

Development Management Committee
11 January 2024

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 11 January 2024 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors J.Skoczylas (Chairman)
J.Broach, H.Goldwater, S.Kasumu, R.Lass, F.Marsh,
D.Panter, F.Thomson, R.Trigg, S.Tunstall, C.Watson
and G.Ganney

ALSO PRESENT: Jacqueline Backhaus, Trowers & Hamlins LLP

OFFICIALS PRESENT: C.Carter, Assistant Director Planning,
G.Gnanamoorthy, Development Management Services Manager
C.Cade, Governance Services Manager,
D.Elmore, Principal Development Management Officer
L.Sahlke, Development Management Officer
A.Ransome, Development Management Officer

115. APOLOGIES & SUBSTITUTIONS

Apologies for absence were received from Councillor S Boulton for whom Councillor G Ganney attended as a substitute, and Councillor Grewal for whom Councillor Weston attended as a substitute.

116. MINUTES

The minutes of the meeting held on 4th December 2023 were approved as a correct record.

117. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 14 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

There were no notifications of urgent business.

118. DECLARATIONS OF INTEREST BY MEMBERS

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.

119. 6/2022/1355/MAJ FORMER BEALES HOTEL, COMET WAY

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The Committee received a report of the Assistant Director of Planning on the Former Beales Hotel site. The application site has an area of circa 0.64 hectares and is located to the north-west side of Comet Way, close to Comet Roundabout. The site is occupied by the former Beales Hotel; a two-storey building with areas of hardstanding providing associated car parking. There are trees along the boundaries – both inside and outside of the site. The hotel closed in 2020 and currently has temporary planning permission as a hostel which expires in June 2024.

The application was presented to the Development Management Committee because Hatfield Town Council have submitted a Major Objection. The application had been due to be presented to Development Management Committee in December 2023. However, it was noticed that an amended plan had not been consulted on. The application was removed from the agenda to allow for a full re-consultation to take place. The only representation received was from Hertfordshire County Council's Highways Team who had raised no objection.

Bridget Miller spoke to the Committee as the agent:

"I am Bridget Miller, a chartered town planner and the agent representing the applicant. Your officer has explained that the proposal comprises of a sustainable development for which planning permission should be granted.

The application comes before you following collaborative pre-application and post-submission discussions with officers which led to design revisions. This included reducing the height and massing of the building by removing a floor and increasing the top floors set back from neighbouring Parkhouse Court. This change saw marked improvements in the daylight and sunlight results. The proposed building is a comfortable 22 plus metre distance from Parkhouse Court. However, due to the low profile of the existing building on site, it's not possible to maintain current light levels in Parkhouse Court, whilst optimising the use of this previously developed site. The final daylight sunlight results were accepted by the Council's independent assessor as appropriate for this urban context.

As officers have concluded the proposed developments height, mass and appearance would respect its context and cause no harm to neighbouring living conditions.

In terms of access it's proposed to improve vehicle safety and visibility by resiting the existing access eastwards. In discussions with the Town Council, the layout was changed to give additional space for vehicles waiting to turn, thereby enhancing pedestrian and cyclist safety. Based on this revised access design, the Highway Authority has confirmed their support for the proposal and it has been tested by a road safety audit. The access provides the indivisibility required for 50 mile an hour road.

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A high standard of residential amenity is provided with good levels of daylight and sunlight and most units are dual or triple aspect. Every unit will have access to private amenity space, communal courtyards and a child's play space.

The scheme will deliver biodiversity net gain of almost 500% renewable energies, 10% electric vehicle charging spaces and a bespoke travel plan. It is unfortunate that the scheme cannot viably support any affordable housing provision currently. The scheme's viability evidence has been tested and accepted by the Council's viability assessors. Viability testing represents a snapshot in time. The Section 106 agreement, includes review mechanisms which mean that at certain points in the future, if the economy improves and the scheme viability positively changes, then affordable housing may be provided.

To conclude the application optimises this previously developed site to deliver 142 new homes. This is a significant contribution towards housing supply in one of the most sustainable locations in the borough, assisting with protecting Green Belt land so there are many merits of the proposal and no outweighing reasons as to why planning permission should not be granted, thank you."

Councillor Watson spoke to the Committee as the representative from the Parish Council:

"I am Councillor Cathy Watson, and I also sit on the Hatfield Town Council. I speak to you now with my Town Council hat on.

Firstly, I would like to thank the developers and their agents for their engagement. They were good enough to visit the Town Council twice, to discuss the planning application and have responded to some of the issues we have highlighted, such as the height and massing of the development. However, there remain three areas we believe the development can be improved on, and would request that DMC consider adding conditions should it be minded to grant planning approval. The Town Council's main concern is around the proposed access point to the site off Comet Way. Whilst we acknowledge that the developers have made changes to the original design, we are still very much concerned about the safety of motorists, cyclists and pedestrians. Local knowledge of this stretch leads us to conclude that it would be better for an alternative access point to the site to be found. By which we mean a little bit further on, and the road that goes to Parkhouse Court, which I believe is called Goldsmith Way.

There is usually an acceleration by vehicles from the traffic lights preceding the proposed access point, which would make turning into and out of the site difficult. This creates an additional risk for pedestrians and cyclists passing the site. We would respectfully ask DMC to consider this issue carefully before deciding whether to grant planning, approval or not.

The Town Council also believes the development can be further improved by the provision of social housing, which has been removed from the original design and would request that the DMC consider appropriate conditions to ensure

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the housing needs of the area are being catered for. Sustainable transport was another issue which we felt could be improved, especially ensuring appropriate infrastructure for electric vehicle charging. Finally, whilst we appreciate the limited scope for the development to provide open green spaces and play areas on site, DMC should consider appropriate conditions which allow the developers to make a contribution to support and enhance community assets nearby.”

Members discussed the application and key points are summarised below:

- The proposed development does not meet the housing mix requirements and there is a shortcoming to market evidence. It was queried why there were only one and two bed homes in this development. Officers confirmed that this was to enable a high density and viability. Additional three bed dwellings would affect the viability of the scheme.
- A member was concerned that there were a number of one bed properties already being built in the borough. Officers stated that the Local Plan looks across the whole of the borough; there would be a mix across the borough across the Plan period. More family housing would be secured at different sites where a greater mix of dwelling types was possible.
- A member felt that the development was not dense enough, and the application could be higher, based on the location of the site.
- It was queried what parking was available at the site including disabled and electric parking spaces. There would be 121 car park spaces, including 15 disabled bays and 1 car club space. Based on the location of the site it was considered an appropriate amount of parking given its distance from public transport and other facilities.
- It was highlighted that there was no affordable housing at the site as the proposal could not viably deliver affordable housing at this time. The Council's policy allows for viability evidence to be submitted and the viability of this had been tested and accepted by the Council's independent consultants.
- Members were disappointed and raised concerns that no affordable units were available at the site. Officers advised that, whilst disappointing, it was important to follow our own policy which allows for such an approach to be taken, when evidenced.
- A member queried whether the entrance to the site could be moved to Goldsmith Way. Officers clarified that there was no access to the site from that way, and changing the entrance would not be suitable. Details of the access to the site had been provided to the Highways Authority who had not raised any issues, and confirmed it is safe.
- Concerns were raised about vehicles driving quickly near the site and a member requested this could be reviewed as a condition on the application. Officers clarified that the site had been through a stage 1 safety audit by Hertfordshire County Council, and they had confirmed it was a safe and appropriate form of access.
- A member asked whether an alternative location for the access would be safer. Officers explained that we did not have a view on this, but that the access proposed had been robustly assessed by the County Council as Highways Authority and they confirmed that the proposed access was acceptable in highways safety terms.
- One member asked why no conditions had been set out for the Section 106 monies, no affordable or social housing, and lack of clarity around the height of the application were the reasons why one councillor felt they could not support the application. Officers clarified the arrangements for the height as some parts of the building were different heights between 5-7 storeys, and that arrangements were in place to review figures between development and completion to check for any

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improvement in viability. Early-stage viability review could take place prior to building and the late stage review would take place once the building was 90% complete. Officers confirmed that other S106 contributions would be secured through the legal agreement.

- A councillor was pleased with the design which included private outdoor space and the reduction of height & mass from the previous application. There should be a condition to maintain the landscaping of the site. Officers confirmed that there were recommended conditions to control this.
- It was asked whether pre-commencement noise studies would take place. Officers confirmed that there were recommended conditions to control this.
- Concerns were raised about residents in a near by flat and the reduction of light for them.
- The officer confirmed that the Section 106 agreement included £250,000 to be split between Welwyn Hatfield Council, Hertfordshire County Council and the NHS.
- There was a condition for an ecological and landscape plan to be put in place and maintained for 30 years at the site.
- A member felt that there should be at least one parking space per flat.
- It was asked whether the pollution levels had been assessed for the site. It was not believed the site was in an Air Quality Management Site and it was confirmed that the Council's Environmental Protection officers had considered the application.
- Officers advised that there had been other sites where financial contributions were made where affordable housing could not be delivered on site.
- Officers confirmed that there was no "visitor" parking available on the site, but referred to the nearby pay and display parking which is available
- Officers reminded members that there was a need for market homes in the borough, as well as affordable homes, and reminded the Committee that decisions had to be made based on policies. If the application was to be refused and then appealed the Council would be in a weak position.

As Councillor Tunstall joined the meeting late, he was unable to vote on the application.

RESOLVED

(4 in favour and 7 against)

The Committee agreed that the officer recommendation were rejected.

Councillor Broach proposed, and Councillor Kasumu seconded, a deferment to the application to allow officers to work with the developers. The Committee clarified that the following areas were to be discussed with the developer and brought back to Committee:

- Affordable and social housing;
- Housing mix;
- Section 106 contributions; and
- Parking review.

RESOLVED

(11 in favour)

The Committee agreed to defer the items to allow officer to discuss the above with developers.

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The Committee received a report of the Assistant Director of Planning on 59 New Road, Digswell. This application sought full planning permission for the erection of a two-storey block of flats with a lower ground level (8 x 2 bedroom and 1 x 3 bedroom). The proposed building would be positioned further back into the application site than the original dwelling, in a more central location. The proposed layout plan demonstrates a linear style of development which would front onto New Road. The proposed design approach is modern, with a mixed pallet of materials.

The application is presented to the Development Management Committee because it had been called-in by Councillor Mitchinson.

Philip Hughes addressed the Committee as the agent:

“This is an application that makes effective use of land in one of your existing settlements outside any conservation area, the Green Belt or any areas of constraint.

It comprises of a small infill site, consistent with adopted policy SADM1. The proposal respects and harmonises with the prevalent character of the area, providing a building set in generous sylvan grounds. There are a number of existing apartments at New Road. Similar forms of development have been permitted by your Council at number 61 and 63 New Road, the immediate neighbouring sites to the north.

There have been no changes in circumstances to justify a different approach to this application. The proposal is not overdevelopment of the site, which comfortably accommodates the development at a density of just 23 dwellings per hectare, which is entirely consistent with the schemes permitted on neighbouring sites, and your adopted policy SP9.

The proposed building comprises high quality design and appears as a well designed large dwelling house with a central access that sits comfortably in the plot between the two neighbouring buildings, set a minimum of 7.4 metres and an average of 10 metres from any side boundary.

The large plot comfortably accommodates the building and car parking and embraces its woodland setting. The existing landscape along the road frontage is retained and supplemented with new planting. Only glimpses of the proposed development will be available. This well-screened sylvan development is in contrast to the open-fronted plots that have been developed opposite in New Road.

Access is safe, as confirmed by Hertfordshire Highways following a stage 1 safety audit. The proposed car parking provision also accords with your adopted standards. The space and retention and enhancement of tree and vegetation along both side boundaries ensures that the proposal will not harm the amenity of neighbours.

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The proposal safeguards the landscape and protects wildlife. The application demonstrates that protected species would not be harmed, badger sets are located more than 30 metres from the proposed development.

The scheme will deliver biodiversity net gains of more than 27% for habitat units and over 60% for hedgerow units. This is supported by your landscape and ecology officers, as well as Hertfordshire ecology, and the RSPB have confirmed that the proposal will not have an adverse effect.

The proposals will assist in boosting the supply of housing in an area of housing need, without intruding into the countryside or green belt. The site is a sustainable location for new housing development and the proposal comprises a high, highly energy efficient form of development. The development can be provided expeditiously and will immediately account towards your housing land supply. The proposal is entirely compliant with adopted development plans, and MPPF.

Christine Adey addressed the Committee and spoke against the application:
"I speak on behalf of residents who are appalled at the rapid urbanization of the village in order to provide flats that are not suitable nor easily affordable for families.

The design and access statement for 59 New Road asks us to visualise a barn like structure blending into a rural location. The village has a varied range of family homes and small flatted sites predominantly in red brick or render finish with high pitched roofs. This proposal is for an industrial looking building with two storeys, plus another level making it three storeys plus roof.

The recently constructed adjoining two storey blocks of flats, where each designed to look like a large house, but in reality resemble a large office building in size. There is no precedent in the village for a large, three storey, flatted development with an industrial style façade. With only one bus every two days, the car remains the only viable form of transport, so why are there insufficient parking spaces? The proposal suggests on-street parking, in spite of double yellow lines and restricted visibility on an increasingly busy road.

To have a rising two way driveway from a block of flats immediately opposite an existing road junction will inevitably lead to more traffic accidents. Question - in how many rural villages would you expect to find six or seven adjacent blocks of nine flats, with front facades of a similar size to the building we are in tonight? This is currently what is being built or proposed in Digswell, what we are seeing is rapid urbanization eroding the wildlife habitat and character of the village. How does this patchwork planning process fit together? The village has already experienced infill and twin house replacements and redevelopment of two brown field sites increasing the pool of lower cost homes.

In response to development pressures, this Council produced a character appraisal with planning guidelines for different areas of the village. This appraisal is incorporated within the current Local Plan but remains largely ignored.

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The local infrastructure is not keeping pace with developments. 61 New Road is already drawing electric power from an adjacent road due to insufficient supplies within New Road itself. Surface water washes away the road verges, a surface water sewer collapsed at the bottom of New Road Station Road and Hertford Road regularly flood as the water sink is further eroded by these vastly over scale developments. Residents report that some estate agents are actively obstructing family house purchases in favour of development opportunities. Yet recently built flats priced at up to 1.5 million are struggling to sale, suggesting that this development is the wrong type in the wrong location.”

Councillor Cragg addressed the Committee as Ward Councillor:

“I am the ward councillor but it's not a ward, it is one road. One road that if you drive up to the top of it has had five or six properties commandeered by developers. We're not allowed to look at each one on its merits. Hence Highways Herts County Council keep quiet because it is always one application. It may be 20 cars. Not enough to complain but if you put it all together, it is. If you put all the applications together it, it does look and feel like over development and what to do with 90 odd people they host? The local doctors is in Welwyn. If you're not well, you're not going to walk there, you're not going to cycle. Buses, as you've heard, are far from frequent, and yet the parking is less than is needed. It's one and a half spaces for two bedroom flats that will probably have two parents and a teenager who's driving. Don't park on New Road itself, and you shouldn't rely on that because there isn't a lot there at all.

Also we are very aware that developers try to get out of their environmental responsibilities, and I know that the RSPB, the badgers and wildlife haven't responded. I know we've said, we're going to do a survey, but who's going to monitor that survey? Who is going to check it? Because it's residents that picked up on one of the previous applications that the developer was hiding it, so who is going to judge that?

It just seems totally out of character and particularly when you consider it's not the whole of Digswell, it's a very small portion of Digswell that all of these nine block flats are going into. We know that number 55 wants to have put in [an application] for 10 [dwellings]. They haven't had that, but they'll come back.

As you've heard, it anecdotal that the estate agents are saying “sorry, that's the developers, if you want to move on New Road” so to me it is totally out of order and the residents feel very let down by planning because we can't look at it holistically, we have to look at it each case on its merits and that allows them to get away with it.”

Councillor Colin Hukin addressed the Committee as a Welwyn Parish Councillor:
“Welwyn Parish Council at recent planning meeting agreed to launch a major objection to this application. We believe that the application to be an overdevelopment of site, over dominant on the street scene and is out of keeping with other properties in the area. We think the plot is overdeveloped, with the loss of many trees and hedges and insufficient amenity space and garden

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areas. The design of this plot with 9 apartments on three floors plus a pitched roof is over dominant in height and new architectural style, which gives the impression of an office block appearance, is out of keeping with the existing detached houses in New Road.

The plan is for 8 number large 2-bedroom apartments and one very large 3 bed apartment on the lower ground floor. We considered the provision of 12 parking spaces plus 1 visitors space to be insufficient for this development. There can be no overflow parking allowed on New Road at the front of the site. It is noted that this part of New Road is on a bend and opposite its junction with Mornington, and this will result in hazardous entrance and egress from this development.

It must be noted that there are there have been previous applications for apartment blocks in this part of New Road and in each case the majority of the local residents have raised objections to them. The latest application also results in an obstruction of access for the public to the local bird and wildlife sanctuary at the rear of the site. There is no mention of badgers or the protection of their habitat and access paths.

We also believe that the development ignores the Digswell Planning appraisal, which is a supplementary planning document we would urge the Planning Committee to refuse this application.”

Members discussed the application and key points are summarised below:

- Concerns were raised around whether public transport had been considered as part of the application and the officer confirmed that it had been.
- A members asked for clarification on what bearing the design code should have on the Committee's decision. Officer confirmed that the character appraisal had been considered (paragraph 10.22) and highlights were that had been looked and reviewed. Officers considered the proposal acceptable.
- There was a property at number 37 which was of similar design for the area, which a member felt it would mean this dwelling would be in keeping with the areas design.
- It was asked what the consideration should be for parking. Officers noted that the parking was not at the maximum level of parking and if the Committee felt it was appropriate the “visitor” parking could be removed and shared amongst the development. The applicant had shown a willingness for this to be included as a condition of the planning permission. It was noted that New Road had a number of commuters park for the train station.
- The Committee felt that the area would be dependent on cars due to its location and considered whether the development would add to the parking issues in the area. It was felt that the current car parking proposal was inadequate. The Chair commented that the train station was only 700m away.
- Concern was raised for badgers in the area.
- It was queried how much weight the Digswell Character appraisal carried. Officer confirmed this was given full weight alongside the Local Plan, and the discussions on how this is referred to is set out in the report.
- It was asked whether the plan would need to change to mitigate the flood risk. The Flood Authority had asked for plans on the drainage scheme and a variation

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report. Flood matters are reviewed by the developers and officers. It was also included in the conditions for the application.

- The County Council as Highway Authority had previously objected to the scheme as the application had not included details of other applications within the area. The applicant provided further information on cumulative effects and the Highways Authority have since reviewed this and confirmed it would be acceptable in highways terms.

Councillor Tunstall proposed, and Councillor Goldwater seconded that the application be approved with the condition that parking is increased to the maximum amount allowed by Welwyn Hatfield.

RESOLVED

(10 in favour and 3 against)

That the planning application be approved with the condition to increase parking in the area.

121. 6/2023/0894/FULL UNIT 1 51 WELHAM MANOR, WELHAM GREEN

The Committee received a report of the Assistant Director of Planning on Unit 1 51 Welham Manor Welham Green. The application was for the demolition of the existing low-quality buildings and erection of seven dwellings comprising one pair of semi-detached and five detached family homes with car parking, cycle and refuse storage and private amenity gardens. The proposal also includes communal amenity space and a pedestrian and cycle route which extends up to the south west boundary of the site. The proposed dwellings would be two and a half storeys in height with living accommodation situated within the roof. The development would utilise the existing access from Welham Manor.

This application was presented to the Development Management Committee because the application had been called in by Councillor Paul Zukowskyj.

Bridget Miller addressed the Committee as the agent:

"I'm Bridget Miller, a chartered town planner representing the applicant. Accor obtained an interest in the site following the previous dismissed appeal. Your officers set out the many reasons for why planning permission should be granted, and I will draw on some key points.

Firstly, I'll emphasise that the site is a housing allocation in the adopted Local Plan and comprises previously developed land that is no longer in the green belt. The Local Plan recognises the site would be put to better use to contribute to housing needs in the borough and the principle of development is established. Throughout last year, we engaged with planning officers and neighbouring residents to develop a high quality, architectural and landscape design. As the Committee report states, the scheme's design is supported by officers, as it enhances the area's visual character and connects with existing residential development in a respectful way. Neighbouring amenity is protected by the siting and orientation of the new houses.

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The proposed 7 houses have private gardens as well as a shared open space that is centred on the retained good quality category A oak trees. There is nearly 400 square metres of outdoor space per unit and two parking spaces per unit plus visitor parking and electric vehicle charging.

Notable environmental enhancements include a 40% increase in landscaped green space, 18% biodiversity net gain, renewable energies for a 65% reduction in carbon emissions plus water efficiency and sustainable drainage measures. The scheme is acceptable on its own merits and in no way prejudices the site allocation to the south coming forward nor the access strategy that is envisaged for this larger allocation. In addition, condition 13 secures the provision of a pedestrian and cycle route to land at Station Road to enhance connectivity. The site is in walking distance to Welham Green station and bus stops. Vehicle trips associated with the new housing would be offset by the existing trips and the large vehicles that currently access the site for motor repair. All highways related matters, including access, have been deemed acceptable by the Highway Authority and likewise were acceptable in the determination of the previous appeal.

There have been no objections from the Highway Authority, Herts ecology, place services, the Environment Agency, Lead Local Flood Authority or Welwyn officers. The council is struggling with housing delivery and the proposal will deliver 7 family sized homes in the short term as this site is earmarked to do in the adopted Local Plan.

The proposal sustainability credentials go above and beyond policy educations, and it is respectfully requested that planning permission should be granted in accordance with your officer's recommendation."

Members discussed the application and key points are summarised below:

- A member felt the application was a substantial improvement on the previous application.
- Officers clarified that as part of the submission there was contamination on the site which would ensure that any remediation works which are needed would be completed, are completed and reported back to the Council.
- Members felt the site was imaginative and liked the design.
- A member felt it was good to see family homes being brought to committee.
- A member raised concerns about the fixed windows and bedrooms with obscure glazing. The officer was happy for this condition to be amended if required.
- Officers clarified that a consultation with Natural England was envisioned for sites over 50 homes but as this site is 7 applications that had not be required. A member highlighted that the potential second development on the site would trigger a consultation with Natural England.
- The developer would be required to deal with the hogweed as a condition for developing the site.

RESOLVED
(unanimous)

That the planning application be approved.

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122. 6/2023/0759/VAR CAR PARK HIGH VIEW

The Committee received a report of the Assistant Director of Planning on the car park, High View. Permission is now sought to remove condition 27 (car club) and vary the approved plans condition on planning permission 6/2022/0059/VAR. The application, submitted under Section 73 of the Town and Country Planning Act (S73), sought to substitute a range of approved plans with new plans which include a number of revisions. The changes to the plans can be summarised as follows:

- Addition of four new car parking spaces
- Changes to EV charging point locations
- Changes to kerbs and splays on High View
- Changes to Church Square – increased space for a hearse and the addition of retractable bollards
- Changes to the cycle storage outside the block CH houses – these now have cycle stores in front of the units
- Changes to the rear garden layout for the block CH houses

This application is presented to the Development Management Committee because the Council had an interest in the land.

Councillor Rowse addressed the Committee as Ward Councillor:

"I have not objected to this planning application as I'm not disputing the requested changes. However, I would like to raise two issues with DMC, which I hope will improve matters, and I did note the officers comment on what my first issue is, which is the provision of the disabled parking spaces. In the main bit by the shops, there are two disabled spaces provided in the shared resident retail parking area. One of these is right next to the Fairfax Plumbing and its location makes it unsuitable for use as such a space as access is regularly blocked by traders. I can honestly say I live locally, I've never seen a disabled person park there.

The second used to be close to the Tesco Metro, and I think this has got missed. It was quite handy when it was next to the Tesco Metro, but they moved it when they put in the allocations of reserved parking for the local traders up there. The new location makes it inconvenient to users of the main businesses there, which are the Tesco Metro and the dental surgery.

I hope that DMC will request that as part of its approval, that the disabled spaces be placed in more suitable locations. I don't know whether that's in our remit, but I believe we should be. The obvious options would be one adjacent to the butcher's and the other equidistant to the Tesco Metro store and the dentists. I mean there is ample spaces there, it's just where we allocate the disabled spaces.

The other bit I wanted to pick up was the implementation of the parking enforcement, I saw just before Christmas I think it was that Cabinet approved that we're going to move forward with parking enforcement. The lack of

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enforcement of the proposed parking regulations has resulted in representations to me from both local traders and indeed residents, and I had a big meeting with residents yesterday. I understand that the resident parking scheme will be deployed soon. My plea at this meeting, is that every effort is made to do this urgently..”

Members discussed the application and key point is summarised below:

- Officers confirmed that disabled parking was not a matter for the Planning Committee to consider in this application as it was not proposed to change from that which had been agreed in a previous application.

**RESOLVED
(unanimous)**

That the planning application be approved.

123. 6/2023/1809/HOUSE 64 BISHOPS RISE, HATFIELD

The Committee received a report of the Assistant Director of Planning on 64 Bishops Rise, Hatfield. A prior approval application under reference 6/2022/2783/PN8 for a 6 metre deep single storey rear extension was granted in January 2023. This permission has been implemented. Following the implementation of the single storey rear extension, the remainder of the garden has undergone works, which are being applied for in this application. This application seeks planning permission for the retention of an outbuilding, a covered area, fencing, walls and an area of patio, all to the rear of the site. The outbuilding is sited to the south-western corner of the rear garden and measures approximately 1.8 metres by 4.4 metres and has a footprint of approximately 7.9 metres squared. The outbuilding has an approximate height of 2.4 metres to the top of the flat felt roof and is finished in a grey tile, with a white UPVC window to the elevation facing the house and a white UPVC door and window facing the remainder of the garden. There is a roof overhang, however, this does not adjoin the covered area. The covered area is sited adjacent to the storage outbuilding, filling the remainder of the space running along the rear boundary of the site. The covered area has a footprint of approximately 22 metres squared, measuring approximately 4.3 metres by 5.1 metres. It has an approximate height of 2.2 metres with the roof constructed of corrugated plastic and wooden timber posts. This area is not enclosed. Beyond the single storey rear extension, the garden has been fully paved with large cream paving stones, including underneath the covered area. Drainage has been provided. The applicant advises that this is to allow easy access arrangements for an occupier with limited mobility. Evidence of mobility issues of an occupier has been provided by the applicant. The fence between the boundary of the application site and the neighbouring property at No.62 has been raised to an approximate height of 2.6 metres when measured from the ground level within the application site. The applicant advises that the height of the fence measured from the land levels within the neighbouring dwelling at No.62 is less than 2 metres. A higher fence was erected to ensure appropriate privacy is maintained between the two sites. A wall between the boundary of the application site and the neighbouring

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dwelling at No.66, along with a wall running along the rear of the site, has also been erected, measuring approximately 2 metres in height.

The application was presented to the Development Management Committee because it has been called-in by Councillor Rowse.

Mohammed Altwail addressed the Committee as the applicant:

"I came here to show this is the house where I moved. I used to live in two houses before but [they] weren't adapted. I was suffering a lot, as you can see, I have a second deterioration MS, and I have been suffering a lot when I lived in other houses, so when I moved to this house, I tried to do this.

I have been from 2015. Until last year, for about eight years, I couldn't go to the kitchen and move, it was very tight, and I couldn't do exercise. I'm talking about this development not just for entertaining, it's for health and safety, is for accessibility. I know I have four children, I need to work and to do exercise as I can't go through the normal gym so I have equipment in that shed.

The way I did this design is to just have more space in the garden, the bathroom, so I can exercise and keep myself healthy and look after my children. I walk there and tried to do my best, so I was not harming and causing any problem as far as I know the council accept and everything I did. I sent a plan to the council and we went through the law as they advise us we were always doing this so I don't know why one of the neighbours complained a lot, more than 10 times. Police here and there and harassment, and we don't know. I showed one of the document they mentioned which is which is about prioritising the human to live. We don't harm any animals or any causing any problem to anyone in the neighbourhood. All than the neighbours, they are fine with this. I was just coming here to show you how this is important for me and very essential. I was very suffering before, so just to show you how this project is important, so hopefully you will consider that"

Richard Acworth addressed the Committee to speak against the application:

"I live at number 66, which is next door. This all-started April time. A builder just turned up one morning and said "I'm going to come and take your trees out", I said, Well, have you got a planning permission or anything like that. And no he just started.

I'm opposing these because the work was carried out without any planning application whatsoever. We had a lot of trouble with the builder. Digger starting up to seven in the morning every day, drilling and it's not very nice, I've got family.

I've lived with it for 45 years.

I was reporting it to the Environmental Agency, nothing happens in the six months, and when it all finished, they served a notice on the builder. I can't understand why.

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Why leave 6 months? I've got to go from 7.15am and equipment starts up until about nine o'clock and then they go to the other side of the building, and they do the work there, but the next morning they come back about 7 and start the noise there.

if you go to 2.6 on a proposed application, the wall dwelling is approximately 2 metres.

It is not a 7 foot 3, which is nine inches over. Now that wall is made out blocks, it's not a brick wall, it's just concrete blocks, so there's a whole concrete block, that is over 2 metres.

And the rest of the dwelling is bad quality. It hasn't been pointed up properly and there's a concrete block at the top of it, so why put a concrete block at the top? I can't understand.

The whole development with the additional outbuildings is more than 50% of the outdoor space and that impacts on the light and my garden. They've got a 10 foot 6 metre extension, there is an additional brick built, building, and then in between, where I had a 6 foot fence, that is seven foot three, so that impacts a lot quite a lot. My wife is blind in one eye. I had, a year ago, a glass roof put in my conservatory, so it was lighter into the room, and this is cutting it out.

Also, because the whole lot is concrete, the whole area of that site is concrete now, so I've got flooding issues in the back garden and the front garden because there's no drainage or anything."

Councillor Rowse addressed the Committee as the ward Councillor:

"I called this application in, after careful consideration, it is a shame I find myself in this position of objecting to a retrospective planning application as I believed that had the application made by the request as part of his original application to build the extension then a much better plan could have been produced which reconciled the aspirations of the applicant with the need to protect biodiversity. Whilst it might be tempting to allow this retrospective planning application on the grounds that damage is already done, I don't believe that nature should be asked to pay the price for this oversight.

Erecting outbuildings has become increasingly popular, especially since COVID, with more people working from home, I do not object to the outbuilding as such, but taken together with the previous approval to erect a 6 metre extension does, I believe, represent overdevelopment of the overall curtilage and had these being considered together and a smaller extension might have been approved which did not represent such over development.

I believe there is a significant risk that a precedent might be set by this development, and in that I do disagree with the officer, because in my ward, these are starting to come up and you should see some of the developments are extremely unsightly.

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If we are serious about encouraging biodiversity, then that means we need to be more affirmative and take action to protect it. The applicant is disabled and therefore will need that access to his outbuilding. This could have been achieved, however, through a path between the house and the outbuilding, thereby retaining more of the soft landscaped garden. This would help with the provision of natural corridors, for which wildlife which back gardens provide. I understand that the applicant has provided additional drainage. Taken in isolation I'm sure this isn't a problem. However, there is clear evidence that the widespread replacement of front gardens with hardstanding provision for car parking has overwhelmed are draining drainage systems, and I'm sure DMC members will be aware of the many local problems of local flooding this already causes. The risk now is that the overdevelopment of rear gardens will further exacerbate the problem.

Future generations will not thank us if we simply continue to turn a blind eye to overdevelopment and the destruction of precious wildlife. There has been a lot of talk about badgers tonight, but, unlike in Beatrix Potter's books, local hedgehogs cannot speak up for themselves and I am therefore left to do my best to provide a voice for them.

In summary, I urge that the current proposal to grant retrospective planning permission for this is rejected and that we make clear that this Council is serious about protecting biodiversity, and not just talking about it, thank you."

Members discussed the application and key points are summarised below:

- Supporting information for the applicant had been submitted but not shared publicly.
- It was clarified that the outbuilding, the paving, the walls and the fence were for consideration under this application.
- Officers clarified that an outbuilding can be built in back garden without planning permission, up to a certain size.
- A retrospective application the Committee should still consider the impact of building and impact on neighbouring amenities.
- It was queried why permitted development rights were not removed in January 2023. The officer confirmed that the January 2023 application was the applicant exercising their permitted development rights and there was therefore no power to remove permitted development rights
- It was queried whether building control had signed off the works which had taken place. Officers clarified that building regulations are not a consideration of the Planning Committee.
- It was clarified that there was a large drain across the back of the property.
- Permitted development rights are allowed at 2 meters without consent as the application is over that height; this is why it is included.
- It was queried what percentage of the garden had been built on and what weight the members of the Committee should give this. Officers could not provide the percentage and clarified that 50% of the garden could be built on without planning permission, anything more would require planning permission.

RESOLVED

(11 in favour and 2 against)

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That the planning application be approved.

124. 6/2023/1090/HOUSE 18 PLOUGH HILL, CUFFLEY

The Committee received a report of the Assistant Director of Planning on 18 Plough Hill, Cuffley. The application seeks planning permission for the erection of a single storey side and rear extension, two storey rear extension, alteration and enlargement of roof, 1 x front, 1 x rear, 3 x side dormers, 2 x side roof lights and front bay window.

The application was presented to the Development Management Committee because Northaw and Cuffley Parish Council had submitted a Major Objection.

Members discussed the application and key points are summarised below:

- A member queried whether 3 parking spaces had been provided in the application as one of the spaces is shown as in front of a garage. Officers confirmed 3 spaces were provided as it was a single dwelling.

RESOLVED
(**unanimous**)

That the planning application be approved.

125. PERFORMANCE REPORT (OCTOBER TO DECEMBER 2023)

The Committee received the performance report for October to December 2023. An increase of major applications had been received and it is expected to continue into the new year. It was highlighted that the new principal planning officer role had be recruited too.

Members discussed the application and key point are summarised below:

- It was asked that STOP notices could be reviewed and it was felt that it was important there were enough enforcement officers to ensure enforcement takes place.

RESOLVED

The Committee noted the performance report for October to December 2023.

126. APPEAL DECISIONS

The Committee received the report which set out that two appeals had been dismissed.

Officers confirmed that the B&Q enquiry had not yet been completed and a decision would be made in the coming months.

RESOLVED

The Committee noted the appeal decisions report.

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127. FUTURE APPLICATIONS

The Committee received the Future Applications report. The details for future Development Management Committees would be brought to the next meeting and a link to the application was now included in the report.

RESOLVED

The Committee noted the future applications report.

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

There were no items for urgent business.

Meeting ended at 11.10 pm