers (R. Walker)

OFFICIALS PRESENT: Development Management Services Manager (D. Lawrence)
Principal Major Development Officer (D. Elmore)
Senior Development Management Officer (R. Lee)
Career Grade Development Management Officer (E. Mugova)
Career Grade Development Management Officer (K. Shirley)
Democratic Services Assistant (V. Mistry)
Information Governance & Member Support Assistant (K. Houston)

10. SUBSTITUTIONS

The following substitution of Committee Members had been made in accordance with Council Procedure Rules:

Councillor S. McNamara for Councillor J. Cragg
Councillor S. Kasumu for Councillor N. Pace
Councillor J. Quinton for Councillor J.P Skoczylas
Councillor C. Stanbury for Councillor R. Trigg

11. APOLOGIES

Apologies of absence were received from Councillors J. Cragg, N. Pace, J.P. Skoczylas and R. Trigg.

12. MINUTES

The minutes of the meeting held on 16 June 2022 were approved as a correct record.

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13. 6-2021-2991-FULL - 22 PARKWAY

Report of the Assistant Director (Planning) on changing the use of the ground floor from a learning workshop (Class F1) to Office (Class E). The application site measures approximately 886sqm, with the ground floor of the building measuring approximately 189sqm in floor area. Planning permission was granted in August 2001 under application ref: N6/2001/0662/FP for the change of use of the ground floor of the building to a learning workshop, to provide education, training and associated services. It is understood that the first and second floor levels had remained in office use.

This application was presented to the Development Management Committee because the application was called-in by Councillor Fiona Thomson in December 2021.

A written statement from the agent was read out; stating that the existing building currently benefited from an unrestricted 'E Class' to the first and second floor, the ground floor currently benefited from an 'Educational Use Class'. The application sought consent for the change of use of the ground floor only to an 'E use class' to match the upper floors. The submitted application proposed no external alterations to the building in any form. The agent was aware of the previous property owners and their historic applications for a 'Weatherspoon's' drinking establishment.' The new freeholder of the property did not have any intention to allow any forms of drinking establishment or food retailing use within the building and had agreed to a planning condition restricting these sub classes within the Class E use of the ground floor. The client did not object to the restrictions recommended by condition 1 and did not intend to use 22 Parkway for retail purposes or as a pub or restaurant.

Malcolm Day, Objector, stated he was representing the Welwyn Garden City Society. There had been a high level of interest in the application as the use of the premises had been, and remained a worrying issue for the residents of Welwyn Garden City. The planning officer had picked up the major concerns from the Society and its members and has incorporated them in the conclusion. It would appear that these concerns could be fixed by modifying Class E. Class E was introduced in 2020 to loosen up the development of town centres heavily hit by covid and e-commerce by removing the responsibility of many changes of use from the planning departments. The concern is that Class E is too new and unproven on risks on such an important building. It should be asked if sections can be removed from Class E and does the building revert back to a full Class E upon sale. The objector also queried what implications the change in class will have on properties 8 to 20 Parkway. Surely the objective is to come up with a plan to place all the houses in that stretch of Parkway in a class that ensures that in the future the residents will not have to fight to prevent the frontage of these beautiful buildings being spoilt. Ensure there is a plan to safeguard No. 22 Parkway and the other properties along the stretch on Parkway.

Councillor F. Thomson, Ward Councillor, stated that 22 Parkway has been subject to many applications over the years to date including three applications

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for a pub and a hotel which were rightly refused. She confirmed she has no objections in principle to change of use to class E, however the main issue she wanted to highlight and the main reason for calling in the application is in respect on the ambiguity around what that change could result in if it were to be approved without very specific conditions, particularly as retail, leisure and food and drink related uses are also permissible under flexible class E use. Councillor Thomson welcomed the officer statement that given the highly sensitive location of the site within the conservation area that it is considered reasonable and necessary if permission is to be granted to impose a condition to remove E (d), removal of indoor sport and recreation alongside E (a) retail and E (b) food and drink to ensure that the appearance of the site would be in keeping with the surrounding commercial properties and sympathetic to the character of the conservation area. These conditions would help to safeguard this part of the conservation area and would prevent any future applications for the sale of food and drink at this address. Councillor Thomson requested that the first condition should clearly specify what each of the flexible classes E (c), (e), (f), (g) refer to and additionally asked the committee if they were minded to approve that they have a specification within the conditions on what the approval does not include.

Members noted that Class E was a new class and was relatively unproven; there were concerns on what happened if the property was sold and what the impact of change to this property on the change to Class E and on the surrounding properties would be. The Legal officer advised that if the property was sold the planning condition would remain binding upon it regardless of who the owner was. There would be the opportunity for any applications to be made to vary the conditions or ultimately appeal to vary the conditions to the planning inspector if they were minded to do so. In terms of the impact to the surrounding area, members do need to consider this application on its own merits, do need to consider how it will impact the character and appearance of the area. There will be precedence set in other units in the same area could come forward as Class E.

Members thought it was good to see a proposal for the site that was not a restaurant or food establishment. The proposal was much more sympathetic to the residents in the area and the effects made in adding in conditions that restrict the use of Class E to the provision of services as opposed to the provision of goods. In keeping with the rest of the commercial properties in the area.

Members were not happy with the conditions and the use of Class E as the residents had doubts. Members wanted to see a more secure statement about Class E and possibly using other methods of ensuring the site would not be used for retail purposes and asked if there was an alternative way of satisfying the two objections or having definite assurance on the use of Class E and wanted further clarification. It was noted that the government set the policies and then the committee interpret it. The committee cannot overturn Class E as that was a national policy. The Legal officer clarified that the committee would have to make a decision within the framework that was set by the national government. If any developers come forward and seek office use they have to seek it under class E,

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there was no alternative. In terms of additional controls, the uses are normally controllable through a condition.

Members asked about permitted development rights and if they were able to remove certain rights to protect against future changes in use. Previously had a number of classes, class A, Class B (office), A1, A2. Class E was now a much broader class so included food and beverage as well as other uses and the proposal with the conditions will be narrowed down to a particular section of Class E and this will transfer to whoever owns the property. Officers confirmed that this was correct.

Members asked about EV charging points and if there was anything that can be put in as a condition as the proposal was a good opportunity to have EV charging points. Officers stated that the condition wording itself required further details to ensure EV charging would be implemented at the site. As there was no specific details or requirements asked by Hertfordshire County Council and the Welwyn Hatfield Borough Council does not have any policies on such matters, the onus is on the applicant to provide a suitable amount of provision. When officers receive these details via condition, it will be sent to Hertfordshire County Council Highways department to see how it would meet the future needs for sustainable travel.

Members considered waiting to see what the applicant came back with on the application to see what conditions can be applied.

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

Following discussion to change the wording of the condition to clearly specify what each of the flexible Class E (c), (e), (f) and (g) refer to, and as a compromise, also specify within the reasons of the condition what use classes within Class E are excluded so that it is still stated in the Decision Notice, it was proposed and seconded by Councillors S.Kasumu and J.Broach to approve the application and

RESOLVED:
(13 in favour - unanimous)

That planning permission be GRANTED subject to condition 1 clearly specifying what each of the flexible classes of c, e, f and g refer to and what it does not include in the reasons, specifically E (a) retail, (b) food and drink (d) indoor sport and recreation.

14. 6/2021/2492/FULL - DERELICT GARAGES, HOLLYFIELD, HATFIELD AL10 8LW

Report of the Assistant Director (Planning) on the erection of eight dwelling houses, following the demolition of the existing garages. The proposal included eight detached dwellings, with one four-bedroom dwelling, five three-bedroom dwellings and two two-bedroom dwellings. Each of the dwellings would benefit

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from two off-street parking spaces and a rear garden. A further two on-street visitor spaces would be provided to the front of plots numbered 1 and 2. The scale of the new dwellings would be of two storeys with gabled roofs, measuring an approximate height of 7 metres. The dwellings would be constructed of a mix of red facing brick and buff facing brick for the walls and dark grey concrete roof tiles. Access to the site would be provided by a single-entry point from Hollyfield to the north of the site. This would be a raised shared surface access with priority given to pedestrians. The existing tree belt running around the east and south of the site would remain, with additional landscaping proposed within the new housing site

This application was presented to the Development Management Committee because the application was an allocated site, and the Borough Council had an interest in the land/property which is the subject of the application.

Thomas Beard, the agent, stated that the application is for eight high-quality homes in South Hatfield. These are much needed family homes which are all detached and benefit from two on-plot car parking spaces plus additional visitor spaces. The site was submitted as part of the draft local plan 2016 with fourteen dwellings and then reduced to twelve dwellings to comply with certain ecological constraints. It was found that the site-specific constraints such as trees and access to the site made delivering the scheme unrealistic. This was only discovered through reviewing constraints through a series of options in detail and determined that eight units was the optimal number whilst still delivering high quality scheme in line with planning requirements. This also allowed the developer to deliver much needed family homes rather than flats, readdressing the shortage of newly built family homes in the area.

In terms of impact on development in the amenity of existing neighbours, this has been taken into consideration as part of the design. The existing dwellings east and south of the development would not suffer significant impact to amenity due to the dense tree belt that is to be retained. Whilst the proposal does include siting of residential units to the west and border of the site, it was agreed that sufficient separation will remain and the scheme has been designed for no overlooking, namely the removal of any windows on the flank elevation on the rear of Cherry Tree Way. Concerns were raised through consultation on the demolition of the existing garages with the potential risk of asbestos: any asbestos related areas will be appropriately dealt with by a contractor that would adhere to the health and safety legislations. Biodiverse proposal and would enhance the site for future residents and also the ecological wider area. The proposal uses and protects the high quality trees along Cherry Tree Way and will include tree and shrub planting. There will be a tree protection plan for current existing trees in the area and during construction. The agent will be seeking to submit an energy and sustainability statement.

Members asked about paragraph 2.5 of the report and the ecological restraints and wanted to know more about the restraints. Officers stated that the ecological restraints were in relation to the tree belt that was currently on the site and runs from the south to the east. Members asked about paragraph 8.1 of the report

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and the possible damage to trees and if officers were confident that there was no issues. Officers stated that there were some concerns about the damage to trees and stated that there is a condition for the arboricultural impact assessment. There is also a condition ensuring group protection measure and group protection of the trees. It was noted that only two trees will be removed from the site as they are considered poor quality.

Members asked about paragraph 9.2 of the report and asked that as the land is in the Council's local plan, an issue had been raised on how many homes could be built on the plot which was previously fourteen and currently is eight homes. Were there any ways to establish more homes on the plot? It was noted that Councillor Zukowskyj also highlighted this in the report. Officers stated that there were issues with the tree belt, access to site, functional gardens and parking provision. All of those elements would have to be amended if the Council were trying to put more dwellings on the site which might affect the nationally described space standards. From discusses there was no alternative and it was the maximum number of homes that could be built on the plot.

Members asked if officers were confident that those discussions explored how many homes could be built on the site and the conclusion was that eight homes was the most they could build. Officers stated that they did have a number of meetings with the applicants, but with the constraints of the trees as they were mature, they have a significant effect on the local amenity of the area. Also if the Council would have put any additional houses in, it would compromise the garden sizes and eight was the maximum number of houses which could realistically be accommodated on the site.

Members were impressed with the considerations about ecology and biodiversity and sustainability and were pleased that a brownfield site was being built on.

Members wanted clarification on paragraph 10.87 of the report and asked how the Council are going to enforce the conditions and what they will be. Officers stated that conditions will be imposed upon the plot which only informed the developers that there is the article 4 direction whilst also ensuring the occupancy cannot be a HMO. In that regard it secures it as a C3 dwelling as planning permission will need to be sought to apply for a C4 dwelling.

Members were happy to see houses instead of high-rise flats in the area as houses are very much needed and were happy that two off street parking spaces were given to each house.

Members asked about the renewable energy, it was mentioned in the report that there were photovoltaic (PV) panels and air source heat pumps. These may be close to neighbouring houses so members were concerned whether they are in keeping with the area. Officers stated that a condition for an energy and sustainability statement with all the details would have to be submitted and agreed by the authority.

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Members asked about paragraph 10.89 of the report and for the officer to explain what L_{Amax} levels is? The L_{Amax} is the maximum sound level reached during a measurement period and is expressed in decibels. A noise impact assessment was submitted with the application which found that levels exceeded 60 decibels more than ten times in the night so just to mitigate against that a condition for an overheating assessment would therefore be conditioned to demonstrate that windows can be kept closed when warmer temperatures are experienced.

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

Following discussion, it was proposed and seconded by Councillors J. Broach and J. Weston to approve the application and

RESOLVED:
(13 in favour - unanimous)

That planning permission be approved subject to the conditions in the report.

15. 6/2021/3402/FULL - 2 MULBERRY MEAD

Report of the Assistant Director (Planning) on the change of use from a C3 private residential dwelling to a C2 residential children's home. The property would become a long-term home, providing 24-hour care, for up to four vulnerable children (ages 9-18) that have been taken into care permanently. The children would come to the home for several reasons, including a family breakdown or court ordered residential placement or removal. The children would not be placed here due to faults in their own behaviour, but those of their environment. The staff would comprise six full time staff and 4 part time staff. Circa two staff would be present at any one time. None of the staff would preside at the property, but one staff member would stay over-night, each night.

This application was presented to the Development Management Committee because Hatfield Town Council had submitted an Objection and it had been called-in by Councillor Bell.

Mr & Mrs Islam, objectors stated that they were residents of 1 Mulberry Mead and objected to the application for many reasons. Firstly, the change in the current class C3 use to a Class C2 use. Class C2 includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. The description of the development includes the Children's care home if granted but the permitted change of use can change to any other uses within Class C2. If the scheme gets approved with a condition restricting it only to a children's care home it will make it difficult for the Council in the future not to accept a change of use to any other use within C2 given they are grouped together in the same Class as they operate similarly and have the same impact on the community. The children will come from troubled and problematic backgrounds with no fault of their own and would be better suited in a setting where they have access to immediate support and services they require and can

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be adequately supervised. The property is situated on a busy corner. The street parking is very limited with narrow roads. This house has a garage which has now been proposed for bicycle storage which will lose a car space as a result leaving just one space in front of the house. The objectors stated that they will have difficulty coming in and out of their driveway. They felt that the change of dwelling will certainly cause severe anxiety to many residents, and confirmed that they had felt safe and secure in their home ever since they moved to this area when it was first built. They felt this house will cause a negative impact on their's and their family's quality of life and others too.

It was noted that all three of the ward councillors for Hatfield Villages were sitting on the committee and could not be seen to predetermine the decision and must assess subjectively the proposal that was in front of them in the context that was presented by the officer and residents. It was important to take into account the residents' concerns on the application and take it to DMC for a decision. Some of the issues at the time were the consultation as this was not circulated widely enough, parking was a potential issue, anti-social behaviour and supervision were a concern. It was noted that it was important that the police and Hertfordshire children's services were consulted.

Members asked about the consultation from the police and Hertfordshire children's services and wanted to know the feedback received. Officers stated that Hertfordshire constabulary were consulted and they responded with no objection given the occupancy level and the nature of the tenure and there were no alterations to the external area and had no concerns. Hertfordshire Children's services commented in support citing that there was an urgent need for this type of development and no comments were raised.

Members asked about parking in the area and asked officers if they knew about any parking restrictions and controls in the area that were due to be added to future work programmes. Officers stated that they were not aware of any parking restrictions coming into place regarding lines or permit schemes.

Members asked about safeguarding, when there are vulnerable people going to live in specific places, it is often ideal that people do not know that certain places exist but this is an application that is public and are discussing it in an open forum. Members asked if safeguarding considerations have been taken into account and how do the Council usually deal with applications like this especially where vulnerable people will be living. Officers stated that with the vulnerable children on site, there will always be two members of staff at the house apart from night-time when it will only be one member of staff. There will be staff there should there be any issues arising from their residence. It was noted that if the council gets a women's refuge application it would be dealt with in a confidential manner.

Members were concerned that as the meeting was being webcast and was public that if the application were to be approved, it would be on record that this was a home where vulnerable children were residing. Members had concerns that vulnerable people were at greater risk of exploitation and that being in the

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public domain that this was a house for vulnerable people. Concerned for future occupants as this is a house and was a greater risk of harm for vulnerable people. Members ask how did this relate to planning policy and to what extent is that an issue? The Legal adviser stated that under the policy framework applications have to come forward and be debated in a democratic way. The proposal does include for staff to be on site at all times and is something members need to give weight to in terms of mitigating and any potential crime and disorder or impact on vulnerable children.

Members asked about paragraph 10.7 of the report, which references policy H9 of the district plan. In the district plan it states that greater weight was given when these were located in town centres, lots of amenities around the area. The application is in a residential area and there were no shops in the area, it was half a mile to the garden village shops. It was not good to put young people in an area where there is no infrastructure to support them. Members asked about paragraph 9.47 of the district plan where it says greater weight needs to be given to have sufficient infrastructure to support the occupants of a care home and what weight if any should be given for a decision? Officers stated that east of the site would be Campion Road where there is a bus stop and will take people to different services around Hatfield town centre.

Members were disappointed to see so much negativity on the application possibly out of fear of the unknown. A lot of people have assumed that the four children that will be living there are some kind of threat to the local population, naughty children in some ways, or drug dealing or other issues. Members asked about the car parking, there were two members of staff on the site and there is space for two cars. Members felt that the area or presence of the children will not be degrading. Officer commented on the loss of cycle parking stating similarly to a domestic dwelling cycle parking is used in the rear of the property, it does have an ample sized garden and can accommodate cycle parking to the rear of the site.

Members asked about paragraph 2.4 of the report which states there will be six full time staff, four part time staff and two members of staff will be present at any one time with one staying overnight. The application has three bedrooms upstairs and one downstairs, looking at 24 hour care for the children so where will the member of staff sleep? Officers confirmed that there is an office upstairs where the member of staff would sleep when on duty. Office upstairs will mainly be used by the staff to do their office work while they are on duty throughout the day.

Members asked at paragraph 10.3 of the report specifically H3 which states that planning permission will not be granted if the change of use resulting in net reduction in the number of dwellings. The SADM9 of the emerging local plan 2016 which backs this up, the application is for children's home and considered residential use under special need housing. Policy H9 sets out that "The Council will grant permission for schemes which provide special needs accommodation particularly in town centres or in areas which are close to community facilities and services. Town centre is 30 minutes' walk from the property or within the

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community facilities. The council is going against their own policy and does not comply with H3 or H9 policies. It was stated that the Council does not need to comply with every single policy. Officer stated that there is a bus stop a short walk away near the property and provides access to the town centre and other amenities.

Members were not happy with the floor plan of the property. There was one shower room in bedroom 1, these children are supposed to be vulnerable and will be teenagers so will need to have their own shower and toilet facilities and there is only one bathroom for the three rooms on that floor. Members felt the children would need their own privacy so this would not be acceptable. It was noted that there was a bathroom near bedroom 3. Members asked does the shared bathroom have washing facilities and is it acceptable to have a shower room and 1 bathroom under current guidance? Officers stated that there is a shower room in one of the bedrooms and a bathroom on the 1st floor and a toilet on the ground floor, similar to a regular set up with a domestic dwelling and the washing facilities would be suitable. Officer were not sure if the facilities would be bath or shower but either or would be appropriate for washing facilities.

Members asked if they could set a condition on the property that the upper age of the children taken into this residence is capped at an age where they were not so keen to get a bus and go into town and would be happy to go to local parks. Is this something we could suggest? Legal advisor stated that the difficulty would be what the age limit will be set to and asking if the committee have the information in front of them to reasonably conclude in accordance with the NPPF and PPG that an age limit has to be set at a certain level and not read anything in the report that would justify an age limit and if a age limit was set it could potentially be arbitrary and could fail the necessity and reasonable distance test.

Members asked that as this relates to a change of use as opposed to a new development, where does the Council stand under policy D2 in relation to the wider area. If this went through it would be the only commercial property within the entire area of the garden village. Officers stated that it does not constitute necessarily to a change of use from residential to commercial use. It goes from c3 to c2 which is essentially the same class residential use so there is no commercial aspect in that regard. Still regarded as a children's home so it is residential use as it will be similar to that of a normal family home. Members were concerned that the property could be used as anything within the c2 category. Officers stated that the applicant has not indicated that the property would not be used for anything else other than a children's care home.

Members considered building a home within the Welwyn Hatfield area for children with problematic backgrounds so that their needs can be addressed and cared for, somewhere where they can grow and develop the skills that they need. Not the right location and have a negative impact on the surrounding area and homes. Increased noise and loss of privacy. Members wanted to know the impact on the neighbour amenities. Officer stated that there were no external changes to the property or internal changes to the property, so sunlight, and

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privacy would all be protected and regarding overlooking there are no additional windows being added and see no further issues of overlooking.

Members asked about the practicality of the garage and parking at the property; feeling that they may not use the garage if it becomes too difficult to do so. They asked whether there is any way of checking to see if those two car parking spaces are being used as intended or checking the spill over in the street? Officers stated that there was a proposed condition to make sure the garage remains as a parking space. Unless there was a deviant from that condition to occur the team would look into that matter. It was noted that there were no comments from Highways authorities on parking.

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

Following discussion, it was proposed and seconded by Councillors P.Shah and C.Juggins to refuse the application due to:

- Change of use away from Class D3 would be out of keeping with the immediate surrounding area.
- Risks having a detrimental effect on the nearby neighbouring area.
- The Council does not feel that section H9/ 9.47 of the district plan to give access to local amenities has not been met.

RESOLVED:

(5 in favour, 7 against and 1 Abstention)

Following the defeated motion, it was proposed and seconded by Councillors S.McNamara and S.Tunstall to approve the application and

RESOLVED:

(7 in favour, 5 against and 1 Abstention)

That planning permission be approved subject to the conditions in the report.

16. 6/2022/0685/FULL - LAND TO THE REAR OF 35 SKIMPANS CLOSE, WELHAM GREEN, HATFIELD, AL9 7PA

Report of the Assistant Director (Planning) which sought full permission for the erection of a detached two storey dwelling including a vehicular cross-over. The application plot measured approximately 0.290 hectares in area and was currently laid to lawn, shrubs and a few trees. The surrounding area was residential in character including bungalows to the south and a row of terraced two storey dwellings north of the site.

This application was presented to the Development Management Committee because it had been called-in by Councillor Paul Zukowskyj due to the number of objections received from neighbours.

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Sarah Biggs, Objector, stated that she lived at 3 Booths Close and was speaking on behalf of neighbours in Booths Close and Skimpans Close who objected to the proposal. The proposal did not fully include the area opposite Booths Close and there would be significant impact on the two adjoining properties also in Skimpans Close and the four housing opposite in Booths Close. She felt that the planning is inaccurate as the planning application stated that no trees will be removed which was untrue and felt that the proposal was a significant overdevelopment of a small garden area and plot with a number of dwellings in close proximity. It will have significant impact on the properties opposite through loss of sunlight in the winter and loss of daylight throughout the year. Previously numbers 2, 3, 4 Booths Close enjoyed a view of trees which have already been cut down and the trees did not block out light as the house will. The proposed property will look directly into the bedrooms of numbers 2, 3 and 4 Booths Close significantly reducing privacy and will be very close to the front window of number 3 Booths Close. There will be a significant impact on parking in a very small road and the plan has parking for two cars in Booths Close but this will displace cars that already use that space to park in that area and cars parked right up to the junction which will cause congestion in the area. It is a relatively quiet close and the building work will be very disruptive. The proposed noise restrictions will not be beneficial as the objector is a night worker and will be very noisy and disruptive.

Members asked about the bedrooms as one of the bedrooms is quite small and does not meet the nationally described space standards. Officers stated that was correct and stated that although bedroom 3 has a floor area less than the recommended size of a one bedspace by 1.7m², it has a width of 2.4m which exceeds the recommended width set out in the NDSS.

Members asked what weight should be given as one of the rooms does not comply with the nationally describe space standards. Officers stated that limited weight should be given due to the fact that it exceeds the recommended width set out in the nationally described space standards. Balance has been struck between room size and width.

Members asked about the garden at the proposed dwelling and if there will be enough garden for the new site and will it have enough garden for 35 Skimpans Close? Officers stated that the site will have adequate outdoor amenity space.

Members asked about the sub-station and there being possible concern on the impact of the amenity of that and for future occupiers of that building: would it be possible to see that there is a condition proposed about getting a noise impact assessment. Members asked if it relies on UK Power Networks to do that and what happens if they don't or find that the noise can be made quiet to an acceptable standard? Officers stated that based on the discussions had with the Public Health and Protection officer, generally sub-stations are not too noisy but just to make sure that satisfactory living conditions for the future occupiers they have recommended a noise mitigation condition to be place. It was noted that there was a fence around the sub-station and there is already a distance between the sub-station itself and the fence. Officers stated that there was

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enough separation distance from the sub-station itself and the flank wall of the proposed property which was about six metres.

Members stated that the proposal development could be considered as overdevelopment and that the impact to the properties to the side and opposite particularly loss of light, loss of view of trees and their general impact on their amenity. Officers stated that in terms of overdevelopment there is sufficient outdoor amenity space to serve the property and there is also space for the onsite car parking and not classed as overdevelopment. In terms of loss of light, given the distance between the proposed dwelling and number 3 Booths Close there is enough separation distance between the proposed dwelling and the properties opposite. In terms of trees, there was no tree protection of the trees that were on the site which was part of the garden for no 35 although they were removed they did not require planning permission for the trees to be removed.

Members asked if the parking at the property meets the Council's parking standards. Officers stated that there was a shortfall of 0.5 car parking space but given the sustainable location, it is considered to be acceptable. It was noted that this was not a legitimate reason to refuse the application.

Members asked about the construction work at the property and what weight members should give to that. Officers stated that limited weight should be given as it is common practice that if there is construction in an area there is bound to be noise but there is a condition which restricts the construction times.

Members asked in terms of design whether this property will have aluminium windows and whether any of the surrounding properties did. Officers stated that none of the properties had aluminium windows and this would not impact the character of the area.

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

Following discussion, it was proposed and seconded by Councillors J.Broach and D.Richardson to refuse the application and

RESOLVED:
(9 in favour, 3 against and 1 Abstention)

That planning permission be refused for the following reasons:

- The proposed development would result in overdevelopment.
- The site will be an unduly cramped site contrary to D1 and D2.
- The third bedroom does not meet the nationally required space standards.

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17. 6/2022/1097/OUTLINE - LAND NORTH OF BRADMORE WAY, BROOKMANS PARK

Report of the Assistant Director (Planning) which sought outline permission (with all matters reserved except for access) for up to 125 dwellings, a care facility for up to 60 bedrooms and a scout hut. Vehicular and pedestrian access to/from the development would be provided via an extension to Bradmore Way at the southern boundary of the site. Of the 125 dwellings, 36% would be affordable housing (45 units) and 8% (10 units) would be self-build.

Members were informed by the case officer that they will be aware that an updated response which was received from Natural England a day before Committee removing their objection to the application following the submission of additional information from the applicant. It was stated that this overcomes recommended reason for refusal 5 which relates to potential effects of the development on a nearby Site of Special Scientific Interest (SSSI).

Member also informed by the case officer that additional information in response to reason for refusal 4 was provided by the applicant this week in response to issues raised by both Hertfordshire Ecology and the Herts & Middlesex Wildlife Trust and that Hertfordshire Ecology responded at around 5pm on the day of Committee. Members notified that their response addresses part of this reason for refusal and it is recommended that the first sentence of this reason for refusal as well as the word 'furthermore' which follows is omitted.

Members updated by the case officer with regard to Hertfordshire County Council Contributions set out in paragraph 11.117 of the Committee Report. In terms of primary education, another option at the County Council's discretion is a payment of £1,117,889 toward new primary school provision up to 2 forms of entry inclusive of land costs. Also, the childcare service contributions is no longer requested by County Council as it would not meet the planning obligation tests. All financial obligations would be subject to indexation.

Late representations also raised and considered by the case officer.

The site is eight hectares and lies within the Green Belt and Potters Bar Landscape Character Area. The southern boundary of the site is bordered by properties on Peplins Way and Bradmore Way and access is proposed to be taken from Bradmore Way. A line of trees run along the eastern boundary and on the other side is Brookmans Park Golf Club. Peplins Wood wraps around the western boundary of the site and a majority of the northern boundary and a section of the north-east boundary is open affording longer range views of the countryside. The railway line run close to the site on its western side.

This application was presented to the Development Management Committee because: it had been called-in by Councillor Rebecca Lass; North Mymms Parish Council submitted a Major Objection; and the Assistant Director for Planning considered it prudent for this application to be determined at Development Management Committee.

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Alan Perkins, Applicant, stated that full council met on 26 July 2022 to consider the local plan. At that meeting, it was specifically decided that any sites that cause high harm to the Green Belt should be deleted from the local plan. At paragraph 1.14 it states that the draft Local Plan makes provision for growth in Brookmans Park. In his round up notes following the Stage 9 Hearings (EX273) the Inspector identified that site HS22 (Land west of Brookmans Park Railway station), which is a significant allocation, has been found sound and there are exceptional circumstances to justify its removal from the Green Belt. However, full council has now formally disagreed with the inspector and will insist that HS22 which is a high harm Green Belt site is deleted from the plan so there is no provision for growth in Brookmans Park. As a consequence of full council's decision the list of sites to be allocated is limited to two small allocated sites in Brookmans Park for just 24 dwellings in the entire plan period. That is a significant material change of circumstances. The site before you is the only large site in Brookmans Park and the other 3 large villages will be required to deliver between 500 and 600 new dwellings each. The proposal will include 36% affordable homes and will contribute over £3.6million to s106 contribution.

Ellen Bisnath, Objector, stated that she had lived in the village since 2014. She noted that there were 513 comments on the proposed development, 494 objections made and the majority were from Brookmans Park residents. There is inadequate road access on Bradmore Way to and from the proposed development site, oversubscription of public services, education and the local GP surgery, erosion of the Green Belt and more urbanisation which will increase pressure on wildlife and will cause ecological damage. The development access at Bradmore Way is a narrow road in Brookmans Park. It is 4.9 metres wide which does not meet modern standards and it passes in front of Brookmans Park Primary school. During the week school runs block Bradmore Way and Peplins Way. It is already dangerous for parents walking their kids to school and dodge cars. The traffic survey in February 2022 capture the bare minimum as it was completed during the Walk to school week and Spring Half term. Bradmore Way and Peplins Way would suffer crippling congestion from construction traffic and delivery vehicles. Coaches to the primary school cannot get to the school due to limited access. The public services are oversubscribed, residents at Brookmans Park are currently on a waiting list for the primary school and secondary schools. The GP Surgery has a waiting list and people will be waiting weeks for appointments. This site provides a natural resource for both people and animals and provides a buffer between Brookmans Park and Welham Green preventing the two villages from merging together. The area is home to endangered species such as badger and bats. Not a sustainable development as it takes away essential habitats from endangered species.

Cllr Mia Americanos-Molinaro, from North Mymms Parish Council, stated that the site has not been accepted by the borough's emerging local plan and was not accepted in the draft local plan, therefore it is inappropriate to develop on the Green Belt. It will affect the openness and visual amenity of the area and would result in a loss of green space and therefore conflicts with paragraph 149 of the NPPF. The sites rating has been classed as moderate to high harm meaning its

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loss would be damaging. The position of the site would result in the loss of environmentally green gap, and would potentially increase the coalescence of Welham Green and Brookmans Park. The site includes the heritage asset of Peplins wood an ancient woodland and would be obscured by the proposed development. The site is also in close proximity to the SSSI. Access is fundamental as this application poses serious issues due to the narrowness of both Bradmore and Peplins way. In terms of design and sustainability the application will be alien in the present form contravening paragraph 130 of the NPPF and D2 of the borough policy as it is not sympathetic nor respects the character of the existing rural neighbourhood.

Members asked if the lack of a 5 year land supply is sufficient enough to justify development in the Green Belt. Officers stated that no it was not.

Members asked about the categorisation of the level of Green Belt harm from the site. Officers stated that there has been no specific site assessment known to the site as BRP12a. There has been an assessment of a larger site in the Green Belt review which identified parcel 66 which encompasses this site and additional land. Causes moderate to high harm to the Green Belt, limited to no contribution to purpose 'a' (unrestricted sprawl of large built-up areas); a partial contribution to purpose 'b' (preventing the merging of neighbouring towns); a significant contribution to purposes 'c' (safeguarding the countryside from encroachment); limited or no contribution to purpose 'd' (preserving setting and special character of historic towns); and a significant contribution to purpose 'e' (assisting urban regeneration).

Members were interested in the application because of the number of affordable homes, it passed the council's site allocation process and that the Inspector has not found this plot of land unsound. However, there has been no specific site allocation meaning that there is not much room for the committee to move towards this plot to develop on. In the larger assessment there was a range of moderate and high harm plot but not specific to this plot.

Members asked if reasons for refusal 3, 4, 5, 6 and 7 have now been complied with and the application is being refused on items 1 and 2 of the recommendations in light of what had been said Officers stated no that is not the case. Additional information had been submitted, firstly with regard to ecology and the impact on the SSSI. Natural England responded yesterday outlining that they were satisfied that there would not be an adverse impact on the SSSI and there would be no justification for reason for refusal 5 to remain as such. With regard to reason for refusal 4, the impact on ecology and biodiversity is split into two parts. The first part was in regards to impact on legally protected species which include bats, great crested newts and reptiles. The second part of that condition is the failure to demonstrate the positive impact on biodiversity. The response from Hertfordshire Ecology was that sufficient information has been submitted in regard to the protected species. They have outlined that there appears to be a demonstration of a biodiversity net gain, but that needs to be secured through an appropriate mechanism which is the legal agreement that

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has not been secured through this application. It was noted that officers did not have a response yet from Hertfordshire and Middlesex Wildlife Trust.

Members thought that some of the information asked for in the application was unreasonable at outline stage. Officers responded saying that it needs to be satisfied at outline stage that there wouldn't be any significant impacts on protected species, that the application would not have an adverse impact on ecology and biodiversity, that development of the site as proposed would not increase flood risk on the site or elsewhere and that highway impact is acceptable. If the flooding information was deemed to be acceptable by the Lead Local Flood Authority, their position would be to secure a condition for detailed engineering drawings. Members raised that Brookmans Park will only have 24 dwellings and there needs to be more houses in Brookmans Park. The site will have 36% affordable homes which is much needed in the borough.

Members were concerned about access to the site as it has one road in and one road out. The site proposes 125 houses and this will increase traffic dramatically on the road. Officers stated that insufficient information has been submitted with regard to the impact of highways safety and capacity. The surveys were completed over a two week period – the first week being a walk to school week promoted by Brookmans Park Primary School and the second week being half term. The Highways Authority have guidance as to when surveys should be completed in order to ensure that they represent the actual situation. They were not satisfied with the information that was submitted and as it does not give a true picture of the highway impact. They need that information in order to come to an accurate decision on the highway impact of the proposal.

Members stated that there were a lot of contradicting statements which were not the fault of the council or applicant. It was queried whether members can look at this at a stage when they can evaluate it properly given that it is a major development. Members did not want to refuse it before they had all the information needed to evaluate it and possibly defer the application. Officers stated that bearing in mind they have not received the information required and that the application has been with the authority for some time, do not have sufficient information that would allow the council to approve the application. Think that there is so much information that is still not clear. Once you approve an outline development, you accept the principal of the development.

Members stated that it was not just the applicant who has not provided the information. The Lead Local Flood Authority, Highways, Herts and Middlesex Wildlife Trust and Natural England were also mentioned. Officers confirmed that if the technical reasons for refusal were not there (reasons for refusal 3, 4, 6 & 7), the application would still be refused on the first two reasons of refusal which is the impact on the Green Belt and character and appearance. If the application was to be deferred to allow more discussions with consultees, they would still bring a report to you for recommendation for refusal based on reasons for refusal 1 and 2.

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Members asked if officers were still happy that reasons 1 and 2 for refusal are robust enough and do we feel that they would stand up to further scrutiny if needed. Officers said yes and that what happened at full council has not changed the recommendation.

Members wanted to know that if the application was refused could the applicant submit another application at a later date. Officers stated that the applicant can submit another application in the future to try and satisfy the technical reasons for refusal and for it to be brought back to committee.

Members asked if there was any other way of getting emergency vehicles to the site. Officers stated no. Members said that Hertfordshire County Council have a policy on how many homes can be supported by a single entry. Officers stated that it came up in the objections and Hertfordshire County Council confirmed that development of this scale on the site with the single access is acceptable.

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

Following discussion, it was proposed and seconded by Councillors C.Juggins and C.Stanbury to refuse the application and

**RESOLVED:
(12 in favour and 1 Abstention)**

That planning permission be refused for reasons set out in report (excluding reason for refusal 5 and with an amendment to the wording reason for refusal 4 as set out by the case officer).

18. APPEAL DECISIONS

Report of the Assistant Director (Planning) detailing recent appeal decisions for the period 6 June to 15 July 2022.

RESOLVED:

Appeal decisions during the period 6 June to 15 July 2022 were noted.

19. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

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

RESOLVED:

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

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20. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT JANUARY - JUNE 2022

Report of the Assistant Director (Planning) on the performance of the Development Management Service over the six-month period January to June 2022 (Quarter 1 and 2).

Members thanked the planning team for all their hard work on the Council's planning applications.

RESOLVED:

That Members noted the content of the report.

Meeting ended 11.05pm
VM