

Development Management Committee
27 July 2023

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 27 July 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)

J.Broach, H.Goldwater, D.Panter, S.Tunstall,
C.Watson, A.Hellyer, C.Stanbury, T. Kingsbury, S.
Thusu, A.Nix and J.Cragg

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

OFFICIALS PRESENT: C Carter, Assistant Director (Planning)
G.Gnanamoorthy, Development Management Services Manager
E.Stainer, Principal Development Management Officer
D.Elmore, Principal Development Management Officer
C. Cade, Governance Services Manager
R. Misir, Democratic Services Officer

78. SUBSTITUTIONS

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

Cllr Alastair Hellyer for Cllr Fiona Thomson
Cllr Craig Stanbury for Cllr Stephen Boulton
Cllr Adrienne Nix for Cllr Frank Marsh
Cllr Tony Kingsbury for Cllr Roger Trigg
Cllr Julie Cragg for Cllr Samuel Kasumu
Cllr Sunny Thusu for Cllr Rebecca Lass.

79. APOLOGIES

Apologies for absence were received from Cllrs S Boulton, S Kasumu, R Lass, F Marsh, F Thomson and R Trigg.

80. MINUTES

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

81. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 6 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

Development Management Committee
27 July 2023

The Chair informed Committee that on 19 July 2023, Council approved an updated Constitution. One of the changes related to how Members vote on applications; instead of a proposer and seconder, the Constitution now states that the first vote is on whether or not to accept officer recommendations. If officer recommendations are rejected, the Committee will set out its recommendations for an alternative recommendation.

There were no items of urgent business.

82. DECLARATIONS OF INTEREST BY MEMBERS

Cllr Thusu advised that, in respect of item (88 6/2021/3096/Outline - Land North East of Welwyn Garden City, Panshanger, Welwyn Garden City, AL7 2QJ), he was a Hertfordshire County Councillor who represented the area.

Cllr Kingsbury advised that he was also a Hertfordshire County Councillor.

Cllr Hellyer had previously made comments on Panshanger which he felt could be viewed as pre-determination and stated he would recuse himself for that item.

Cllr Tunstall declared he is borough councillor for Panshanger but did not feel his view was predetermined.

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

There were no items of urgent business.

84. 6/2020/3451/MAJ - WELLS FARM NORTHAW ROAD EAST CUFFLEY POTTERS BAR EN6 4RD

The Assistant Director of Planning addressed Committee and advised that following the receipt of detailed late representations in respect of the Wells Farm application, received only yesterday, officers advised that the application should not be considered at this Development Management Committee and consequently the item was withdrawn from the agenda. The submissions raised a number of points and included a new Landscape Sensitivity Assessment which had not previously been shared with officers. Officers considered that additional time was required to consider the ecology information provided with the application in light of the comments. An updated report will be presented to a future meeting of the Development Management Committee.

The Chair proposed and Cllr Hellyer seconded that the application be deferred.

RESOLVED:
(unanimous)

Development Management Committee
27 July 2023

That the application be deferred to a future Development Management Committee meeting.

85. 6/2021/3096/OUTLINE - LAND NORTH EAST OF WELWYN GARDEN CITY, PANSHANGER, WELWYN GARDEN CITY, AL7 2QJ

Cllr Hellyer excused himself for this item in accordance with his declaration of interest.

The Committee received the report of the Assistant Director, Planning, and a presentation.

The outline proposal is for a residential-led development of up to 210 residential units, with associated infrastructure, landscaping provision of allotments and 12 Gypsy and Traveller pitches with all matters reserved except access. The application was accompanied by an Environmental Statement submitted under the Town and Country Planning Environmental Impact Assessment regulations 2017. The site is located to the north-east of Welwyn Garden City, just beyond the northeastern edge of the settlement of Welwyn Garden City and is positioned directly to the north and east of land which has already received outline planning permission for up to 650 homes, a school, community facilities, a convenience shop, custom and self-build house-building, housing for older people and supporting infrastructure.

The land has formally been used as a general aviation aerodrome but the airfield closed in 2014. Since then, the site has been put forward by the Council for allocation in response to a need for additional housing sites to meet the borough's housing need. In February 2020, outline permission was granted for up to 650 houses, a primary school, 6 Gypsy and Traveller pitches, a new local centre comprising retail and community uses and other associated works. Amendments to this consent were then approved in June 2022, but the principle of the development remains the same.

The application site is located in the Metropolitan Green Belt and the use of the land for residential development would be classed as inappropriate development in the Green Belt due to failing to meet any of the specified exceptions in the National Planning Policy Framework (NPPF). In addition, the nature of the development would result in a spatial and visual loss of openness of the Green Belt and officers consider the proposal would result in harm to some of the Green Belt purposes by introducing built form into the currently open, undeveloped nature of the site and extending the edge of the settlement beyond its current designation. This identified harm carries substantial weight against the proposal and consequently the benefits and other considerations of the scheme are weighed against the identified harms in the planning balance.

The application site is allocated for development in policy SP 18 and forms part of a larger strategic site. Through the examination process, the Inspector and officers considered the potential for an additional capacity to deliver homes at the land to the north-east of Welwyn Garden City through expanding the original

Development Management Committee
27 July 2023

allocation which was for 650 homes; this was underpinned by Green Belt studies undertaken by the Council and an extensive evidence base. Therefore the proposed allocation, as it is now, would provide for up to 870 new residential dwellings with 30% affordable houses, Gypsy and Traveller provision sufficient to accommodate a total of 12 pitches, new community facilities, a convenience shop, primary school, self-build housebuilding and housing for older people, and it also proposes sustainable transport measures, access arrangements, formal and informal spaces for leisure and recreation, landscaping and ecological enhancements, utilities and sustainable drainage, and flood mitigation measures.

Given the advanced stage the draft Local Plan has reached, and the deliberation which has been afforded to our allocation SP 18 as part of this process, officers consider substantial weight can be afforded to this emerging policy in accordance with paragraph 48 of the NPPF, which states that local planning authorities may give weight to relevant policies in emerging local plans according to various criteria, one of which is how advanced the preparation of the plan is, as greater weight can be given according to that.

30% of the homes to be delivered would be affordable and compliant with the Council's requirements of 51% social rent and 49% intermediate. 2% of the total number of plots will be custom-built plots which is consistent with the emerging Local Plan policy; and a condition is also required to secure 20% of the proposed dwellings to be accessible and adaptable housing standards.

The proposed development is located near several designated and non-designated heritage assets. The proposed development embeds various mitigation measures to reduce impacts of the development to adjacent designated heritage assets, and whilst there will be short term impacts during construction and as the enhanced structural landscaping planting establishes, it is considered that when it reached full maturity it should effectively screen all but occasional localised glimpse views of roof lines of the new housing. Therefore, less than substantial harm at the lower end of the spectrum is identified.

A landscape and visual impact assessment has been submitted by the applicant which has been reviewed independently as part of the assessment process; while the submitted landscape and visual impact assessment is sufficient to assess the likely impacts of the development, it is considered that the assessment itself underestimates the likely effects of the proposed development on landscape and visual amenity, and this is largely due to the elevated nature, prominence and position of the application site. The proposed planting in its current form would not be sufficient to overcome the harm and, based on this level of mitigation, there would still be some adverse impacts on the local landscape, character and visual amenity. Despite this, it is considered that there are opportunities for further mitigation measures, for example to the northern boundaries of the site, and through the detailed design stages there is still scope to address some of the harms identified. A number of these matters can be addressed at reserved matters stages and through planning conditions. This

Development Management Committee
27 July 2023

will ensure landscape and visual harm is appropriately mitigated and further opportunities taken to enhance the landscape and visual resources.

In terms of public access, the primary access point would be from HERN Lane in the form of a two-way signalised junction, another key access point would be entry-only other than for specialised uses, and there are two more secondary points of access on Halifax Way and Bericot Way which will be restricted to buses, emergency services, cyclists and pedestrians. Off-site highway improvement works are proposed to the to the B1000 HERN Lane junction in the form of a signalised junction layout, which will help alleviate pressures on the local road network. In addition to the key routes, connections are also probable through the proposed cul-de-sacs and smaller roads within the site. Parking matters are reserved for future applications when the layout and number of dwellings have been finalised.

Proposed ecological enhancements will be secured by a Landscape and Ecological Management Plan. In terms of providing a Biodiversity Net Gain (BNG), a metric has been provided. Although 10% BNG cannot be demonstrated at present as required by the Environment Act 2021, as this is not yet a legal requirement in planning law and in the absence of an adopted local plan which states otherwise, it cannot be insisted upon that this is addressed prior to determination. Furthermore, it is considered there is an opportunity to address the outstanding percentage and trading rule issue via means of a suitable legal agreement. Natural England consider the proposed open space provision across the site and the footpaths sufficient to adequately mitigate against increased recreational pressures of the development. The proposal integrates large areas of open space and structural landscape areas as well as a biodiversity enhancement area which would be provided to the north-west of the site and the provision of allotments to the south-east. The Council's Landscaping Officer considers there is no in principle objection, subject to further details being secured at later stages and by condition.

Other technical considerations are acceptable subject to the suggested conditions and obligations. These include drainage and flood risk, noise, vibration, contamination, ground conditions, minerals recovery and impacts on local infrastructure and services.

Members were advised that since the publication of the report, there had been some amendments to the recommended conditions and planning obligations. Further justification was received from the growth team at Hertfordshire County Council for a contribution towards the fire and rescue service and subsequently this contribution has been included in the heads of terms. The Construction Environment Management Plan was missing a reference to some measures to control light during the construction process and wording has also been added regarding details of prevention techniques, permits, contingency plans and mitigation measures to minimise environmental impacts. The minerals recovery strategy condition was missing a sentence about the updating of records on a weekly basis and submitting details after each phase has been completed. Some plans which were not included in the report have now been

Development Management Committee
27 July 2023

added to the conditions. The report also included a condition for Biodiversity Net Gain to ensure 10% would be secured, but this is no longer required as the 10% requirement would be secured by the legal agreement, which is considered a more robust approach.

Officers advised based on the findings of the assessment of the proposed development there is identified harm in the form of inappropriate development to the Green Belt, harm to the openness and purposes of the Green Belt, harm to landscape character area, and less than substantial harm to heritage assets. All these factors weigh against the proposal. The benefits of the proposed development are set out in detail in the Officer report. As the Council is unable to demonstrate a five-year supply of deliverable housing sites and the shortfall of homes in the borough is recognised as considerable and significant, the delivery of up to 210 new houses is afforded very substantial weight. Very substantial weight is also attached to the provision of 63 affordable homes, of which 51% would be social rented, to address the priority needs within the borough. The site is designated in the Draft Local Plan for residential development and forms part of the Council's strategic approach to meeting its future housing need. The Draft Local Plan is at an advanced stage, therefore the policies relating to it should carry substantial weight. Further substantial weight is afforded to the provision of 12 Gypsy and Traveller pitches, as the Council is currently unable to demonstrate a five-year supply of Gypsy and Traveller sites. Moderate weight is attached to the provision of custom build houses, in addition to the proposed enhancements to landscaping, addressing surface water, flood risk and drainage, sustainable modes of travel and the other objectives set out in the report, and the economic benefits of the proposal.

Taking all matters into consideration, officers were of the view that the material considerations and benefits of the proposal would outweigh the identified harm. For these reasons, it is considered that the tests in paragraph 148 of the NPPF are met and very special circumstances 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 a Section 106 agreement and the conditions set out in the officer report.

David Jobbins, Agent, spoke regarding the application.

"The proposals comprise a sustainable extension to the existing permission comprising an additional 210 dwellings, with extensive new public, open space, landscaping and 10% biodiversity net gain within the borough. Furthermore, as you've already heard, the site is allocated for this development as part of the emerging Local Plan, which in itself has been through a very considerable consultation process, and this is all set out fully within your officer's report.

As I said, we'd been working with your officers on this project for the last two years and have ensured that all technical matters have been fully addressed. As a result, your officers have summarised these comments received as comments received on page 11 to 15 and the vast majority of which raised no objection to

Development Management Committee
27 July 2023

the application including Herts County Highways, Historic and Natural England and others.

As a government body, Home, England is committed to bringing forward development of the highest quality and it is intended the proposals would be subject to a design code which requires that any future proposals follow Garden City principles in all respects. This will ensure that new neighbourhood is befitting of Welwyn Garden City and, in addition, it includes an extension to the Garden City Centenary Walk.

I would also respectfully draw your attention to paragraphs 12.27, 12.28, and 12.29 of the report, which deal with housing supply and provision of affordable housing. If approved, this application will result in 63 affordable new homes in the borough.

I would like to draw attention just to two paragraphs in the report which I will quote.

The NPPF attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. The Council cannot demonstrate a five-year housing supply of deliverable homes and the shortfall is considerable and significant. It is considered the delivery of up to 210 new homes should attract very substantial weight in favour of the proposal.

Finally, in terms of affordable housing, it states, there is an acute, affordable housing need in the borough. The delivery of up to 63 homes, which would be affordable, would offer significant social benefits to the local community and is also afforded very substantial weight in favour of the proposal which of course we would naturally concur with this. I hope, in the light of the above, and particularly your officer's commendable report and recommendation, you are able to support our application, which we believe is a logical extension to the existing permission and will result in significant gains to a local community. Thank you."

Sarah Manning, Objector, spoke regarding the application:

"This meeting is in reference to 210 dwellings and the infrastructure being put in place to support them, however, we are assuming that the discussed infrastructure will eventually need to cope with 870 families. Panshanger has existing problems which are likely to be exacerbated by additional dwellings. Sewage problems have been ongoing and escalated with each Panshanger extension. Current drainage on Hillyfields is no longer suitable and residents are greatly concerned about flooding. Medical and dental facilities are already overstretched and there are no guarantees of adequate increase of these. Existing shops are overcrowded and parking areas are often full. The new development is insufficient in this area.

Then there's the impact of the proposed development, the spine road. This will run parallel to and only a few metres away from, existing houses and have a whole estate's vehicles driving along it, including buses. It will generate unwanted light, noise and pollution and the landscape buffer is inadequate. It's

Development Management Committee
27 July 2023

also likely that we'll feel vibrations from large vehicles. We are told this will not happen, but we were told this about the archaeological dig.

Vehicle access is either signalised, restricted or controlled. The access points at Baricot Way and Halifax Way will not be used for general traffic, which is the right call due to current levels. Access for the new primary school is currently rather unclear as the Panshanger Lane End is entry-only. Will parents have to drive through the whole development to exit? Shouldn't there be an exit point on Panshanger Lane?

Work on the site so far, such as test digging, and the archaeological dig have led to cracks appearing in the walls of residents' houses and an indescribable amounts of dust and noise. How will residents be protected from this in the future?

Hours of work for the construction will begin at 08.00, 6 days a week. Noise from the archaeological dig began at 07.15 as vehicles could enter the site and use reverse beeps before official working times. Residents will be living with this for years.

Six Traveller pitches have increased to 12. There have been numerous previous objections in writing about this, including the close proximity to the primary school and insufficient screening between the two sites. School security is a concern.

To conclude, this development impacts on Green Belt, goes against the ethos of Welwyn Garden City and does not seem to be able to sustain its own future. It does, however, intend on negatively impacting current residents who feel that consulting us on an 870 dwelling development in stages is illegitimate. Thank you."

Members discussed the application and the main points raised are below:

- Members asked whether the additional 210 houses would be on additional or existing land. It was noted the land that had been granted planning permission for up to 650 homes was the original part of the land to the south and this application site would be additional land to the north.
- It was noted that the proposed increase in homes from the original 650 was 32%.
- Members asked whether the development was likely not to be adopted by the County Highway Authority. Officers advised that conditions included for outline consent would require a management company, including a condition which referenced public realm management strategy; the spine road would be built to adoptable standards as a minimum as a bus would use it, and further design and layout would be considered at the reserved matters stage. Members commented that in their experience, adoptable roads are not always adopted.
- Members asked what new amenities would be provided in addition to those set out for the original 650 homes. Officers said the Draft Local Plan

Development Management Committee
27 July 2023

allocation was for the whole site and so amenities would be in line with what the emerging allocation required; the majority of community facilities were already secured in the phase 1 permission.

- Members queried whether the additional homes would mean additional children would need to be accommodated within the new primary school and were advised that only outline permission is currently being sought. The County Council generally works on the basis of a one form entry per 500 dwellings, so a two form entry primary school is proposed on the site.
- Members commented that the Inspector had been inclined to raise dwelling numbers and asked how this had come about. Officers said that through the local planning examination, the Council was asked to consider whether there was capacity to extend land to the north of the development, which was why the allocation has now increased.
- It was asked how decisions about parking spaces would be made. Officers said this was not currently known as the application is for outline permission but this would be considered when reserved matters applications are submitted.
- Members asked if there were implications for the application if the Local Plan was to be rejected. Officers responded that there was no direct implication as the report and presentation set out the weight that had been given to different considerations. Housing need would not decrease if the Local Plan was not adopted and in such circumstances greater weight might be given to housing need as the planning balance would be different.
- Members asked about the electric vehicle charging points that should be included in the development. Officers replied that reserved matters applications would consider the more detailed design in future.
- Members asked whether flooding, sewage and drainage should be looked at now. Officers said Thames Water had reviewed the proposal and had not objected. The Lead Local Flood Authority had also reviewed the proposal and proposed sustainable drainage measures, including a sustainable drainage design code, which had been considered and was addressed by the suggested conditions.
- Members asked whether the damage to biodiversity could be rectified within the application site rather than through the S106 agreement. Officers explained the applicant had submitted a biodiversity net gain metric which had been reviewed by the Council's statutory consultee for ecology; it suggested a biodiversity net gain of nearly 5% is achievable, but there are some measures, such as the trading rules embedded in the metric, which have not been satisfied and those require a like-for-like or like-for-better replacement. As this is an outline application, it is considered that there are later opportunities to address the outstanding percentage and trading rules issues at the reserved matters stages, which is why the legal agreement has been suggested. The Legal Adviser added that there is a hierarchical process and the S106 agreement would seek for the developer to submit a plan to provide mitigation onsite first which was the preference, and would also stipulate provision for this to be provided offsite if it cannot be met onsite. Details in

Development Management Committee
27 July 2023

respect of the national biodiversity net gain regime are expected to come into force around November 2023. There is flexibility for developers if this cannot be provided onsite as that will not always be possible.

- The emphasis on high quality design, open spaces and integrating landscaping into the design was commended, and it was noted it was key to keep an eye on this as the design stage progressed into the detailed stage; it was hoped that green corridors in the new proposed open spaces provided a sense of openness given the loss of Geen Belt.
- Members asked whether conditions could address the noise issue. Officers responded that there is a condition for a Construction and Environmental Management Plan for the construction phases which would secure measures in reducing dust and mitigating noise. A Member observed that this seemed to be an issue in practice and it would be helpful to see how this could be improved.
- Members asked whether lessons could be learned about other sites with management agencies in respect of management of this site in future. Officers advised this was outside of the Council's control; it cannot mandate that all roads should be publicly adopted, for example, and it is the developer's decision as to whether to have a management company.

The Chair confirmed all Members were content they had read and heard enough to make a decision about the application.

RESOLVED:

(7 in favour and 5 against)

That outline planning permission be granted, subject to:

- a) Referral to the Secretary of State;
- b) Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement, and
- c) The conditions set out in the report.

86. 6/2022/2317/MAJ - VIDENE, HAWKSHEAD ROAD, LITTLE HEATH, POTTERS BAR, EN6 1LX

Cllr Hellyer rejoined the meeting.

The Committee received the report of the Assistant Director, Planning. Before a presentation, the Planning Officer provided an update on the part of the report regarding the monitoring fee for Hertfordshire County Council contributions; the sum was not stated in the report and is £340 per trigger point.

The application seeks planning permission for 63 dwellings in Little Heath and was before Committee as North Mymms Parish Council had submitted a major objection, set out in paragraph 9.1 of the report.

Development Management Committee
27 July 2023

The application site is located within the Metropolitan Green Belt to the northern side of Hawkshead Road and adjacent to the northern edge of the town of Potters Bar. The site has an area of approximately 2.9 hectares and is made up of several compartments. It is mainly grassland, but to the south-east corner is a large residential dwelling Videne, with its residential curtilage and associated outbuildings. To the immediate north-west of Videne is a pond feature which is surrounded by trees. The dwelling, outbuildings and curtilage associated with Tanum Farm are to the north-western side of the site.

A significant majority of the application site comprises proposed allocation HS47 (LHe4/5) for 63 dwellings as identified in the January 2023 main modifications to the emerging Local Plan. The remaining part of the site is outside the proposed allocation, but does not extend beyond the proposed amendment to the Green Belt boundary for Little Heath in the emerging Local Plan.

63 dwellings are proposed, comprising 2, 3, 4 and 5 bed houses. 40% of the proposal would be affordable housing. Materials used would respect the character and appearance of the area and would also create visual interest within the site. The proposed landscaping scheme has been revised and enhanced during the course of the application to address comments raised by the Council's Landscape Consultant. It is considered that the proposed landscaping scheme would provide appropriate mitigation for the impacts caused by the development on landscape, character, and visual amenity.

The proposal would result in a loss of Green Belt openness, and conflict with one of the purposes of including land in the Green Belt. No other harms are identified by the proposal. Due to the harm to the Green Belt, very special circumstances are needed to justify the development. Substantial weight must be attached to any harm to the Green Belt.

Against this harm, the applicant had noted several considerations and benefits. Very substantial weight is afforded to provision of affordable housing. The affordable housing position in WHBC is extremely acute and in a recent allowed appeal for 100 dwellings in Colney Heath the Inspector stated in her decision that the persistent under delivery of affordable housing in this local authority areas presents a critical situation.

The Council cannot demonstrate a 5-year supply of affordable homes and the shortfall in Welwyn Hatfield is considerable and significant. Substantial weight is afforded to the provision of market housing, which would make a positive contribution to the supply of market housing in this Local Authority area.

Significant weight is attached to the site's status in the emerging Local Plan.

Moderate weight is attached to the proposed sustainable design measures.

Other benefits include off-site highway works, a 10% net gain for biodiversity and other economic and social benefits, which each carry limited positive weight.

Development Management Committee
27 July 2023

Officers consider that the totality of the other considerations clearly outweigh the harm to the Green Belt and, subject to an effective S106 agreement, very special circumstances exist to justify a grant of planning permission in this case. It is recommended that planning permission be approved, subject to the completion of a satisfactory Section 106 agreement and an extension of time to cover completion of this agreement; referral to the Secretary of State; and the conditions listed in the officer report.

Neil Farnsworth spoke in favour of the proposal:

“Cala Homes is a national five-star housebuilder based in Welwyn Garden City which has built numerous successful developments across Hertfordshire. It is widely known progress on the emerging Local Plan has been slow. The shortfall in the provision of housing in the area has been frequently described tonight as significant and there is an acute need for affordable housing. There were over 3,000 households on the Housing Register as at March 2022, and no affordable housing in this parish has been provided since 2000.

Notwithstanding this, it is encouraging to see the progress made with the plan to enable planned housing delivery to take place. Our application is for 63 new homes, comprising a mix of two to five bedroom dwellings. We have gone above the current plan policy of 30% affordable housing, above the emerging policy of 35%, and instead are proposing 40% affordable housing and an additional 6 affordable homes above the current plan requirements.

The site is allocated for 63 new homes within the emerging plan. The examining inspector has found the site sound and has recognised the need for new development within Little Heath to satisfy local need.

Whilst the emerging plan has not yet been formally adopted, the NPPF is explicit that the refusal of planning permission on the grounds of prematurity would not be justified, and your officers have stated how the granting of planning permission will not undermine the plan-making process. The plan is at an advanced stage of preparation and should be afforded significant weight as the policies and allocations have been thoroughly considered by the examination. Many other emerging allocations have already been approved by the Council.

A mix of properties are proposed, forming a traditional street layout that compliments the shape of the site. Established landscaping features, such as the existing natural pond and grade-A trees, have been retained, we have worked closely with your officers to achieve this.

A traditional form of architecture, the response to the site's context is proposed, with a mix of materials to provide variation to the streetscene. The layout has been fully tracked for the purposes of fire and refuse vehicles. The scheme has no objection from Herts Highways and the additional traffic generated by the development has no detriment to highway safety. Our package of off-site highway works has also been approved by the County Council.

Development Management Committee
27 July 2023

From a sustainability perspective, the development proposes air source heat pumps for all properties, eliminating use of gas. This will see a dwelling emissions rate 35% better than the Building Regulations baseline. Electric vehicle charging points are to be installed to all properties, along with numerous biodiversity features such as bird and bat boxes and swift bricks. Heads of terms for the S106 obligation have been agreed, and this includes over £1.4m towards local education and leisure and local sports facilities.

In conclusion, this development brings forward much-needed new sustainable housing and an attractive and well-designed development on an emerging allocation. There are no consultee objections to the proposal and it is wholly compliant and in places goes over and above both national and local planning policy. We sincerely hope the Committee can support these proposals. Thank you.”

Simon Polledri, Objector, spoke against the proposal:

“This is the second site in Little Heath in Green Belt land in the Local Plan that has been up for another planning application. After the stage 9 hearings about the Green Belt boundary issue, the Inspector's comment was the proposed new boundaries are erratic and not clearly defined to follow the recognisable features. Whilst that has been changed, it still juts into the Green Belt and takes this from a moderate to a high harm scenario. This is not the same site as in the plan, this is bigger, and the density is far higher. In terms of environment and sustainability issues, after the stage 9 hearings the Inspector asked if this was a suitable location for development.

The Institute of Highways and Transportation say a development is acceptable 400 metres from a town centre or 1,000 metres from commuting from regular transport. The maximum should be 800 metres from a town centre, yet this is 1,600 metres from the nearest shop and 1,866 metres from the train station. A practical example of this is Little Heath Primary School which is 650 metres away from the site; in some years the furthest child admitted is only 400 metres away because of the oversubscription.

Herts County Council shows a surplus of school places in the area at the moment, but that is before the impact of Oakmere Primary reducing its intake from two form entry to one, and that reduces the school places in the Potters Bar area by 12%. That quite likely will mean many more car journeys to further afield.

There seems to be some kind of lack of accuracy in due diligence in some of this. One resident has said to me some trees are not detailed in the plans, the elevation imagery is not correct or sympathetic; there has been a lack of community involvement and I certainly feel it is not consistent with national planning policy. We accept Welwyn Hatfield needs more homes but we also see that highway safety issues that have been raised; Hertfordshire constabulary has raised concerns; there are issues about mobility, access, cycling and car parking; and objections from Herts County Council, Highways and the Flood Authority.

Development Management Committee
27 July 2023

We ask that the application is denied at this stage and that the Local Plan be allowed to assess it or for the applicant to reassess, bearing in mind all our objections. Thank you.”

Cllr Americanos-Molinaro, North Pymms Parish Councillor, spoke against the proposal:

“The parish submitted a major objection to the proposed development for several important reasons. Although we recognise that this site is in the emerging Local Plan, the development is still on Green Belt and the number of properties is excessive. Based on the space available guidelines per hectare and boundary change issues. We believe the maximum number of houses should be 47, not 63. Even at 47 houses there remain major concerns for us and the local community. The site is not fully sustainable. Few buses service it, and it is too far away from local shops to manage without the use of a car. Medical and travel facilities are a mile away and as the closest primary school is full with no room to extend, it is inevitable that parents must drive to another school if they can find one able to take their children.

Lack of sustainability of travel to essential amenities will increase motor traffic and there is not even a functioning cycle lane; the one shown uses an existing pavement and does not lead anywhere.

The developers obtained just 33 responses from local people. Even the Parish Council was approached only after the planning application had been submitted. As a result of this inadequate community involvement, serious concerns such as traffic and highway safety have been overlooked. Traffic hazards could be mitigated however by building fewer houses so that points of access and egress can be factored into the design.

The developers recognise that more cars will be needed by the community, but they provide parking spaces at the cost of garden space. This sacrifice of soft, landscaping spoils the visual amenity and ignores the good design aims. Furthermore, the hard landscaped parking spaces reduce both natural drainage and net biodiversity.

There has been a blatant disregard for the openness of the Green Belt by including three storey houses. These will have severely detrimental effects on the visual amenities. Comments that these properties are actually only two and a half storeys are nonsense. People do not live in half height spaces.

The design is unsympathetic to the character of this lovely area, clearly demonstrated by the proposed removal of many of the established trees which line Hawkshead Road, as well as the use of grey roof tiles that are not the local vernacular.

Of concern to the Parish Council is the treatment of the boundary between the proposed development and our open space. The developers still haven't approached us regarding access to the parish's open space and other access permissions. We request that if this development is to be considered due to its

Development Management Committee
27 July 2023

inclusion in the Local Plan, at the very least it should be sustainable. It must be sympathetic to its rural setting and the area's character, and must minimise the loss of openness to the Green Belt as ratified in the recent appeal case in this parish. Thank you."

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

- 40% affordable housing is positive.
- From an environmental perspective, not having gas is positive.
- A query was made about density in relation to the objection from the Parish Council. The Planning Officer said the density in this site was 21.7 dwellings per hectare. The Legal Advisor added that density by itself was not a reason for refusal. The NPPF encourages planning decisions to make efficient use of land subject to certain criteria, so when there are density concerns, material weight can be given to the planning harms arising from that. Officers drew attention to paragraph 10.7 of the report which summarised the Inspector's comments following those at that stage of the hearing sessions. As a result of that, the capacity of the site was increased to 63 dwellings, so it accorded with the revision to the capacity of the site that was progressed through the Local Plan.
- Members noted affordable housing was 40% and asked how much of that was affordable and how much was social. The Planning Officer said 35% was policy compliant in accordance with the emerging Local Plan, equating to 11 social rent and 11 shared ownership, with the remaining 5% (3 units) as additional shared ownership.
- Reflecting on the response to the density query, a Member asked whether overdevelopment was a consideration for refusal. The Legal Advisor clarified that density alone was not a reason to defend at appeal; overdevelopment is essentially similar, so it is the matters that arise from the density, e.g. impact on character and appearance.
- There was a question about what harms officers had identified and their mitigations in terms of very special circumstances. The Planning Officer said the harms identified were to the Green Belt. These were: inappropriate development in the Green Belt, loss of Green Belt openness, and conflict with one of the purposes of including land in the Green Belt (failure to assist in safeguarding the countryside from encroachment) which attract substantial weight. Against that harm were the benefits set out in the presentation and within the report including very substantial weight to affordable housing, substantial weight to market housing, significant weight to the site's status in the emerging Local Plan, moderate weight to the sustainable design measures, and other economic and social benefits had positive weight. Officers therefore considered the totality of these outweighed harm to the Green Belt.
- Members asked if the Inspector had indicated if this was a site that could accommodate more housing. The Planning Officer said the site was put forward in 2019, initially for 34 homes; the Inspector had said the Green Belt boundary in this location was erratic and recommended it be

Development Management Committee
27 July 2023

adjusted. The Green Belt site was amended and the site capacity was increased to 63 dwellings.

- Some of the site design and layout was a concern with the middle of the site appearing particularly congested; that land could be used for more amenity space as there did not appear to be play areas or green space.
- While Potters Bar town centre has many amenities, there did not seem to be many in the local area. A question was asked about whether the County Council had commented on how S106 funding might alleviate issues raised with finding spaces. The Planning Officer said that although the nearest services and facilities are a mile away in Potters Bar, officers felt the condition of roads were conducive to walking and cycling which was supported by the County Council. A walking and cycling path within the site leads onto Hawkshead Road and connects to a nearby residential street and will be provided as an off-site contribution.
- Asked how much weight should be afforded to affordable housing need in the circumstances, the Planning Officer said very substantial weight was attached, given the extremely acute need in the borough.
- Officers advised the report set out the requirements required by the County Council in respect of education provision (paragraph 10.211); a toolkit is used to work out what the development is likely to produce in terms of child yield.
- Officers said that in terms of the sustainability of the site, the examining Inspector considered whether sites were suitable and this site was seen as acceptable for residential development. The Council had previously granted planning permission to the smaller site next door; the Inspector had indicated these two sites could be found sound, so these are material considerations. The cumulative effect is considered though the plan-making process, planning application process and by infrastructure providers when stating what contributions may be required to mitigate the impacts of development on the infrastructure.
- A Member raised a few concerns: access and egress to the site seems poor; there is limited parking, and it will be difficult for the site to cope with the likely number of cars as residents will not cycle to do the family shop. Therefore, the application was likely to damage the environment and the necessary infrastructure was not in place. Another Member commented on the prevalence of online shopping. Officers noted the off-site highways plan associated with the application included traffic calming measures and that pedestrian and cycle paths connected to Osborne Road which led to the centre of Potters Bar.
- Responding to a comment about the application not referencing additional GP facilities, the Planning Officer responded that the NHS had been consulted and had not requested contributions for primary care.
- In response to a comment about the S106 money not referencing the junior school which is full, the Planning Officer said the County Council had said there was sufficient capacity within Potters Bar to absorb the development for primary school children. The Member replied that this was likely to mean parents drove their children to school which would impact on congestion.

Development Management Committee
27 July 2023

- Asked whether the electricity supply would cope with additional homes, officers said utilities providers had not objected and have a duty to connect. If planning permission was granted, the housebuilder would need to resolve this with them to ensure there was sufficient capacity.
- A Member commented positively on the proximity of Little Heath playing field as a space for children.
- Officers noted the plan shows an indicative access to the playing field from the site and understood that the applicant had not yet contacted the Parish Council to see if it would be agreed; there is good access to the playing field from existing footpaths.
- A Member observed heat pumps are new technology which does not always fully heat larger homes and wondered whether residents might fit gas boilers. It was noted there is no gas network on the site.
- In respect of school places, officers advised the responsibility of the local planning authority and developer is to pay the contributions requested by the Education Authority and the County Council had calculated the growth request.
- Replying to a Member query about the impact of the site on elderly and disabled people who are unable to walk a mile, officers said while this was recognised, it was important to try and secure mechanisms through planning applications that made alternative travel viable. Another Member noted the steep hill to Potters Bar station which may increase car use.
- A Member had some reservations about the application. There is a site next to the proposal which cumulatively represents a lot of housing and overdevelopment was a concern; harm to Green Belt weighed more than very special circumstances. Highways did not normally reject applications and it was a concern that maintaining the area would fall to others. The Legal Advisor explained the applicant could not be compelled for the roads to be adopted. The County Council has powers under the Highways Act if private roads are being developed. The S106 would secure normal open space provision which would include the road and an obligation would ensure management of the road. Development can only be refused on highways grounds where it would have an unacceptable impact on the highway or highway safety, or the residual cumulative impacts on the road network would be severe. Highways authorities do make objections. In this instance, the Highways Authority had looked at the transport assessment and trip generation.
- Asked about how Members should consider the development next to the site in terms of density which has received planning permission, officers said that if Members felt there was a cumulative effect for the two sites, they would need to identify a consequential harm. The Legal Advisor concurred and noted Members needed to be mindful of the emerging Local Plan situation; sustainability is reviewed as part of the process. Officers added that Highways and Education growth team makers look at assessments in terms of additional permissions that have been granted.
- Given the site next door has planning permission, Members asked about the cumulative impact on Green Belt. The Legal Advisor noted each application is determined on its own merits, there should be consistency

Development Management Committee
27 July 2023

in decision-making and there need to be reasons if Members depart from previous decisions; therefore, while they did not have to grant this application because the previous site had permission, they would need to give reasons if it was refused and give weight to them.

- Responding to a question about whether the Local Plan provided a strategic framework about how Green Belt was used, the Legal Advisor confirmed this was correct and said the application should be determined in accordance with the development plan unless material considerations indicated otherwise. Officers added that although the emerging Local Plan was not yet adopted, weight was afforded to it given its state of preparation.
- In answer to a question about enhancing green open spaces and addressing biodiversity, the Planning Officer said a landscape consultant had been involved throughout. There is provision for additional tree planting, tree-lined streets and enhancing the site boundaries. There is open space to the to the southern side of the site including the pond feature which will be usable, and there is a planning condition requiring furniture etc to be included to encourage use. A similar condition applies to the northern side of the site which will also be a useable space. The Council's Supplementary Design Guidance also says that open space in the local area should be taken into account and this is a material consideration; the open recreational space is very closeby and a contribution secured through this application will further enhance the play area. The landscaping scheme is considered effective with an appropriate balance of soft and hard landscaping on the site that makes the most efficient use of the land. There will be a loss of biodiversity on the site but biodiversity offsetting will be secured through the legal agreement to compensate for the loss and a 10% net gain is proposed.
- A question was asked about the extent of boundary consultations, given Osborne Road is known for rat running. Officers advised consultation on a scheme like this is mandated to take place in a certain way; immediate neighbours would have been consulted and site and press notices produced. It was emphasised that the County Council as the Highways Authority had not objected and considered the scheme impact could be mitigated on the highway.
- A Member noted infrastructure problems are not a reason not to address the housing shortage.
- Asked whether the distribution of bedrooms in social housing mirrored those across the scheme, the Planning Officer said social housing had 2 and 3 bedrooms and market housing had 4 and 5 bedrooms; the social housing will still be family housing and the Housing Development team had not raised objections about affordable housing being 2 and 3 bedroomed properties. These homes would meet an identified need.

The Chair confirmed all Members were content they had read and heard enough to make a decision about the application.

RESOLVED:

Development Management Committee
27 July 2023

(9 in favour and 4 against)

That planning permission be approved, subject to:

- a) Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement;
- b) Referral to Secretary of State; and
- c) The conditions set out in the report.

87. APPEAL DECISIONS REPORT FOR 02/06/2023 TO 13/07/2023

The Development Management Services Manager advised that of the four items in the report, no appeals were allowed. Three dismissed appeals related to developments on householder type applications. There was an error on an enforcement notice which was withdrawn and then re-served, and an appeal was very recently submitted.

He advised officers have had a view about vehicle crossovers when a grass verge is in the way, meaning an area of grassland has to be removed to provide access. The first item on the report related to such an issue. The Inspector took the same view as the Council ie that removing grass from the verge has a detrimental impact to the character of an area.

RESOLVED:

Members noted the content of the report.

88. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Development Management Services Manager introduced the report and drew Members' attention to the speed in which officers determine applications; the Council is significantly exceeding these targets. Enforcement cases continue to increase. Officers have high caseloads, an Assistant Enforcement Officer started their role in March, there is a vacancy for a Development Management Officer, and a Planning Support Officer role is being kept intentionally vacant.

RESOLVED:

Members noted the content of the report.

89. FUTURE PLANNING APPLICATIONS

It was noted a former councillor had called in a decision and the call-in still stood as he had been a Member at the time.

RESOLVED:

Members noted the content of the report.

Development Management Committee
27 July 2023

Meeting ended at 9.54 pm