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Development Management Committee
4 December 2023

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Monday 4 December 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, J.Broach, H.Goldwater, S.Kasumu,
F.Marsh, D.Panter, F.Thomson, R.Trigg, S.Tunstall,
C.Watson and A.Hellyer (In place of R.Lass)

ALSO PRESENT: Jacqueline Backhaus, Trowers and Hamlin LLP

OFFICIALS PRESENT: Chris Carter, Assistant Director, Planning
Cettina Robinson, Planning Obligations & CIL Officer
Kirsty Shirley, Development Management Officer
Louise Sahlke, Development Management Officer
David Elmore, Principal Manager Development Officer
Clare Cade, Governance Services Manager

100. UPDATE FROM ASSISTANT DIRECTOR, PLANNING

Chris Carter, Assistant Director, Planning, provided the Committee with the below update:

“On Friday, the 1st of December, the Council was notified that an application has been made to the High Court for a statutory review under section 113 of the Planning and Compulsory Purchase Act 2004 in respect of the adoption of the Local Plan. this is essentially an application for a judicial review of the Council’s decision to adopt the Plan, and officers are in the process of securing legal advice in respect of the challenge made and the Council will respond to this formally in due course.

In terms of the status of the newly adopted plan, it remains the case that this is the adopted Plan at this Council, and the policies contained in the Plan should be given due weight accordingly. It is the advice of officers that the policies of the plan also remain in broad accordance with those in the National Planning Policy Framework. The Local Plan would only cease to have weight in full or in part if a successful challenge was made through the courts.”

101. SUBSTITUTIONS

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Councillor Hellyer substituted for Councillor Lass.

102. APOLOGIES

Apologies for absence were received from Councillor Lass.

103. MINUTES

The minutes of the meeting held on 13 September 2023 were agreed as a correct record of the meeting.

104. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 13 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

There were no urgent items of business, or items withdrawn from the agenda.

105. DECLARATIONS OF INTEREST BY MEMBERS

Councillor Broach declared an interest in agenda item 7 as the Councillor that called in the application, and noted he would leave the Chamber during the discussions and vote.

Councillor Tunstall declared an interest as a Town Councillor involved in the review of agenda item 7, and noted he would leave the Chamber during the discussions and vote.

Councillor Watson declared an interest as Town Councillor involved in previous discussions on agenda items 6 and 7, and noted she would leave the Chamber during the discussions and vote.

Councillor Thomson declared an interest as a County Councillor and noted she had a family member who worked for the Environment Agency, but not the department referenced in the report.

106. 6/2022/1355/MAJ FORMER BEALES HOTEL, COMET WAY, HATFIELD, AL10 9NG

Chris Carter, Assistant Director, Planning made the below announcement:
"It has come to the attention of officers that the access plan which is recommended for approval with the application has not been formally submitted to the Council as Local Planning Authority, and so has therefore not been subject to consultation other than with Hertfordshire Highways who have given their support to the proposal. The reason that this is important is because Hatfield Town Council has objected on the basis of the access arrangement and has not had the opportunity to formally comment on the proposed revised arrangement.

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In the circumstances, it is recommended by officers that the item is deferred to the next meeting of the Development Management Committee to allow an opportunity for comments to be made.”

Councillor Hellyer proposed, and Councillor Broach seconded, that the item be deferred.

RESOLVED
(unanimous)

The Committee agreed to defer the item to a future meeting of the Committee.

107. 6/2023/0775/FULL LONG ARM AND SHORT ARM, 18 LEMS福德 VILLAGE, LEMS福德, WELWYN GARDEN CITY, AL8 7TN6

The Committee received the report of the Assistant Director, Planning, and a presentation. The application was presented to the Development Management Committee because Councillor Broach had called-in the application. The reasons for the call-in were set out in the report.

Matthew Green, Agent, spoke regarding the application:
“My name is Matthew Green and I am the Land Director at Griggs Homes, and I'm speaking tonight to support the planning application.

I would like to highlight the key attributes of the proposed scheme and the positive contribution that it will make to this vacant brownfield site. This application is the culmination of a collaborative, pre ap and application process with your officers. The proposal seeks the construction of four sensitively designed and energy efficient infill dwellings on an area of vacant hardstanding, formerly used for car parking by the now closed adjoining public house.

The scheme is an effective reuse of empty brownfield land at a time when the green belt is coming under increased pressure for housing delivery. The proposed dwellings will provide new high quality family housing, for which there is an acute shortage in the Borough. The proposal is well related to the adjoining buildings and complements the area and is respectful to the history of the site, indeed, the application site previously contained residential dwellings and this scheme will re-establish its historic character.

Following the approval of the application, the parking area will be relocated to the western side of the public house in a visually less dominant area of the site, ensuring a sufficient provision for future commercial use. During the application process we have reduced the sizes of the house types and improved accessibility to all of the proposed dwellings.

There are no objections from any statutory consultees, such as Environmental Health Highways, Hertfordshire Ecology, and the LLFA.

All units meet the minimum space and energy efficiency standards and are adaptable in line with the lifetime homes standard; each house will benefit from

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an individual air source heat pump, electric vehicle charging points and the use of energy efficient construction materials.

The proposals meet the appropriate amenity and design standards, provide improved landscaping and a significant reduction in hardstanding. The scheme is fully policy compliant it accords with the MPFF, the Welwyn Hatfield Development Plan and will achieve overwhelming benefits.

As a result, I therefore request that you support your officers objective and comprehensive assessment of the scheme and grant planning permission in accordance with the recommendation for approval.”

Cameron Baxter spoke against the application:

“Good evening, I would like to object to the application. HSC Highways Agency originally recommended refusal, one of the reasons being, and I quote “for pedestrian safety reasons at all new vehicle accesses, it is necessary to maintain, within the site, pedestrian visibility splays measuring 2 x 2 metres with no obstruction to visibility between 0.6 and 2 metres above the carriageway on both sides of the footway within which unobstructed visibility is available for drivers to see and be seen by pedestrians on the footway to avoid a potential hazard.

Currently there is a 2.5 metre hedge fence and wall along the entire boundary, between Plot 1 parking space and the neighbouring property. The developers submitted various documents to overcome Highways objections. These, however, showed the hedge fence is being removed, Highways accordingly overturned their refusal, unaware the hedge or fence was remaining as the developers don't have the ownership rights to remove it. Thus, the developers have not overcome Highways original reason for refusal. As per the diagrams and photos provided during the late submission., the hedge also affects the visibility splays supplied by the developers, which show a 43-metre sightline to the east, clearly, the hedge causes, a 0 metre sideline Highways were not aware of this when they amended their decision, and it is also not reflected in the planning officer's summary report.

The developers own Road Safety Audit states, all pedestrian visibility displays should be free of obstruction, once again the developers proposals have failed to meet the required standards.

When reversing from plot one's parking space, as recommended by the developer, drivers have no vision of any child pedestrian, cyclist on the pathway or any car approaching from the right until they have crossed the pavement and are actually in the road. It's impossible to exit the parking space safely. This breaches sections 110, 111 and 112 of the National Planning Policy Framework, which state development should be refused if they don't create places that are safe, which minimise the scope for conflicts between pedestrians, cyclists and vehicles and give priority first, to pedestrian and cycle movements. They also contravene the Local Plan.

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My back garden runs along the development's northern boundary and will be elevated approximately 5 metres above the proposed rear gardens. Standing in my garden I will have a direct view through each houses first floor bedroom windows as little as 15 feet away and a bird's eye view of their gardens. An intrusion of everyone's privacy. This contravenes CDM 11 of the Local Plan. It is for these reasons I would like to have it rejected."

Councillor Broach, Ward Councillor, spoke regarding the application:
"I'd start by saying I have no objection in principle to development on this site, but only if the development is done correctly. In my view, this application has not been designed correctly, hence the reasons for my call in as the officer kindly outlined.

The site is currently vacant, it is currently a car park for what was the pub building and you look at taking that car park away and replacing it with a series of multi-storey developments. In my view that increases the density of these sites by quite a significant margin in what is a very small area, if you take the time to go through Lemsford you'll see it's not a big car park.

In terms of the amenity space that then affords to the residents of those proposed dwellings, the gardens themselves are quite small, smaller than what you might perhaps expect for a three-bedroom property we've heard from Cameron just now, there's approximately 5 metres sheer wall behind them which will block out most of natural light and not least having the overlooking appearance in those gardens.

I certainly wouldn't want to sit in my back garden and look at 5 metre approximately wall in front of me. It will give an incredibly overbearing appearance to future occupiers of those dwellings.

We've heard about the access having to reverse to get onto the main road, certainly even as a non-driver, I wouldn't want to reverse out of Plot 1 when you have a great big sheer wall on your right-hand side and you've got to try and reverse out the straight onto a pedestrian area. It's a very, very, very dangerous manoeuvre and I'm not surprised to hear there have been concerns about it, particularly when you're also coming down a very steep incline to get on to that corner.

We've heard concerns around public transport. It would be interesting to have comments on whether the Transport Statement that the applicant has submitted is still current. Lemsford is the kind of place where you have to drive in order to live there, there is not a place that's very easily accessible by public transport, so the thing that needs to be considered as well. Finally actually something that even though it won't be in the room and aside from this debate that I'll be interested to hear the officers' views on is how this proposal impacts the use of the existing commercial building. As when you remove the main car park from there, it really impacts how you can as a businessman are going to try and open any other premises on that site if you have little to no parking for customers or

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staff. Although there is a much smaller space with a car park around the western side of the site there is a tiny fraction in scale of what is there currently.

In terms of when you are applying for a licence if you haven't got any space for customers or staff to park Licensing may well take a very dim view of that, so I think we are risking one of the very few commercial units in place in this village.

I hope, Members that you will seriously consider the concerns that I have raised and I'm not certain they were fully addressed at all in the officer's report”.

Councillor Tunstall, Parish Councillor, spoke regarding the application:

“For the benefit of those in attendance and watching, I am Councillor Stan Tunstall and I am one of those who double hat and also sit on Hatfield Town Council. I speak to you now with my Town Council hat on.

As we stated in our submission the Town Council welcomes family homes being developed on this site. However we had a number of observations and potential conditions which we believe members of DMC may like to consider before granting planning permission to this application.

Firstly the Town Council was concerned about the steps included in the design of the proposed dwellings. We believe these homes should be made to be accessible and ensure they can accommodate the needs of a wider range of people, whether they have mobility requirements or frequently use wheelchairs or prams and buggies. We would ask that DMC consider appropriate planning conditions to ensure that the dwellings are redesigned to make them accessible.

The removal of the car park will also see the village lose a key amenity. The Town Council would therefore suggest that DMC consider conditions which seeks support from the developers to improve Lemsford Village Hall. Improvements to, and extension of, the Village Hall car park would help mitigate the loss of the pub car park, which we know is used regularly by walkers and visitors to Lemsford village.

Furthermore better interconnectivity between the centre of the village and Village Hall, as well as money set aside to improve the facilities at the Village Hall, would help all residents of the village by providing an enhanced community amenity.”

At this point in the meeting, Councillors Broach, Watson and Tunstall left the meeting.

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

- It was clarified that the application was within the Green Belt and not a brownfield site as the applicant had suggested.
- It was noted that car park improvements were not considered a reasonable consideration.
- Officers clarified that there was no policy preventing the change of use of the main car parking, and the public house and its small car park fall outside the boundary and should not to be considered as part of the application. The application falls outside the remit to request Section 106 monies.

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- The applicant owns both the proposed sites. It was highlighted that whether the pub was to reopen in the future would not be a consideration for the Committee.
- Highway colleagues at County Council have confirmed they had no objections on safety grounds.
- In regard to the highways issue it was clarified that if the applicant was unable to implement the scheme it would be for Highways County Council to review the application and the land. The Legal Representative at the meeting stated there is a condition that the highway schemes and visibility scheme need to be in place before occupation. There is a control within the development on that condition.
- The car park is not currently a public car park & are owned by the applicant. Public car parking should not form part of the consideration for the application.
- Further concerns were raised driving at the junction and overdevelopment of the area.
- Officers confirmed that the current applicant is to retain the public house and there is a future application for six dwellings.
- Parking on the site could be dangerous for pedestrians. Officers confirmed that highway safety is the responsibility of County Council, and the Committee should take on their expert advice. There is no basis to reject the application based on highway safety given there was no objection from County Council.

RESOLVED

(8 in favour and 2 against)

The Committee approved the planning permission was approved.

108. 6/2023/1030/FULL 23 TOLMERS ROAD, CUFFLEY POTTERS BAR EN6 4JF

The Committee received the report of the Assistant Director, Planning, and a presentation. The application was presented to the Development Management Committee because Northaw & Cuffley Parish Council had submitted a Major Objection. The officer clarified that there were drafting errors in the report. It was note that Section 5 of the report omitted the Northaw & Cuffley Neighbourhood Plan, referred to the Local Plan as “draft”.

Northaw & Cuffley Parish Council submitted the below statement which was circulated to members of the Committee:

“The fact that no one is present from the Parish Council to read this statement tonight should not be perceived as an indication that we are indifferent to this application. We are not. But we are unable to get anyone willing to attend any future DMC meetings just so they can be, at best ignored or at worse treated as a nuisance.

The Northaw & Cuffley Neighbourhood Plan was developed to give clarity and precision to some micro level planning decisions that were historically left to the judgement of the case officer. Over the years the individual judgments of various officers have led to a hotch potch of designs that this case officer refers to in their report. And yet the report recommends a continuation of this approach.

So by having a policy that clearly defines roof height in comparison to neighbouring properties is neither new or controversial. On this occasion the case officer has ignored the Neighbourhood Plan polices and reverted to a

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personal judgement. Indeed, Section 5 lists all the Planning Policy documents that relate to this application and omits any reference to the Neighbourhood Plan. This is not a discretionary document that Officers can choose to conform to or not. When it was approved by referendum it became a legal, statutory document – ignoring it is negligent and probably unlawful.

What is the point of having a Neighbourhood Plan when it is going to be ignored for no justifiable reason?

If this committee is minded to approve this application in its current form, it sends a very clear message to anyone considering a Neighbourhood Plan – that "we will always take the opinion of the case officer over any statutory plan" and adds further evidence that the current approach to planning in WHBC is not fit for purpose.

The recommendation that this application be approved subject to further proposals for the roof design, to be approved exclusively by the case officer, is a flagrant breach of the democratic process. Why split an application in to 2 parts – one part approved by this committee and the other part approved by the case officer? Why not ask the applicant to produce one final set of plans that everyone can comment.

Again, moving toward this approach to planning applications, questions the relevance and credibility of this committee.

We would like to explore the opportunity to find a solution can be found that meets the policies in the Neighbourhood Plan but this will mean WHBC Planning opening up a dialogue with the Parish Council – and we know that is being resisted, seemingly at all costs, by the current leadership. Yet another application before DMC that could be avoided.”

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

- Members felt the bungalow which currently exists at the site was out of character for the area.
- It was felt that the property would be in keeping with the view of the area.
- A member understood the Parish council's concern about the height of the building.

RESOLVED

(12 in favour and 1 against)

The Committee approved the planning application.

109. SECTION 106 PLANNING OBLIGATIONS REPORT 2022-23

The Committee received a report from the Assistant Director, Planning, on Section 106 Planning Obligations which is brought annually to Committee.

Members raised the following comments:

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- A large amount of money was available in Peartree ward. Officers clarified that these were from the planning permissions from the Wheat Quarter. These may be revisited as a new owner for part of the Wheat Quarter comes forward
- **ACTION:** Officers would find out the expiry dates for Section 106 money for Handside ward and would circulate this to the Councillor directly.
- Officers monitor and ensure the Section 106 money is spent within deadlines.
- It would be useful for details of the expiry dates of Section 106 money is included in future reports.
- **ACTION:** Officers would seek to confirm what “childcare” money from the report had been returned to developers.
- Concerns were raised that Section 106 money was not being used. Council Services had strategies to use the Section 106 money. Money should be spent within 10 years and approaches can be made to developers to extend the timeframe to spend the money, but this is subject to agreement from all parties.

RESOLVED

The Committee noted the Section 106 Planning Obligations report 2022/23.

110. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee received a report from the Assistant Director, Planning, on the performance of the Development Management Service from July to September 2023.

The following points were raised:

- There were a number of outstanding planning enforcement cases and the Principal Planning Officer post had been recruited to.
- Performance on majors is sensitive to just one or two decisions being made out of time, due to the small number of major applications that the Council deals with each quarter. Extensions of time are used by planning authorities to secure additional time to determine applications.

RESOLVED:

The Committee noted the report.

111. APPEAL DECISIONS

The Committee received a report from the Assistant Director, Planning, setting out the Appeal Decisions for the period 1 September 2023 to 23 November 2023.

RESOLVED

The Committee noted the report.

112. FUTURE APPLICATIONS

The Committee received a report from the Assistant Director, Planning, on future planning applications.

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It was agreed details of when the application was first called in to DMC would be included in future reports.

RESOLVED:

The Committee noted the report.

113. EXCLUSION OF PRESS AND PUBLIC

The Committee resolved:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 15 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraph 6 (Statutory notice or order) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

114. ENF/2015/0257 111 THE RYDE, HATFIELD, AL9 5DP (THE PROPERTY)

The Committee discussed this item under Part 2.

RESOLVED:

The Committee agreed no further formal planning enforcement action is taken at the present time and should circumstances at the Property change in a material way then this should be revisited.