

Development Management Committee
15 June 2023

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 15 June 2023 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors J.Skoczylas (Chairman)
R.Grewal (Vice-Chairman)
S.Boulton, H.Goldwater, D.Panter, F.Thomson,
R.Trigg, S.Tunstall, C.Watson, J.Cragg, A.Hellyer,
L.Musk and A.Nix

ALSO Councillor Frank Marshal
PRESENT: Jacqueline Backhaus, Trowers

OFFICIALS Chris Carter, Assistant Director, Planning
PRESENT: Ganesh Gnanamoorthy, Development Management Services Manager
Kerrie Charles, Assistant Planning and Enforcement Officer
Raymond Lee, Development Management Officer
Clare Cade, Governance Services Manager
Vanisha Mistry, Democratic Services Assistant

68. SUBSTITUTIONS

The following Councillors attended as Substitutes:

- Cllr Lucy Musk for Cllr James Broach
- Cllr Adrienne Nix for Cllr Frank Marsh
- Cllr Julie Cragg for Cllr Samuel Kasumu
- Cllr Alastair Hellyer for Cllr Rebecca Lass

69. APOLOGIES

Apologies for absence were received from Councillors James Broach, Rebecca Lass, Samuel Kasumu and Frank Marsh.

70. MINUTES

The minutes of the meeting held on 9 March 2023 were agreed.

71. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 10 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

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There were no items of urgent business, and no items were withdrawn from the agenda.

72. DECLARATIONS OF INTEREST BY MEMBERS

Councillors Bolton and Thompson non-pecuniary interests as County Councillors.

73. 6/2022/2725/HOUSE - 15 REEVES COURT, WELWYN AL6 9FU

The Committee received the report of the Assistant Director, Planning.

The application presented had been called in at the request of Councillor Smith for the following reasons:

- Residents are concerned with the loss of privacy and amenity to nearby properties; and
- The application raises some unusual and sensitive planning issues due to its location and has attracted a high level of localised public interest.

The planning application sought permission for the retention of an elevated playhouse around an oak tree, which is covered by a Tree Preservation Order (TPO). The wooden playhouse was made from Redwood and Spruce soft wood and measures an overall height of approximately 4.5m, with a raised platform of approximately 1.8m in height. The raised platform of the playhouse is built around the oak tree, a bridge, a swing set and an enclosed playhouse with a small window.

Rebecca Delaney, Applicant, spoke regarding the application:

"We've received the report from Ms Charles, it's very thorough and addresses all of the objections and concerns that have been raised in respect of the application, the report essentially sets out all of the representations that we would have been making to the committee today. The only thing that we would wish to add is that the Playhouse comes with an annual maintenance contract, what that means is that it will be inspected on an annual basis to ensure that if the tree is growing, that the part of the Playhouse that sits around the tree is altered and adapted to ensure that there's no damage to the tree overtime.

Thank you very much."

Sophie Cresswell, Objector, spoke regarding the application:

"I strongly object to the gargantuan 4.5 metre tall structure, which is the same height as a double decker bus during warmer weather, it lends itself to frequent use large. Unscreened windows of the observe of the observatory tower face towards and are a similar height to bedroom windows of 17 which has a sunken garden. There is no protection to private amenity space upstairs per photos 2 and 3. You've seen nor in areas of downstairs. I implore a site visit to 17 to prove how intrusive the structure is, to illustrate the relationship between the structure and areas of 17 which viewers can see into and to appreciate how the differing

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ground levels maximised the impact of the height and bulk of the structure. From the report there are several misleading points to 2.2 fails miserably in its attempt to describe the whole site and so spoke of the structure it slightly larger than the largest variant of articulated lorry, excluding the supporting legs it is wholly at or above the top of the 1.8 metre fence.

The impact from the elevated platform is not confined to the Playhouse, it includes extensive bulk from various deck verandas and a bridge. Paragraph 9.17 [of the report] claims a degree of overlooking is acceptable and to be expected I questioned this arbitrary measure of acceptable given it has extensive, unobstructed views of several adjacent properties.

9.21 [of the report] refers to planted trees, offering screening along the applicant's boundary, with no description of species planted, duration to maturity or eventual height. a site visit would prove this statement inaccurate. There is no tree screen it is just immature plants on a frame. The maturity of the plants to provide screening will take years and won't screen the tower.

9.22 [of the report] objections to noise pollution, this extraordinary statement suggests that noise arising from activity above fence level is of similar volume to noise levels below fence level. I asked the committee the purpose of 1.8 metre fencing around gardens of adjacent properties, surely it's to provide residents with space. This structure severely impacts neighbours' rights to quiet enjoyment of their properties.

The report refers to the vicious reality of any extension, whilst not a home extension, the structure was closer to the house, with the planning officer still be of the same view regarding impact on neighbouring properties, I request that the structure should be refused planning permission."

Councillor Paul Smith, Ward Councillor, provided the below written statement:
"I would not normally comment, let alone call-in, on small applications in established residential areas like this for the committee to consider. However, as you will have seen this application for retrospective planning permission has notably received 4 objections from neighbouring properties well as the Parish Council.

Whilst many specific valid concerns have been raised by the objectors the main issue I see with this structure is that it acts like a viewing platform where users would stand at a height equal to that of a 6 foot or 1.8m fence on one side significantly impacting the privacy of nearby properties and their gardens. A standard 1.8m garden fence is expected to normally afford a relative degree of privacy which this structure completely invalidates. The normal maximum allowable height of a garden fence is 2m, so neighbours do not even have the option to erect higher fences to regain their privacy. This is clearly not even considering the visual impact of a structure that reaches a maximum height of 4.4m, around 2.5 metres above the fence height.

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As you will have seen in 9.21 of the officer's report it states that "it is considered the proposal would maintain an appropriate level of privacy for an established residential area". I cannot understand the basis for this view and ask the committee to again look at the plans and site plan. You will also have read in 9.21 that "some trees have been planted along the site boundary by the applicant which will provide some additional screening" but these do not appear to be a condition of the proposed permission. Furthermore, these are newly planted trees which will take many years to establish and grow to a sufficient height and from what I can see from the photos are deciduous trees so will offer limited privacy during the winter months.

As you will have read in some of the objections a similar application, namely 6/2020/2831/HOUSE, on the same development was refused in early 2021 and whilst I note that was closer in proximity to neighbouring properties materially the reasons for refusal would appear very similar to the concerns raised by the objectors in this application.

I can honestly say that if lived in a neighbouring property to this application I would share very similar concerns regarding loss of privacy given the height of the platform.

I call on this committee to refuse this application and for officers to support the applicant to look at how the existing structure could practically be altered in height to reduce its impact on neighbours' privacy, and how conditions could be attached to reduce its visual dominance, such as evergreen planting."

During the discussion Councillors made the following points:

- Climbing the tree would not be considered a material consideration and could result in comparable level of overlooking.
- Elevation of land is important and depending on how the elevation varies can have different impacts on people's view.
- That it was a private residence where the structure had been built.
- It was noted that some additional boundary planting had taken place and this may provide a degree of screening in due course.
- Some members expressed the view that this was simply an application for children's play equipment and they considered it to be acceptable.

Officers informed the Committee that Tree Officers had confirmed there was no harm to the trees.

Following the discussion, it was proposed by Councillor Musk, and seconded by Councillor Hellyer, to approve the application.

RESOLVED:
(unanimous)

That the retrospective planning permission be approved as set out within the report.

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74. 6/2022/2533/VAR - CAMPUS WEST THE CAMPUS WELWYN AL8 6BX

The Committee received the report of the Assistant Director, Planning.

The application site comprises of the Campus West Car Park which measures approximately 1.2 hectares in size. The site is located entirely within the Conservation Area and the Ayot Greenway Local Wildlife Site runs along the northern boundary.

Planning permission is now sought under Section 73 of the Town and Country Planning Act 1990 for a variation of the approved plans condition (No. 21) on planning permission 6/2021/2207/MAJ for changes to the lighting arrangement.

Karen Winbow, Objector, spoke regarding the application:

“When the major planning application was decided in December 21, planning officer, Ray Lee, said, back shields to perimeter lights would be installed and diffusers for headlights. There aren’t any diffusers and limited back shields.

I have written numerous e-mails and still there are no back shields on some of the lights and the ones that are there serve no purpose. They are small bent pieces of metal that are three foot behind the light head so don’t shield the light.

At the December 21 meeting, at 55 minutes, Raymond Lee said “install back shields to the lights around the perimeter of the site to reduce light spill.” and he said, “not result in a significant increase in light pollution over and above the existing situation”. At 1.00 hour, 17 minutes he also said “utilise shielding, therefore, overall impact will not be material”. At 1.00 hour 53 minutes Jonathan Bolton said lights will be shielded. At 1.00 hour 57 minutes, Alistair Hellyer said there should be a condition that there is conifer screening. There is no conifer screening.

There are three lights that directly shine into our property, the 6 metre light on the corner of roller city has no shield and the two new lights on the corner of the car park face us and can't be shielded. Lights facing our property and not capable of being shielded even if their low illumines will impact us more than lights with a higher facing away from us.

The 6 metre light needs a side shield or preferably reduced to a 3 metre light and shielded. These lights impact us, particularly in the wintertime, particularly when there are no leaves on the trees. The chart of the lumens shown tonight shows that light spillage on northern boundary is the greatest of all the boundaries, even after the reduction of lumens proposed in this application.

I therefore would like the councillors to refuse planning permission. The council do what they want, including installing whatever lights they want, then drawing up three lots of plans to show where they have been installed. The car park is

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open. It should never have been opened until planning permission was granted, including all the conditions being satisfied. One of the conditions is that a crossing is installed before first use. The car park was opened before work even commenced on the crossing, and the crossing was only commissioned today. The council have behaved appallingly with regards to campus west. I only hope this joint administration will abide by the rules and listened to the residents of Welwyn Hatfield, thank you."

Councillor Frank Marsh, Ward Councillor, spoke regarding the application:

- "1. Back-shields: The lights on the top floor of the carpark and those along the northern elevation (Ayot Greenway) should have much larger back-shields. The size needs to be a metre high by a metre wide and curved around the light on the vertical axis to prevent sideways light pollution. The same should also apply to the lights on the western elevation (Woodside House) at ground level and on the top floor of the carpark. All lights should have back shields.*
- 2. Height of the lights: the lights at ground level on the northern elevation should all be lowered as some are too high as there needs to be some consistency. At the moment they are approximately 6 to 7 metres high. They do not need to be this high. 3 to 4 m high would be much better, some of the new ones installed seem to be the right height. Also there are a couple of old, pre multi-storey, lights 6 to 7 m high along these boundaries. I think that these should also be reduced in height subject to the other newer lights being approved. There is a new light at ground level on the western elevation to light which seems to be acceptable.*
- 3. The lights above the pay machines have been removed. They can go back as before, however the one on the Roller City wall needs a side shield (not a back shield) to prevent light pollution towards Ayot Greenway and not be so high.*
- 4. The original plan was to put a parking pay-point on the north east corner of the multi-storey structure. This pay-point was moved elsewhere, but the light above it remains. The light points outwards towards the Ayot Greenway. The light need to be removed.*
- 5. The light along the western boundary to light the footpath next to Woodside House is on a time clock and goes off before 11 pm. It should be on a motion sensor so people can see where they going. Perhaps all lights should be on sensors when it is dark, as this will save on electricity and serve a dual purpose to assist people if and when they use the carpark.*
- 6. There are several redundant grey posts that used to hold carpark charging notices for the old carpark, for example, by the steps to the Ayot Greenway. These need removing. Although it is recognised that this will have no bearing on this application, but should be noted and dealt with separately."*

Officers confirmed that the current effectiveness of shielding would not be consideration at the meeting and could be reviewed by planning enforcement.

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Officers informed the Committee the proposals for lighting had been developed by industry professionals.

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

RESOLVED:
(unanimous)

1. The variation of condition 21 on planning permission 6/2021/2207/MAJ for changes to the lighting arrangement.
2. Noted the amended elevation and floor plans were received during the course of the application to reflect the lighting units that had already been installed at the application site.
3. The lighting alterations:
 - 2 x additional structure mounted lights added to the cladding at 3 metres from ground level to provide lighting to the new ground floor pay meters at Stairs 1 and 2.
 - Repositioned structure mounted light on east facing elevation serving disabled parking area approximately 1.5m towards the south.
 - 2 x additional 3m tall column mounted lights for the new pay machines at the northern and southern boundaries of the site.
 - 3 x additional column fixed lights to the first floor at a height of 3 metres from the first-floor level (1 metre lower than the main top deck lighting) to provide lighting to the new first floor pay meters at Stairs 1, 2 and 3.
 - Replacement of 7 single head lighting columns with twin heads units at the centre of the first floor deck (set at the same height from the first floor deck as the approved scheme).

75. APPEAL DECISIONS COMMITTEE REPORT

The report was NOTED, and it was agreed that going forward the report would include the original date of call in.

76. FUTURE APPLICATIONS REPORT

77. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

There were no items which required urgent consideration.

Meeting ended at 20.50.