WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 8 February 2024 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, S.Kasumu, R.Lass, D.Panter, F.Thomson, R.Trigg, S.Tunstall, C.Watson and R.Platt

ALSO Jacqueline Backhaus, Trowers & Hamlins LLP

PRESENT:

OFFICIALS C Carter, Assistant Director (Planning)

PRESENT: G.Gnanamoorthy, Development Management Services Manager

D.Elmore, Development Management Officer

R Misir, Democratic Services Officer

129. <u>SUBSTITUTIONS</u>

The following substitution was made in accordance with Council Procedure Rules:

Cllr R Platt for Cllr F Marsh.

130. APOLOGIES

Apologies for absence were received from Cllr F Marsh.

131. MINUTES

The minutes of the meeting held on 11 January 2024 were confirmed as an accurate record.

132. <u>NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM</u> 10 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

There were no items of urgent business and no items were withdrawn from the agenda.

133. DECLARATIONS OF INTEREST BY MEMBERS

Cllr Thomson declared an interest as a member of Hertfordshire County Council.

Cllr Watson, as a member of Hatfield Town Council, had previously discussed Former Beales Hotel and had spoken about it at the previous meeting, so she would recuse herself for that item.

134. 6/2022/1355/MAJ FORMER BEALES HOTEL, COMET WAY

Cllr Watson excused herself for this item as noted during her declaration of interest.

There had been a late representation submitted by the Lead Local Flood Authority following submission of a revised plan showing two visitor spaces to the front of the site; they had asked if there would be permeable paving as if so, there would not be an impact on flood risk. The Planning Officer confirmed there would be permeable paving.

The application sought planning permission for the erection of a 142 unit residential development following the demolition of the existing building, the former Beales Hotel. The application was before Development Management Committee (DMC) because Hatfield Town Council had submitted a major objection, set out in paragraph 9.1 of the report.

The application site has an area of around 0.64 hectares and is located to the north-west side of Comet Way, close to the Comet roundabout. The hotel closed in 2020 and currently has temporary planning permission as a hostel which expires in June 2024. The proposal was for a 5 to 6 storey building. Of the 142 flats, 90 would have one bedroom, 50 would have two bedrooms and 2 would have three bedrooms. There had been a design evolution to the proposed redevelopment of the site; in early 2021, a pre-application enquiry had been submitted for a 9-storey building with 161 flats. Officers had advised a reduction in height, greater separation distance between the neighbouring development at Parkhouse Court and an increased ratio in car park provision. There had been further reductions in the height and bulk of the development during this application submission, mainly to overcome impacts on the neighbour amenity at Parkhouse Court, and the number of dwellings had also been reduced. Officers considered the height and scale of the development would sit comfortably in its context.

There would be 123 parking spaces in the development including 15 disabled spaces, 2 visitor spaces and a car club space. Following members' comments at the previous DMC meeting when the application had been deferred, 2 visitor spaces had been added to the front of the site which necessitated a reduction in amenity space there. There were 13 ready to use EV charging points and 146 secure covered cycle spaces. In terms of car parking, the ratio of spaces per dwelling matched that of a planning permission granted in 2022 for 118 flats at the former Volkswagen site which was in close proximity to the application site. While not all dwellings would have a car parking space, a planning condition was included which would ensure no dwelling had more than one parking space. A

management strategy for car parking would be secured through the legal agreement.

All the proposed flats would accord with the nationally described space standards and would have either an external terrace or balcony, and each resident would benefit from both private amenity space and access to communal amenity areas. The proposal included the closure of the existing access to the site on Comet Way and provision of a new access 20 metres to the east on the same road. Proposed access arrangements included a setback from the footway cycleway on Comet Way; the Highways Authority was satisfied with this and had confirmed it would result in an enhancement in both pedestrian and cycle safety in the location. All offsite works would be delivered between the applicant, developer, and Hertfordshire County Council.

Policy SP7 of the Local Plan outlined that affordable housing would be sought subject to viability. Viability in decision making included developer profit as an input. Planning practice guidance advised a 15-20% developer return as suitable. The application had been supported by viability appraisals which were independently assessed by the Council's viability consultants who agreed that a scheme for either a policy-compliant affordable housing or 100% private scheme including the full financial contributions and a reasonable profit allowance of 17.5% was unviable. In response to issues raised by members at the previous committee meeting when the application had been deferred, the applicant had introduced 10% onsite affordable housing for shared ownership tenure. This meant a reduced profit allowance of 12.78% which was below the lower range percentage advised as suitable in planning practice guidance. Nevertheless, the applicant was willing to take the scheme forward on this basis with the prospect of better market conditions. Review mechanisms would be included in the S106 agreement which would allow the Council to benefit from any favourable uplifts and viability.

When the application was discussed at the last meeting, members had raised concerns about the proposed housing mix. In response, the applicant had submitted an updated market review letter which confirmed there was significant local demand for one bedroom properties and supply was not meeting demand. Officers felt it would be helpful to flesh out some points following the last committee meeting:

- Affordable housing. Policy SP7 said that affordable housing would be sought subject to viability. It was accepted there was a national housing shortage and that developers would only bring forward schemes if they were profitable; if a scheme was deemed unviable this did not mean that no profit was being made but that once profit was taken into account, the scheme would not be able to produce the level of affordable housing that would be sought. In order to provide 10% affordable housing (shared ownership), the developer's profit margin would now be 12.78% which was below what national planning policy guidance considered reasonable but this was policy-compliant.

- Housing mix. Some sites in the borough were more likely to have family housing whereas others like the former Volkswagen site granted permission in 2022 would have more one and two bedroomed properties. The committee needed to consider whether, given that site (which neighboured the application site) had received permission, there had been any material changes that would make it not acceptable now for this site.
- **Parking provision.** Similarly, the former Volkswagen site had approved parking provision of 0.85 spaces per dwelling which was the same as that proposed in this application. Consistency in decision-making in planning terms was emphasised.

Bridget Miller, agent for the application, addressed the Committee as follows: "I'm Bridget Miller, a chartered town planner and the agent representing the applicant Hatfield Park homes. We were pleased to hear many elements of the scheme were supported at the previous committee but as recommended, we've since worked with officers to review affordable housing, housing mix and parking. Officers have explained that the scheme has been accepted as nonviable by the Council's independent viability assessors, meaning there is no policy basis to refuse the application on unaffordable housing grounds. Notwithstanding, the applicant is willing to accept a lower than standard profit in order to now offer 10% affordable housing equivalent 15 affordable homes onsite. The review mechanisms have been kept in the S106 to capture uplift if the economy improves. A variety of 1, 2 and 3 bed units is proposed and accepted by officers as fully justified by the submitted market evidence unsuitable for this site.

The implied housing mix behind Policy SP7 is not a requirement for individual sites, it is a borough wide target for the whole plan period. There are inevitably sites elsewhere that are better suited for larger units. Ultimately, there is a proven local need for the housing sizes proposed and the scheme will help meet the shortfall and meet the needs of different households. Therefore, the development wholly complies with SP7.

Additional visitor parking has been introduced at the front of the development to increase the overall parking ratio. Local census data shows the level of proposed parking provision exceeds the likely car ownership levels for the development - the site is located close to services, shops facilities and many local transport options within walking distance. Providing additional car parking in excess of anticipated demand would not be sustainable, desirable or backed by policy. The management of the car park will be secured by planning conditions and a \$106 agreement, and there is a bespoke sustainable travel plan and a car club.

To conclude, a high standard of design and residential amenity is provided. The scheme goes above policy expectations to deliver biodiversity net gain of almost 500% and a carbon saving of 37%. The delivery of 142 new homes, including 15 affordable homes, is a significant contribution towards housing supply. Available previously developed land in central accessible locations is a scarce resource

and it should be optimised where there are opportunities to do so. I therefore request that you approve the application in accordance with your officer's recommendation. Thank you."

The following points were made during the discussion:

- Members welcomed the changes made to the affordable housing mix.
- A member reflected on the comparisons made with the former Volkswagen site, noting councillors were advised to consider each application on its merits. Officers confirmed this was the case and noted that when similar sites were close together, an Inspector during an appeal would ask why different conclusions had been reached so there needed to be a good reason for this.
- A member reflected that a new development at Hill Top was experiencing significant parking issues and felt the proposed parking offer was inadequate. Another member asked if there were examples when planning permission had been granted and parking was an issue which they felt could be further explored. Officers agreed different sites experienced different parking issues and felt it could be helpful to review some flatted schemes that had been built and occupied in order to provide up to date data about the number of vehicles those schemes had generated, as in some schemes it had been anecdotally reported that the number of cars was much lower than anticipated, although this would vary across the borough.
- A member expressed concern about parking facilities, commenting that having only 2 visitor spaces could be problematic given there were no parking facilities elsewhere in the local area. The adjacent office blocks had a 2-level parking structure and if the developer had adopted a similar design for the proposed application, there would be a greater capacity for parking spaces. However, he did not feel there were strong enough grounds to reject the application on the basis of this parking matter. Officers noted the car parking management strategy would seek to manage how spaces were allocated and that people would be buying the properties knowing whether or not they were likely to have a parking space.
- A member commented that the scheme had no social housing and so was not likely to positively impact the Council's housing waiting list.
- Responding to a member's question, the legal adviser explained that if the sale price was more than anticipated, and this resulted in a greater surplus, that would show up in the late-stage review and the developer would be required to make a financial contribution. Equally, if the costs for the build were not as expensive as anticipated, that might also result in a greater contribution which would come to the Council as an affordable housing contribution.
- Officers confirmed there was no socially rented provision in the application and noted that it proposed no affordable housing when it was deferred at the last meeting when it had still been policy compliant. Shared ownership would have an impact on viability albeit less than the impact of provision of socially rented properties. 10% shared ownership properties in the development meant the profit would be 12.78%, which

was below what national planning policy guidance considered suitable, and if there were social renters then profit would be affected further. The scheme as presented at the previous meeting was policy compliant and had no affordable housing, so officers did not consider there was a reason for refusal.

- A member asked how the 10% shared ownership element would be secured. Officers advised it would be incorporated in a S106.
- A member sought clarity as to what the loss of amenity would be given the 2 additional visitor parking spaces. Officers advised there would be a loss of some grass. The member reflected that a lot of the flats were likely to be student accommodation, there were nearby bus stops and the area was more central than Hill Top.
- A member expressed concern about the design which appeared insular in terms of amenity/ open spaces and asked whether more could have been done to integrate the site more into the fabric of the wider area in terms of connectivity but did not feel this was a sufficiently strong reason to withstand an appeal.
- A member asked about electrical charging points and officers explained there would be 13 EV ready to use spaces within the site and that building regulations would require cabled routing to be provided to all the covered spaces. The application was supported by an energy and sustainability statement and officers were satisfied that the proposed measures complied with policies in terms of maximising energy conservation.

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

RESOLVED

(9 in favour, 1 against and 1 abstention)

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; and
- b) The conditions set out in the report.

135. 6/2023/1898/FULL 58 HARMER GREEN LANE

The application was for the erection of a replacement dwelling house and associated landscaping at 58 Harmer Green Lane, following the demolition of the existing house, garage and outbuilding. The site was not in a conservation area or green belt land and the building was not listed. The application was before the Committee as it had been called in by Cllr Cragg due to concerns about wildlife. Key issues were heritage, design, wildlife and a late representation from the Royal Society for Protection of Birds (RSPB).

In terms of heritage, the Soper family (collectively considered to be artists of national importance) was closely linked to the site: the house had been built in 1908 for George Soper who lived there with his wife and daughters Eileen and Eva. Historic England did not feel there was enough merit in the building for it to

be listed as it did not have sufficient architectural merit and did not evidence how it would have been used by the family for the creation of their artwork. It was believed there had been significant internal changes to the building in the 1990s when Eileen and Eva were much older and it was adapted for their needs. Overall, there was not enough merit in the property for officers to feel the building should remain. Officers noted the wide range of property types, sizes, shapes and designs along Harmer Green Lane which gave an indication of some of the varied types of architecture locally.

The application was submitted with a preliminary ecological appraisal and also a bat roost assessment, which the County's ecology team was content was robust; it had investigated the possibilities of a range of species on the site including great crested newts, toads reptiles, nesting birds, birds of conservation concern, bats, badgers, hazel dormice, hares, voles, otters and hedgehogs. Two conditions were proposed as a result: a construction and ecological management plan which meant the ecology of the site would be protected during construction, and a landscape ecological management plan to ensure the site remained respectful to the environment.

An L-shaped strip of land had been given to the RSPB by the Soper family and although it was not formally designated as a wildlife site, it had wildlife value. Historically, there had been an informal arrangement whereby the RSPB could access the land via the gardens at 58 Harmer Green Lane. The RSPB had asked whether £10,000 could be secured through a S106 agreement to allow for a new access point. The view of officers was that this would not be appropriate in meeting the tests of what a S106 could secure and it was not related to the development proposal in question.

Simon Warner, agent for the applicant, addressed the Committee:

"I am a Director from Warner Planning, speaking on behalf of the applicant this evening. In the speech I would like to take a few minutes to highlight the most important aspects of this high-quality development and make a positive contribution to the site. As detailed by officers, the application seeks the erection of a replacement dwelling at 58 Harmer Green Lane. Our client is a local family who have lived in the area for the majority of their lives and wish to build their forever home to raise their family in. The application resulted in successful pre-application and application discussions with your planning officers to help develop this into the high-quality proposal in front of you this evening.

Within this part of Harmer Green Lane there is a precedent for replacement dwellings consistent in style and size to our proposal. The proposed design is of a high quality and responds to the local character and meets the Digswell character appraisal. The application is supported by a sustainability statement which demonstrates that the proposal includes solar panels, air source heat pumps, high quality insulation, electric vehicle charging, water recycling and high quality glazing. The proposal results in a regulated carbon dioxide reduction of 59% against the Part L Building Regulations and significantly more energy efficient than the current building.

The proposal includes high quality landscaping, tree planting and biodiversity opportunities. The dwelling exceeds the minimum internal space standards and exceeds the appropriate separation standards, and there are no undue impacts on neighbouring amenities. The proposal is located on the footprint of the existing dwelling, maintaining the building line. There are no objections from statutory consultees.

The existing building is not considered of merit in the Council's Digswell character appraisal. The site has been considered by Heritage England who have considered the existing dwelling to be unremarkable. There have been several alterations to the site since its original form. This includes replacement UPVC windows and extensions. Historic England note the former owner's historic contributions. However, the property does not retain any physical evidence of their artistic activity. The application has been assessed by Hertfordshire Ecology and the RSPB who raised no ecological objections to the proposal. The appropriate bat licences will be obtained prior to commencement of works and officers have proposed conditions to ensure this. There is no undue impact to highways, Hertfordshire Highways raised no objection, and we have agreed a condition for a construction management plan to ensure no impact on the roads during construction. The application seeks the retention of the trees on the site and provides a boundary screening. The submission includes protection plans to ensure the protection of the trees and the applicant seeks to enhance this. The Council's landscape officer has reviewed this and supports the methodology and raised no objection. The scheme is fully policy compliant. It accords with the NPFF and Development Plan and achieves overwhelming benefits. As a result I therefore request you support your officer's objective and comprehensive assessment scheme and grant planning permission in accordance a recommendation for approval. Thank you.'

Eckart Loeffler spoke against the application:

"I speak on behalf of the neighbours as well, and we are really worried about this development because this is the key house in the lane, and people locally know this house here, this is Eileen Soper's book, this is her original idea of the garden, and the whole plot is a nature reserve. We want this preserved. This is not a street, it's a lane, it's a 20 mile zone, there's no pavement, people walk up and down, it's a cycleway. I'm sorry but this is a monstrosity compared to the beautiful houses, this is in a lovely tucked away position. There are only four remaining original houses next to each other and this is one of it, and this very house of Eileen Soper makes the character of this lane, so this is why we are really worried for original houses in one lane. You know you mentioned in your report, it's not fit for purpose and has no architectural significance - yes, if you are from far away observing this it may well be true, but the significance of this house really is this Eileen Soper, she decorated Enid Blyton's books and Enid Blyton is known all over the world, so this house has a heritage built beyond the knowledge of the applicant. It is RSPB nature reserve and of course the idea of Eileen Soper, gifting this surrounding plot to the RSPB was not to have a strip of land because she was in the midst of it, she was feeding the mice in her shoes, there are lots of stories we know about her. It's a lovely story and so she

was the guarantor in the centre and the RSPB was the surrounding plot and you know it's wilderness there, that is the only heart of wilderness in Harmer Green Lane, and we would really like to see this protected. Apart from the carbon footprint which would be beneficial, even though you mentioned 59%, I would say 47.5, it's a ridiculous number. We all know that dissecting the old is probably beneficial. It is an overdevelopment of the site which will affect the existing wildlife and therefore we suggest an extension of the existing building maybe beyond and to the side, but to try to protect a little bit of its original character. Thank you."

Cllr Julie Cragg spoke against the application in her capacity as ward councillor: "I'm here tonight because the residents of Digswell and I would point out it is a small part of Digswell, feel they're being got at. This house is historic on its own, they want access to the wildlife part because if they don't who's going to monitor it, who's going to look after it, who's going to oversee it? Adjoining the garden, you've got the flats coming up in New Road and I know Chris will say you're not allowed to consider any other application, but it just builds a feeling that it's not being looked after because we can't; we can't look at everything in a holistic way, it has to be one plan and tunnel vision. Now I would like the officers' assurance that we have looked into the badgers, the bats and everything, because we know a developer not far away lied until the residents found the badgers so there is a history, I'm not saying this developer is lying, but there is a history of developers behaving badly and hiding things that they would like to be hidden. I think, is a shame that Planning are now saying they can't back the RSPB by containing some access to that site because apparently the RSPB owned it, the RSPB sold it when they should have kept some access, I agree, but why should the residents be penalised for that? You can argue the architectural merits of the building, but I am very concerned about the environmental impact on the animals and the fact that residents are going to be denied access possibly, because that wasn't looked at. Thank you."

The following points were made during the discussion:

- A member asked whether the Badger Trust had responded to the consultation. Officers responded that Herts Ecology had been a statutory consultee and confirmed the application was acceptable. The developer would be required to build on work done as part of the preliminary assessment, as part of the landscape and ecological management plan. It was not thought that the Badgers Trust had provided specific comments.
- A member noted the speed limit of the road had recently changed to 20mph.
- A member commented that the application was for a detached house to replace a detached house which was positive as there had been applications in the area for 9 flats on a single plot.
- A member expressed disappointment that Historic England had not deemed the property suitable for designation. The site had been designated a non-designated heritage asset and the member asked how much, if any, protection this afforded. Officers explained it carried some weight but when looking at non-designated heritage assets, they needed

to consider what they were looking to protect and whether there was value in doing so. They key considerations were whether the external fabric of the building or the internal layout (which had changed over generations) had architectural significance or merit, and it was difficult to reach a conclusion that differed from Historic England's.

- A member sought clarity as to whether the strip of land the RSPB had used was loaned to or owned by them. Officers said that land ownership was not a planning matter but that their understanding is that it was owned by the RSPB who were hoping to have new access from Harmer Green Lane; the issue was whether it was right the developer should pay for it. Officers' view was that from a planning perspective this was not something that could be insisted upon. The member queried whether there had been a formal access agreement and officers replied that there did not seem to have been, however there was a site through which the RSPB could gain access if they wished. The developer could theoretically stop people accessing the site now irrespective of the application, as they owned the land.
- A member asked whether a condition would be applied that meant the owners had to provide access for badgers. Officers replied that measures to be put in place would be identified through the landscape and ecological management plan. Herts Ecology would normally look at issues such as two-way badger gates so they would be free to roam, and planning enforcement measures could be used if the agreed mitigation measures were not put in place.
- A member felt there was a discrepancy in parking spaces as specified in the application and report respectively. Officers noted there was ample space onsite where cars could be parked, with a double garage and also space on the forecourt. From a policy perspective, officers were content there was sufficient carparking space on site to accommodate the likely needs of a dwelling of the size proposed.
- A member asked if access for the RSPB could be secured by condition.
 Officers explained this was not possible as this would not meet the tests
 for a condition, and that land ownership was a matter that fell outside of
 the remit of planning. Nevertheless, there was an option for them to have
 access without using 58 Harmer Green Lane.
- A member asked whether the Land Registry showed the strip of land was owned by the RSPB and if so, whether the boundaries fell outside of the boundaries of the property that was to be developed. Officers reiterated that land ownership was not a planning consideration. The RSPB had advised the local planning authority that it owned the strip of land but that was outside of the application members were considering.
- A member felt more could be done to identify and promote heritage (including social, cultural and natural heritage) in the borough.
- A member asked whether, should the application be approved, there would be a period of time where there was no public access to the land. Officers said they were unclear as to whether the wider public had access to the RSPB strip of land but confirmed that there was a location where the RSPB could access their site.

- A member noted the proposal suggested air source heat pumps might be used and asked about noise from this. Officers responded that some pumps were louder than others so a condition would mean that there was an element of control to ensure that any noise would not cause wider problems.
- A member expressed sympathy with members of the public in attendance who opposed the application, commenting that one of the charms of the current building was its ordinariness and the suggestion that there had always been give and take between it and the local community.
- A second member expressed sympathy with objectors and was disappointed protection had not been offered as it had with Shaw's Corner, for example. The application was a large site and the member remained concerned about the impact on the RSPB and so would not be supporting the application, as they felt that approving it would create a new problem. Officers responded that the issue was not that there would not be any access; the RSPB was asking for a financial contribution from the developer to provide different access, so there was still a possibility of access, but from a planning perspective it was not down to the developer to pay for it.
- The Chair asked how far the landscape management plan could be used as a tool to retain some of the heritage. Officers stated the plan would seek to ensure the developer built on the preliminary ecological appraisal and would look at how demolition of the old building and construction of the new one respected existing wildlife species. It would also set out ongoing measures which were required to be carried out in perpetuity so if a badger gate, for example, needed to be installed, it would need to be maintained and retained. A member asked if this included boundary treatment as there would need to be permeability between the application and RSPB sites. Officers responded that there was a condition for a soft and hard landscaping scheme to be submitted which would ensure boundaries were adequate for animal movement and this would form part of the landscape and ecological management plan.
- A member asked if the landowner needed to clear the site (cut trees etc) and officers said the trees around the site were not protected and some of the site had already been cleared. Another member noted the rich ecological diversity onsite and in the surrounding area, commenting that trees should not be felled unless it had been established that bats were not in the area. Officers replied that the applicant had provided bat surveys and Herts Ecology was satisfied the information was accurate.

RESOLVED

(8 in favour, 3 against)

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

136. APPEAL DECISIONS

The Committee received a report from the Assistant Director (Planning) setting out the appeal decisions for the period 7 December 2023 – 30 January 2024. There were four appeals on the list. Three related to planning applications which had been dismissed. The other (appeal decision against an enforcement notice at land to the south of Darby Drive, Spinney Lane, Welwyn AL6 9TB) was allowed: the Inspector had concluded there was a change of use onsite albeit not the one officers had initially alleged, and this was now back with the enforcement team to consider the next steps.

A member noted 41 Ayot Green, Ayot St Peter, Welwyn AL6 9AB, (certificate of lawfulness for the existing garage/annex as a second home) had been dismissed and asked about process. Officers confirmed this was pre-existing use; the applicant had tried to ascertain that the use had been ongoing for 10 or more years and the Inspector had found on balance that there was not sufficient evidence to demonstrate this, so the enforcement case was now live again and the enforcement team were looking at next steps.

RESOLVED:

The Committee noted the appeal decisions report.

137. FUTURE APPLICATIONS

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

RESOLVED:

The Committee noted the report.

Meeting ended at 9.25 pm