

Development Management Committee
9 March 2023

WELWYN HATFIELD BOROUGH COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 9 March 2023 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors J. Boulton (Chair)
R. Trigg (Vice-Chair)
J. Broach, J. Cragg, C. Juggins, D. Panter,
J. Ranshaw, D. Richardson, J.P. Skoczylas,
P. Shah, S. Tunstall, and J. Weston.

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

OFFICIALS Assistant Director – Planning (C. Carter)
PRESENT: Principal Development Management Officer (M. Peacock)
Principal Development Management Officer (N. Kasmani)
Career Grade Development Management Officer (L. Mugova)
Career Grade Development Management Officer (A. Ransome)
Senior Democratic Services Officer (C. Francis)

61. APOLOGIES

Apologies of absence were received from Councillor Nick Pace.

62. MINUTES

The minutes of the meeting held on 15 February 2023 were approved as a correct record.

63. 6/2022/1375/MAJ - LAND AT HOLLYBUSH LANE, CRESWICK, WELWYN GARDEN CITY, HYBRID PLANNING PERMISSION

Report of the Assistant Director (Planning).

It was noted that two further representations have been received since the publication of the committee report. The first comment is that a resident does not feel the application was given enough publicity. The second representation states that the proposal would destroy wildlife.

In relation to the financial contribution for library services, the contribution would also go towards increasing the capacity of Welwyn Garden City Central Library or its future re-provision.

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The site lies south of Welwyn Garden City and measures approximately 30 hectares. It currently comprises five fields of arable use and grassland and is within the Metropolitan Green Belt. The land is generally flat. Electricity pylons traverse the site. Tree and hedge screening already exists around the perimeter, and Hollybush Lane, dissects the application site.

Phase 1 is considered as a full planning application. Phases 2-4 are in outline with all matters reserved except for access. Their composition and detailed design are not yet fixed. However, their future development potential would be dictated by a suite of control documents.

Development specification sets out that the outline component would deliver:

- A maximum of 243 new homes
- Two new cricket pitches and pavilion
- New café / community space
- Landscape and open space provision

Parameter plans within the report provide detail on the proposed land use, building heights, structure of green infrastructure and access and movement. The land use parameter plan shows the building heights for the outline component, but also the extent of built residential development.

Proposed construction of residential dwellings would be considered inappropriate development in the Green Belt and would impact the spatial and visual openness of the Green Belt. As set out in the report, officers also consider that the proposal would result in some harm to the green belt purposes by introducing built form onto the currently open site and extending the settlement edge further south. This harm carries substantial weight against the proposal.

The site is allocated in the Draft Local Plan (DLP) to provide 340 residential units. Underpinned by three Green Belt reviews as part of the evidence base for the examination. Through the examination the Inspector has concluded the site to be sound and a number of site-specific considerations have been set out as part of the site allocation. As set out in the officer's report, the proposed development would address the site-specific considerations.

The Council's evidence base identifies a shortfall of cricket pitches in the borough by 2026. The proposal would provide two new cricket pitches and an associated pavilion as a new facility for Hatfield and Crusaders Cricket Club. Through engagement with the community, the applicant identified that there was a need to deliver a new facility for the cricket club who have currently outgrown their current facilities and need to rent cricket pitches elsewhere. Furthermore, the facilities are dated and do not reflect the standards of a modern facility.

This element of the proposal is in outline form, but the plan does demonstrate that the cricket pitches and facilities would be able to meet current English Cricket Board Standards.

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Sport England are supportive of the new sports provision, subject to necessary planning obligations and conditions that have been secured.

A great detail of attention has been given to the framing of the development at a key junction and the architectural detailing with variations to height, form, elevations and roof design that would serve to provide visual interest and enhance the townscape appearance.

The built form would be located on the southern edge of Welwyn Garden City, which would be consistent with the existing settlement pattern and prevailing urban fringe character. The proposal would adhere to Garden City principles by providing a comprehensive green infrastructure network, biodiversity gains, mixed tenure homes with gardens and opportunities to grow food.

Officers support the proposed land use distribution of the development that would broadly follow the built form edge and provide a good balance with areas of open space within the development.

The scale of the proposed dwellings would be consistent with the pattern of development in the locality.

Officers are satisfied with separation distances between properties and siting and form of new buildings and so conclude that the proposal would not have a detrimental impact on the residential amenities of adjoining occupiers by reason of overshadowing, loss of light, loss of outlook or overlooking.

The proposal would deliver 340 residential units with a large number of family dwellinghouses expected to be provided. In terms of affordable housing, the applicant has committed to provide 30% as affordable housing. Originally the tenure split comprised 60% affordable rent and 40% shared ownership, which are classified as Intermediate products. Considerable effort and engagement took place during the application process to try to get social rent units to be provided. Following this engagement, the affordable housing tenure split is now 51% social rent housing, 40% shared ownership and 9% affordable rent units and this will be secured appropriately. The proposal would therefore positively contribute towards addressing the council's priority need for social housing, and in particular, for family sized dwellings.

It was later clarified that 2% of units (as the slides stated 3%) would comprise self-build plots, to come forward in the outline element and the proposal would also secure a policy compliant quantum of accessible and wheelchair dwellings.

Extensive discussions have taken place during the course of the application between the Applicant, Highways and Borough Council. One of the outcomes of this was to amend the proposal to close the northern part of Hollybush Lane to motorised traffic. The Highways authority are satisfied that this would not have a detrimental impact on the functioning of the highway network and whilst also supporting sustainable travel to the north, and the Hollybush local centre.

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In terms of pedestrian and cycle connections, the intention across the site is to deliver a highly permeable and well-connected network of routes that provide links to Boundary Lane, Ascots Lane and the A1000.

A number of objection responses provided by neighbouring residents noted that the existing site is well used by residents and dog-walkers and contributes to physical and mental well-being. Officers acknowledged that there are some well-used informal footpaths that related primarily to the north-western portion of the site. However, it is important to recognise that these are not public rights of way and that residents currently benefit from access on private land. The proposal would establish an extensive network of publicly accessible pedestrian routes through well-landscaped areas providing strong north-south and east-west routes with dedicated footways, and therefore enhance the pedestrian network and opportunities for local residents to benefit from this.

A total of 160 parking spaces would be provided. The Council's Supplementary Planning Guidance indicates that phase 1 would generate demand for 181 spaces but the applicant has also set out that local car ownership data suggests a demand for 119 spaces. The parking standards should be taken as guidance and parking standards should be taken on a case-by-case basis. Therefore, while the car parking provision falls short of the guidance, the site falls within a reasonably accessible location where facilities and services can be accessed by means other than a private car. A car club space would be provided, and a package of mitigation measures are proposed to encourage sustainable modes of transport, such as the adoption of a Travel Plan, and highway contributions that would provide new bust stops, a bus service diversion for a bus route to serve Ascots Lane, pedestrian and cycle route improvements and contributions towards strategic improvements set out in the Growth and Transport Plan.

The proposal would also significantly increase the presence of trees, shrubs, hedges and grassland, enhancing the diversity of habitats. This would strengthen the existing landscape infrastructure of woodland, tree belts and tall hedgerows, enabling the proposed development to be integrated into the landscape. This would also support the objectives and aims of the Green Corridor. The proposed landscaping scheme for phase 1 includes 113 new trees that would deliver improvements in terms of the quality and diversity of tree planting. The Council's Landscape Officer has advised that the layout, planting species, plant sizes, numbers and densities are considered appropriate. Appropriate surveys have been undertaken in relation to habitats and protected species. Subject to mitigation and ecological improvements where necessary, the development is considered to have a neutral impact. The new biodiversity and ecological enhancements would help deliver over 10% Biodiversity Net Gain across the site.

The Lead Local Flood Authority (LLFA) have raised an objection to the scheme on the basis of insufficient information. Consultation response was received six months after submission and by this stage the Local Planning Authority already sought independent professional drainage advice on the scheme whereby it was considered the proposed details were acceptable subject to conditions. The

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LLFA response caveated that they may not be able to provide further advice on the proposal due to resource issues. The Council's independent drainage advisors also confirmed the suggested condition would address some of the key technical matters that were raised in the objection by the LLFA. Overall, officers are satisfied that the proposed condition imposed would address some of the key technical matters raised in the objection by the LLFA and subject to detailing, would comply with the relevant policies in relation to flood risk and drainage.

A series of planning obligations have been set out to secure a number of the proposed benefits and mitigate the impact on local infrastructure and services which directly relate to the proposal. The proposed development would be inappropriate development in the green belt and would have a limited impact on the landscape character and appearance. These matters weigh against the proposal. The National Planning Policy Framework (NPPF) is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. The summary of the benefits of the proposal have been set out in detail within the officer's report.

The council cannot demonstrate a five-year supply of deliverable homes and the shortfall of housing supply in the Borough is recognised as both considerable and significant. The delivery of 340 new dwellings is therefore afforded very substantial weight. Significant weight is also attached to the provision of 30% affordable housing, of which 51% would be social rent, thereby addressing the priority need within the Borough.

The site is also allocated in the DLP for residential development and forms part of Welwyn Hatfield Borough Council's strategic approach to meeting its future housing needs. The DLP is at an advanced stage of preparation and so policies relating to the site should carry significant weight as they have been thoroughly considered through examination. This factor is also afforded substantial weight.

There would be an overall net-benefit to biodiversity and enhancements to landscaping, surface water flood risk, drainage measures and the development would encourage sustainable patterns of travel. The proposal would also ensure the site becomes more publicly accessible and would enable the local community to use and enjoy the areas of information recreational land, play areas and high-quality landscaped spaces. The proposal would also provide modern and high-quality cricket pitches and facilities for which there is an identified need. These matters are afforded moderate to significant weight.

Taking all matters into consideration, officers are of the view that the material considerations and benefits in favour of the proposal would clearly outweigh the harm. Accordingly, the test in Paragraph 148 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission. Officers therefore recommend planning permission is approved, subject to referral to the secretary of state, completion of the S106 agreement and the conditions set out in the officer's report.

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Anthony Downs, Agent, spoke regarding the application:

“We support your officer’s recommendation of approval.

The proposed development at Creswick is promoted by Gascoyne Estates, custodians of Hatfield Park Estate. As a long-term landowner within the borough, we seek to enhance and improve our environment.

Our past and current developments include Old Hatfield and at Mill Green. These all reflect our goal of creating a long-term legacy of which we can all be proud.

In contrast to the trend of flatted development, Creswick, will provide a sensitive urban extension to Welwyn Garden City and offers new housing within the borough.

The scheme has been comprehensively master planned in close consultation with your officers and other consultees over a period of some years. Amongst other factors, this has influenced the design of the four children’s play areas, and better connectivity through well-designed cycle and pedestrian links into the Creswick plantation and indeed beyond. The plantation has recently seen a further 2500 trees planted under the Queen’s canopy initiative.

The scheme still takes traditional design cues from our Pattern Book and Building Code maintaining Garden City Principles.

Relocation of the existing cricket club will provide new facilities and create a focal point for the new community. The provision of new grassland and perimeter planting offers a valuable opportunity to improve wildlife habitats and provide precious corridors to existing ponds and ditches, achieving over 30% net gain in habitat units.

Creation of sustainable communities is one of our key priorities. That is why the proposed development seeks to decarbonise from the outset and will utilise Heat Pumps to heat homes, in place of conventional gas boilers. Providing electric charging points, a car club, healthy streets and financial contributions towards sustainable patterns of travel, will facilitate residents’ adoption in greener and healthier lifestyles.

Vehicle and bicycle parking has been a key consideration to the schemes design, with the proposals providing attractive carports, shelters, and refuse and appropriate recycling storage.

As a local organisation, we very much understand that new development can be an emotive topic. A key concern for local communities whenever any new development is proposed, is the impact upon already strained services. That is why we are committed to providing over £7 Million towards education and

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healthcare, which will deliver improvements at the Spring House Medical Centre, Hall Grove and Peartree Surgeries.

Homes for local people are equally important, which is why this development provides a policy compliant housing mix, which will provide 51 much needed homes for social rent, and 49 new homes for affordable rent.

Subject to the outcome of this evening, we and our partners are very keen to start building the much-needed new homes within our community at the earliest opportunity.”

Ros Wilson, Objector, spoke regarding the application:

“I have several reasons why this planning application should be blocked, namely the remaining overall size of the development. I remind councillors, we live in Welwyn GARDEN City, originally devised by Sir Ebenezer Howard. Built to combine the benefits of a city and the countryside, thus avoiding the disadvantages of both.

We are just over the 100-year mark of this inspirational idea, and already the Councillors of this city, in which we trust, are striving ever closer to merging Welwyn Garden City with Hatfield. The boundaries between these two locations are ever eroding, especially on this side of the city, due to the size of these plans. The Councillors have forgotten the basis of a Garden City and should be ashamed. Sir Ebenezer Howard would be appalled of how his dream is being diminished with every element of land, whether green belt or not, is being forfeited. This land is used by local residents, it offers a space to breathe, to enjoy, to relax, and the very basis of a Garden City.

I also speak on behalf of my son. My son and his family live at 31 Boundary Lane and will be directly affected by this build. The plan shows a three-storey block of flats immediately behind our property, not only blocking his light and space but provides a view directly into the bedrooms of our house and the back garden. My growing granddaughters aged 7 and 12 are worried that their privacy will be gone by being constantly overlooked in their bedroom and whilst playing in their garden. This is, as you can imagine especially traumatising for a young girl approaching her teenage years. I remain in fear of her mental health and the knock-on effect to my family, as they feel completely helpless in preventing this issue. Again, I can only put my trust in the hands of the councillors to prevent this situation occurring.

Finally, where are the plans for the extra medical services, the schools, the dental practices, the services, such as extra police, refuge, all needed for such a huge impact of additional residents living on this development. Services are already stretched and does the council already have the funds required to align these types of services in the current economic conditions?

In conclusion, by agreeing to these plans you are monopolising an area of Welwyn Garden City by forgetting the ethos of a Garden City resulting in harm to

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all those directly connected to these plans by seriously affecting their mental health, the environment, and the once celebrated Garden City.”

Members discussed the application and a summary of the main points raised are shown below:

- Members asked about the coalescence of Welwyn Garden City and Hatfield.
- Officers advised that three Green Belt studies were reviewed, and it is accepted that the release of the whole parcel of land for built development would result in high harm because the development would be closer to Hatfield. However, the areas proposed in the application for built development are identified as causing less harm to Green Belt purposes.
- The Local Plan Inspector has provided certain site-specific considerations through the Local Plan examination. One of them, which was part of the recent main modifications consultation, is strengthening a substantial tree planting screen within the green buffer along the southern edge of the site. Sports and recreational uses form part of the development, which is away from the residential element, and this reinforces and strengthens the boundary between the two settlements. With these considerations, officers are of the view that the proposal would not have a material harmful impact.
- Members raised concerns about cars leaving the development would need to join the A1000 which is a main road which is considered to be subject to speeding.
- Officers noted that the Highways Authority have been extensively involved in the consideration of this application. They are satisfied that the proposal wouldn't have an adverse impact on the functioning of the safety of the highway.
- Members noted that the designs show smoking chimneys.
- Officers said they would clarify whether these are just decorative chimneys.
- Members noted that the slides refer to 3% self-build, yet in the report it says 2%.
- Officers confirmed that the 2% figure in the report is correct and apologised for the error on the slide.
- Members raised concerns about sustainability as the site is 1.5 miles away from the town centre and has no nearby train station or shops.
- Officers said that Welwyn Garden City is a tier 1 settlement, and that is where development is focused, and growth is expected.
- There would be S106 contributions towards improving the pedestrian and cycle infrastructure into town.

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- There is a local centre which is within a reasonable walking distance of the site, and the applicant has made efforts to ensure that the route is designed in a way that would encourage walking trips.
- There are bus routes into town, which would occur quite frequently, and the applicant is working to provide bus stops close to the development and also review the bus routes.
- Members were concerned as to whether the level of affordable housing proposed was capable of forming part of the case of very special circumstances.
- Officers said it is for members, as the decision makers, to give appropriate weight to the matters in the officer recommendation.
- It is very evident that there is a chronic shortage of homes being built within the borough, and the borough is failing to meet the housing delivery its set against. Not all schemes deliver the right quantum of affordable housing that the council needs to address its most priority need.
- When preparing the report officers gave due weight to the benefits of public accessibility, of biodiversity net gain, and the cricket pitches, as well as the coalescence between the settlements.
- It is an allocated site in the Draft Local Plan, so has gone to examination. The inspector has looked at the site and considers that it can be released for development in the manner of the built form that has come forward.
- Members raised concerns as to why we are relying on third party consultants to establish whether a sustainable surface water strategy can be delivered on the site.
- Officers answered this in a wider context of challenges that Hertfordshire County Council (HCC) have been facing in terms of their resourcing in the LLFA team. This council is not alone as a local authority in taking external consultee advice as an alternative to HCC.
- In this instance HCC made an initial response, but that came six months after the consultation. At that point they maintained an objection but advised they wouldn't necessarily have the capability to respond to further information from the applicant. So, in the interests of progressing important and large-scale planning applications, the council took the view that it would be sensible to instruct independent third-party consultants in order to review the information and to consider the comments that the LLFA had made.
- The independent consultants are satisfied that the scheme designed is acceptable and have therefore recommended the condition.

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- Members raised concerns about ownership and tax avoidance.
- Legal advice provided at the meeting said that no weight should be given to the nature of ownership as that is irrelevant to a planning determination.
- In terms of tax avoidance, it could not be confirmed if the statement made by the member was true or not, but no weight should be placed on the tax avoidance nature of the landownership.
- Members raised concerns that at a previous planning meeting, objections had been received from either the resident or our residents' representative from Hatfield House, as to the view north from Hatfield House. As this development would seem to be directly in that line, is this an inconsistency that members should place weight on.
- Officers said they didn't fully know the context of the other application referred to.
- This development is limited to 3 storeys, but predominantly 2 storey and 2½ storey buildings. The inspector, as part of the main modifications process, has requested the extensive tree belt screening.
- No concern has been raised by consultees.
- Members raised concerns about the level of affordable housing which is skewed between the different phases of development.
- Officers advised that if the application is agreed tonight, then there will be a series of mechanisms, through the reserved matters, where the applicant will have to provide details of how they are going to meet the mix of affordable housing in the later phases. So, there will be subsequent applications to come, which may or may not come before this committee, depending on whether or it is called in.
- However, this will be set in the context of the outline planning permission and legal agreement which would go with the permission. This sets the framework for those reserved matters applications, including the proportion and mix of affordable housing, so this would provide some protection.
- Members raised concerns about overlooking to neighbouring properties.
- Officers advised for Phase 1 there are detailed plans which show very generous distances between the rear elevations of the respective dwelling houses and the houses that are on Boundary Lane with their gardens.
- Number 31 Boundary Lane is further east of the application site, which is where the outlined development would be. Details of the form, scale, and massing of those dwellings have not come forward. When it comes to reserved matters stage, officers will have the ability to scrutinise those in

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more detail to ensure that acceptable residential amenity is maintained between those houses.

- Members sought clarification of the number of trees being planted.
- Officers advised that 113 trees relate to Phase 1.
- As the reserved matters come through, officers will get a better picture of the number of these trees coming forward.
- Members asked officers to comment on the impact to services arising from the development.
- Officers advised that substantial s106 contributions are there to mitigate the impact of this development.

Following discussion, it was proposed by Councillor R. Trigg and seconded by Councillor J. Broach to approve the application.

RESOLVED:

(8 in favour, and 4 against)

That planning permission be approved subject to the conditions set out within the report; and,

Subject to the confirmation that the chimneys are design features and not wood-burning chimneys.

64. 6/2022/1774/RM - LAND TO THE NORTH EAST OF KING GEORGE V PLAYING FIELDS, NORTHAW ROAD EAST HERTFORDSHIRE, CUFFLEY EN6 4RD

Report of the Assistant Director (Planning).

This application is presented to the Development Management Committee (DMC) because it would represent a departure from the Welwyn Hatfield District Plan 2005 and is recommended for approval.

The application site lies wholly within the Metropolitan Green Belt. Notwithstanding, the Draft Local Plan includes the removal of this site from the Green Belt and is allocated in Policy SADM33 for residential development.

The application is in reserved matters form, following the approval of outline planning permission under reference S6/2015/1342/PP. Within the outline permission, the principle of residential development of up to 121 dwellings on this site has already been established, along with access and surface water discharge points. Members therefore do not need to reconsider these elements. The aspects to consider within the reserved matters application are layout, scale, appearance, and landscaping.

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Planning obligations, including affordable housing, have been secured through a S106 under the outline permission. This S106 continues to apply and continues to run with the future owners (Bellway).

The site layout follows the principles and parameters of the Indicative Master Plan approved at outline stage.

The proposal submitted by Bellway comprises the residential development of the site for 121 dwellings, providing a range of units, predominately 2 storeys in height with a small amount of 2½ storey development. Vehicle access into the development would be taken from Northaw Road East as a simple T-junction. A pedestrian/cycle link between South Drive and the Hertfordshire Way and King George V Playing Fields is proposed. Landscaping and areas of open space are proposed throughout the site.

The proposed layout consists of a mix of housing that is arranged within two distinct character areas, the South Boulevard and Rural Fringe.

The Southern Boulevard area creates a sense of arrival for the residents and visitors accessing the site from Northaw Road East. This primary route features a formal street typology having a dedicated verge with street trees and parking laybys along its route. A range of building types are proposed from apartments, terraces, semi-detached and detached, maintaining a consistent building line to emphasise the formality of this street.

In comparison, the Rural Fringe Character Area is set further within the site and benefits from views over landscaped open space, King George V Playing fields and distant views over open farmland to the south. The dwellings are accessed from a looped street pattern following site contours. The buildings in this area are traditional in appearance, consisting predominantly of detached and semi-detached dwellings.

Landscaping and areas of open space are proposed throughout the site, with the primary street benefitting from an 'avenue' planting style with trees lining both sides of the street. The proposal also includes the provision of amenity space in the south-eastern corner of the site and at the centre of the development, serving as multi-functional spaces. The green infrastructure also comprises areas of surface water attenuation.

All houses are proposed to have private rear gardens, with many of the units also being sited in very close proximity to public areas of open space. Flats will be provided with a communal garden space. The proposals include the provision of sufficient parking spaces spread across garages, driveways, allocated and unallocated bay parking for flats/houses and unallocated on-street parking spaces. Overall, it is considered that the proposal is a good standard of development which respects the visual amenities and the character of the area.

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Only three representations have been received, comprising two objections together with one comment. Four consultee comments remain as outstanding objections:

- Northaw and Cuffley Parish- the concerns raised within the objection have been addressed within the report at part 6 (x) paras 11.141-11.144.
- Herts and Middlesex Wildlife Trust- the concerns raised have been overcome by the submission of updated details within the LEMP.
- Lead Local Flood Authority- the outstanding matters are reserved via condition on the OUTLINE permission so do not form part of the assessment of the reserved matters application. The matter is being dealt with separately through a discharge of condition application.
- WHBC Client Services- the concerns raised with regards to the proposed bin collection points have been acknowledged. On balance, it is considered that the best possible refuse strategy has been presented after working with the applicant on compromises. Further detail can be read within the report at paras 11.67-11.78.

Officers noted condition 8 which requires the approval of an Arboricultural Method Statement. Within the committee report it is recommended that this condition is discharged, however, since the publication of the report, some inaccuracies have been identified in relation to the submitted information. For this reason, Members are advised that the approval of details reserved by condition 8 does not form part of this application. Officers are working with the applicant to update the necessary detail, and this will be considered under a separate application.

Members were also made aware that since the report was published, a late representation was received from Cadent Gas stating no objection.

The development of the site would result in inappropriate development in the Green Belt. However, at outline stage, the identified Green Belt harm was weighed in the balance, and it was concluded that the factors in support of the proposal clearly outweighed the harm, accepting the principle of development. Moreover, significant weight is attributed to the emerging Local Plan with the allocated site of HS28 being found sound.

Short term economic benefits would arise from the construction of the development, and further economic benefit to local business would arise from the future occupiers spending on goods and services, as well as the enhanced vitality and viability of the area. Social and environmental benefits arising from the development would include the delivery of 121 dwellings, including affordable housing, where a shortfall in housing has been identified. Further social benefit arises from the provision of high quality, adaptable and energy efficient homes within walking distance to facilities and services.

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In conclusion the report demonstrates that the development has been assessed against local and national policy and no significant harm or policy conflict has been identified. As such, the proposed development is considered to accord with the Development Plan. Having regard to all the factors described in detail within the report, Officers recommend that the Committee resolves to grant planning permission, subject to the suggested conditions.

Laura Fletcher-Gray, Agent, spoke regarding the application:

"I am the planning agent for this reserved matters application. Outline planning permission was granted in March 2022 for 121 residential units, the reserved matters accord with a proposed illustrative master plan and parameters plans. We welcome the officers' recommendation as we have worked closely with them and consultees at both pre-application stage and post-submission stage. Feedback has been responded to, where possible. 121 new homes, comprising 30 flats and 91 houses, will be delivered in a range of typologies, with a mix of 1 to 5 beds in order to meet a variety of local needs. In line with policy, 42 units are affordable, equating to 35% of this. 21 units will be social rented, 13 affordable rented and 8 shared ownership.

Two distinct character areas are proposed which draw upon the character of the surrounding area, as well as being innovative to ensure a high-quality development. Traditional materials and detailing are proposed for buildings.

The southern boulevard fronts North Shore Road East. There will be 2 and 2½ storey buildings at the entrance, leading to a tree line spine road with perpendicular residential streets. The rural fringe has public open space, connecting into the public rights of way, and is made up of predominantly detached and semi-detached housing.

Vehicular access was approved as part of the outline application. Pedestrian and cycle links we provided between the school and the playing fields across the site. 311 car parking spaces are proposed, of these, 37 will be unallocated and each dwelling will have access to EV charging. The roads will not be adopted, and the parking will be managed by a private management company. Cycle parking will be provided for each home in line with policy, it will be provided in communal stores or lockable sheds for the houses.

Landscaping and open space is provided throughout the site. The local community will be able to use this for multi-use recreation. Existing vegetation surrounding the site will be retained and enhanced, where appropriate. 198 new trees are proposed, and the landscaping and ecology strategy results in an increase of 146.62% in habitat units on site.

All houses will have private rear gardens, and apartments will have balconies.

The energy strategy secures emissions reductions of 5.62% over Part L 2013.

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Houses will have private bin stores and each apartment block will have a communal store. On collection day, some houses will move their bins to the designated kerbside collection points to comply with the operative direct licences. In a few instances the drag distances are above the suggested guidance, but full compliance would require significant design changes, so on balance the refuse strategy is considered acceptable.

In summary, the proposal would provide a high-quality development which accords with the outline planning permission. Bellway is excited to deliver housing in Cuffley. The contractor is unable to commence once relevant planning and section 106 conditions are discharged. We respectfully request that reserved matters be granted.”

Members discussed the application and a summary of the main points raised are shown below:

- Members asked for a comment from the officer on which elements members are deciding on this evening.
- Officers clarified that members are to assess layout, scale, appearance, and landscaping.
- Officers advised that all objections have been resolved except the waste objection, but in the officer's opinion the waste plan proposal is acceptable on balance.
- Members asked for clarification on the adoption of roads.
- It is standard practice for HCC to adopt roads with bus routes, but for minor roads serving contained developments of this type, they would not be adopted under normal circumstances and instead would be maintained through a private maintenance company.
- This is a charge that each resident will be paying, like leasehold houses. This is not a planning matter, but officers clarified that anyone moving into this scheme would know that before purchasing the property, and it was noted that this is quite common in any development.
- Legal advice provided at the meeting noted that there is already a section 106 agreement as planning permission has already been granted. This agreement will contain a requirement for a management company to be set up and the terms of that already determined. It is not for the local planning authority to set out what the service charge might be on any specified development. This is not something that should be considered as part of what is a reserved matters application that deals with layout, landscaping scale and appearance of the development.

Following discussion, it was proposed by Councillor R. Trigg and seconded by Councillor J. Broach to approve the application.

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RESOLVED:
(10 in favour, and 2 abstentions)

That planning permission be approved subject to the conditions set out within the report.

65. 6/2023/0004/HOUSE - 9 ROBIN MEAD, WELWYN GARDEN CITY, AL7 1PP - ERECTION OF TWO STOREY AND SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY, NEW AND ALTERATIONS TO FENESTRATION

Report of the Assistant Director (Planning) for the erection of two storey and single storey rear extension following the demolition of an existing conservatory. The proposal also includes new and alterations to fenestration on the flank wall.

This planning application is presented to DMC because it was called in by Councillor B. Fitzsimons and Councillor L. Musk as it was considered that the proposal would be of an overbearing size and would impact on the immediate adjoining neighbours and the wider neighbourhood.

The application was advertised by means of neighbour notification letters. One objection was received, and the comments or objections are published in full on the council's website.

The site lies within Welwyn Garden City as designated in the Welwyn Hatfield District Plan, and it is also within the Estate Management Scheme.

The planning application benefits from a rear conservatory, which is approximately 3.8 metres in depth and will be demolished to allow the erection of the rear extension on the ground floor. This element of the proposal would span across the entire width of the dwelling, and it would measure approximately 3.5 metres in depth and about 3 metres in height, which is not considered to be excessive in size and scale. It would not result in a cramped form of development within its site.

Although small in scale No. 7 Robin Mead benefits from a single storey rear extension, which is approximately 8.1 metres in depth. It is therefore considered that the single storey element of the proposal would not appear unduly dominant on this neighbouring property.

In terms of the two-storey rear extension, its flank wall would be approximately 1 metre from the boundary of No. 52 Lumbards. Therefore, this proposed extension would extend by approximately one third of the depth of the original building, although the proposal would not be set down from the existing roof ridge.

Whilst the proposal does not fully comply with the council's Supplementary Design Guidance, each case must be assessed on its own merits. The two-storey element would be set in from the common boundary with No. 7 Robin

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Mead by approximately 3.3 metres. Moreover, the two-storey rear extension would not be highly visible on the street scene.

The proposed roof design would match and correspond with that of the host dwelling. It is therefore considered that the proposed two storey extension would not appear unduly dominant or cause harm to the character and appearance of the host dwelling and the surrounding area.

The proposed development would be finished in matching materials to the existing dwelling, therefore subject to a planning condition to secure this, the proposal is considered to be acceptable. Overall, it is considered that the design of the proposed extension would respect and relate to the existing dwelling and the character of the area in accordance with the relevant development plan policies and the NPP.

Due to the location of the proposed works, the neighbouring occupiers which are the most likely to be affected by the proposal are those at No. 7 Robin Mead to the north, those which adjoin the rear garden of the application property at No. 50 and No. 52 Lumbards to the south, and the rear garden of No.15 Eastor to the south-east.

In terms of the single storey rear extension, given the single storey nature of the proposal on the site where it adjoins No. 7, the proposal would not cause loss of light or appear unduly dominant from this adjoining neighbour.

In terms of overbearing and loss of light, the proposed two storey rear extension would be highly visible from the rear garden of No. 52 Lumbards. The depth of the rear garden of No. 52 is approximately 11 metres, and there is approximately one metre between the proposed side flank wall and the flank boundary. Given the separation, distance, the depth of the two-storey extension, and the orientation in relation to this neighbouring property, it is considered that the proposal would not significantly worsen the living conditions of these neighbouring occupiers in terms of overbearing and loss of light.

The two first floor windows, which would face No. 52 Lumbards, would serve non-habitable rooms and a landing, and are small in size (approximately 60cm x 40cm). These would be non-opening and obscure glazed. As such, it is considered that these windows would not result in a detrimental loss of privacy to any of the neighbouring occupiers. Furthermore, views from the first-floor rear elevation windows of the two-storey extension would have potential overlooking of the rear gardens of No. 7 Robin Mead and No. 15 Eastor, however, the degree of overlooking would be consistent with a neighbouring relationship generally accepted between residential properties.

In terms of the roof windows, these would be installed in the roof and the room is approximately 2.5 metres high, which has been confirmed by the agent and therefore would not impact on the privacy of any of the neighbouring occupiers. It is important to note that the first-floor side elevation windows in the flank of the original building and the proposed rooflights can usually be installed without

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planning permission in accordance with the conditions and limitations of permitted development rights.

Overall, given the scale, orientation, and the separation distance between the proposed extension and the neighbouring occupiers, it is considered that the proposal would not cause loss of light, appear unduly dominant from any adjoining properties or result in detrimental loss of privacy.

In terms of car parking, the site currently benefits from adequate on-site car parking, and furthermore there is no change in the parking space requirements, as existing parking arrangements are viewed to be acceptable.

In conclusion, the proposed development would have an acceptable impact on the character and appearance of the host dwelling and the surrounding area. Furthermore, the proposal would not result in any significant detrimental impacts on the living conditions of neighbouring occupiers. As such, the proposed development complies with the relevant local and national policies, subject to planning conditions regarding external materials and also obscure glazing to first-floor side elevation windows and rooflights (facing No. 7 Robin Mead and No. 52 Lumbarde) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is. The proposal is therefore recommended for approval by officers.

Steve Johnson, Agent, spoke regarding the application:

“To be clear, this is a residential extension requested by the current owners to improve the living conditions for the parents and the children to this smaller than average house within this area.

This is not an extension for financial gain, but an improvement to everyday life. The extension is so the active family in the neighbourhood do not have to relocate and cause deficit to the community.

The Planning Officer is minded to grant, so why are we here? The procedure to call in, if minded to grant and if warranted, is a great system to make clear why we should or should not be approved. Generally, it is accepted no one likes changes or extensions but these occur to meet residents' needs as their family circumstances change, including the increased need for care in the community for senior members of the family.

The ability to extend is everyone's right, but this is done under the guidance of policies written by your planning department to act as guidelines and prevent excessive development and cause a reduction in living conditions to surrounding houses. The guardians of the policies are the planning officers, and it is expected and warranted that we have made amendments to meet these policies, hence why it is now minded to approve.

To be clear, this extension is not inappropriate in design. We have matching materials, we have non habitable windows to the boundaries, so there's no overlooking.

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This extension is north of the properties adjoining and therefore there is no loss in daylight or sunlight.

It is being proposed to make the extension look as much as the original building as possible, hence why we have felt it stronger to put the ridgeline constant rather than make it look like a separate or an extended building.

Can this extension be seen from other properties? Yes, of course, as do many other properties, but there is no planning law in this area that has a right to sight lines, otherwise this could go on for miles. It meets the requirement of the policy from the rear of a house to a side of a house, so therefore it complies. We in fact meet all policies set by this council for extensions to protect the interests of the surrounding properties. This does not always seem so for the occupiers of these surrounding properties, as they are the current occupiers and merely caretakers of the property, the interests of the property's protection is by these policies and has been implemented by the Planning Officer. The policies take the wider view and effect of any extension, that they offer guidance, a guidance that my client has followed and met, hence why the Planning Officers are minded to grant.

It is important to keep in mind the planning process needs to balance the needs of the individuals in the interests of the wider community, and the policies in place are intended to support this goal. We believe we have met those policies and we hope you can support a reason for approval.”

Joanna Willcocks, Objector, spoke regarding the application:

“I live at number 52 Lumbards, and the proposed development is at the end of my garden. I have a small garden 11 metres deep and at the end of the garden, there's one metre and then there's this huge wall of the property, which is 9 Robin Mead. The proposed windows that are in that wall will be facing directly into my son's bedroom window and into my garden below.

We have heard tonight that those windows will be fixed and also obscure glass, but it does present to me a lack of privacy because there are windows there.

Also, when I look directly out of my house, because the house stretches along the back of my garden, I can only see a very small slither of sky. When the extension is extended, I won't be able to see any sky when I look out unless I physically go outside, I'm just going to be looking at a wall, so it is for me unduly dominant. It will feel as if I'm completely shut in when I look out of the rear of my house.

Also, I don't think the plans are correct because if you look at the plans, the conservatory which has been knocked down, where the extension is being built, is shown to be on the boundary of my property and my next-door neighbour, that's not actually the case. The current conservatory extends behind my neighbour's garden, so the extension will extend beyond my garden and behind my neighbour's garden.

The proposals effectively increase the footprint of the property from about 58 square metres to 82 square metres, which is an increase of about 40%, and this, coupled with the fact that the extension is the full height and the width of the

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existing building it can't be considered subordinate to the original house. So, if you approve an extension like this it could potentially give way to a precedent in the area of extensions of this size and change the nature of the Haldens area.”

Councillor B. Fitzsimon, Ward Member (Statement read out by Councillor A. Hellyer):

“I'm speaking on behalf of Co Ward Councillor Barbara Fitzsimon, who has asked me to read a short statement.”

Firstly, and most importantly, the two-storey extension proposed is of an overbearing size affecting plot number 50 and 52 Lumbards. The position of the proposed works affects neighbours in the road of Robin Mead, but additionally, as this is at the end of the Close it will affect houses perpendicular to the proposed extension and therefore impacts not just the immediate adjoining houses but others nearby and has an effect on the wider neighbourhood.

Members discussed the application and a summary of the main points raised are shown below:

- Members asked for comments from officers as to the impact of the proposed extension on the character of the area.
- Officers said the proposal will not impact on the character of the area. It is at the rear of the property, and it has been carefully and sensitively designed.
- The single storey spans across the width of the host dwelling, and the two-storey extension is only part two-storey, and it is set in from the neighbour at No. 7 by around 3.3 metres.
- Members asked what weight should be given to the glazing being obscured.
- Officers said they have recommended a condition for those windows to be obscure glazed and they are high level windows and so these are not likely to impact on privacy of neighbouring occupiers.
- Members asked for a response in relation to a speaker comment that the footprint of the site increasing by around 40%.
- Officers advised that they have not calculated the increase in footprint but said that the existing conservatory is 3.8 metres in depth, and the depth of the proposal is 3.5 metres.
- Members asked if a condition could be included around landscaping to negate the impact of the new extension on neighbouring properties.

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- Officers said it is unlikely that there would be enough space between the development and the boundary to accommodate anything meaningful.
- Officers said that members need to bear in mind that this is a householder planning application that would not normally come before this committee. This is, as officers have recommended, a proportionate extension to the property. There is a relationship with the neighbouring property to the south, which is quite common in parts of Welwyn Garden City.
- It is the view of officers that, having regard to the design changes the applicant has made, this is the kind of extension that should normally be supported unless there are specific negative impacts on the neighbours that can be identified and substantiated with policy.
- Members asked if there are already other similar two storey extensions which have been built within the area or would this be setting a precedent.
- Officers said we need consider this application on its own merits. Two storey rear extensions are very common projects in residential areas and are the obvious way to increase living accommodation within a property. Whilst officers could not cite any specific examples, they believed that within the wider area there will be other two-storey extensions.

Following discussion, it was proposed by Councillor S. Tunstall and seconded by Councillor R. Trigg to approve the application.

RESOLVED:

(7 in favour, 4 against, 1 abstentions)

That planning permission be approved subject to the conditions set out within the report.

66. APPEAL DECISIONS

Report of the Assistant Director (Planning) detailing recent appeal decisions for the period 2 February 2023 to 27 February 2023.

Members said they had heard that the applicants for 23-25 Station Road, Digswell are appealing the against non-determination of an application that is due to be presented to the next planning meeting. Officers said it had been proposed to bring this to committee, but it is the applicant's option to appeal non determination if they wanted to.

RESOLVED:

Members noted the content of the report.

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67. 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.

Officers said that in the new municipal year this item will be presented to the committee in a more easily readable format, focusing on the applications to come forward over the next couple of months.

Officers confirmed that meetings of DMC will not take place during the pre-election period.

RESOLVED:

Members noted the content of the report.

Meeting ended at 10.00pm
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