

Cabinet Planning and Parking Panel
9 November 2023

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 9 November 2023 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors K.Thorpe (Chairman)
R.Platt (Vice-Chairman)

S.Bonfante, J.Boulton, S.Goldwater, R.Grewal,
T.Kingsbury, G.Michaelides, L.Musk, A.Hellyer,
C.Stanbury, P.Zukowskyj and G.Ganney

OFFICIALS PRESENT: G.Sampson, Assistant Director (Regeneration and Economic Development)
E.Robova, Parking & Playground Services Manager
C Carter, Assistant Director (Planning)
R Misir, Democratic Services Officer
M.Wilson, Planning & Policy Implementation Manager
M Pyecroft, Senior Planner
C Matthews, Planner

68. SUBSTITUTIONS

The following substitution of Members had been made in accordance with Council Procedure Rules:
Cllr Gail Ganney for Cllr Sunny Thusu.

69. APOLOGIES

Apologies for absence were received from Cllr Sunny Thusu.

70. MINUTES

The minutes of the meeting held on 5 October 2023 were confirmed as a correct record.

71. NOTIFICATION OR URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 14

There were no items of urgent business.

72. DECLARATION OF INTERESTS BY MEMBERS

Cabinet Planning and Parking Panel
9 November 2023

Cllrs Kingsbury and Zukowskyj declared non-pecuniary interests as Members of Hertfordshire County Council.

73. PUBLIC QUESTION TIME AND PETITIONS

There were no public questions or petitions.

74. SELF BUILD AND CUSTOM HOUSEBUILDING GUIDANCE NOTE

The Panel received a report from the Assistant Director (Planning). The Self-Build and Custom Housebuilding Act 2015 placed a greater emphasis on the production of self-build and custom housebuilding to increase diversity in the housing market and provide greater choice to customers. The Act also placed a duty on local planning authorities to keep a register of individuals who wished to acquire serviced plots of land for self-build and custom housebuilding projects, and to have regard to these registers when carrying out planning and other functions. In accordance with its legal duty the Council had publicised and maintained a self-build and custom housebuilding register since 2016. The National Planning Policy Framework (NPPF) required the size, type and tenure of housing for different groups in the community to be assessed and reflected in Local Plan policies. The adopted Welwyn Hatfield Local Plan placed a requirement on sites of 100 or more non-flatted dwellings to provide 2% of serviced dwelling plots and also required plots to be appropriately marketed for at least 12 months before being considered for alternative use.

The Guidance Note had been prepared to provide guidance and information for potential purchasers, applicants and decision makers on how the requirements would apply to development proposals, and what the Council expected to happen in order that plots were offered for sale. The document might be updated from time to time; any fundamental changes would be brought back to the Panel.

Members raised the following points:

- A query was raised about how people came off the register. Officers explained those on the register were asked each year if they wished to remain on it and they could also contact the Council at any time if they wanted to be removed from it.
- A Member asked when self-build came into effect, citing an example of a recent development. Officers replied that self-build was picked up through a Section 106 and would be identified through one of the plans submitted as part of the planning application. Part of the site would be identified for self-build plots which would then come forward through a subsequent planning application.
- A Member noted the number of people on the register had dropped significantly from 2018 to 2019. Officers explained the Council had not yet delivered any plots because of the position with the Local Plan; now the Plan had been adopted it was expected that more qualifying sites would come forward. Numbers on the register had fluctuated but seemed relatively stable and it was likely that more people would become interested as more sites came forward.

Cabinet Planning and Parking Panel
9 November 2023

- A Member noted formatting errors in a section of the appendix which officers undertook to rectify.

RESOLVED:

(Unanimous)

Cabinet Planning and Parking Panel (CPPP) recommended to Cabinet:

1. That the Self Build and Custom Housebuilding Guidance Note be endorsed; and
2. That Cabinet give delegated powers to the Assistant Director (Planning) in consultation with the Executive Member for Planning, to update the Guidance Note if required in the future.

75. PROPOSED CONSULTATION ON COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE

The Panel received a report from the Assistant Director (Planning). The Community Infrastructure Levy (CIL) was a way of collecting developer contributions from new developments towards the delivery of necessary supporting infrastructure. It replaced S106 to a large extent so rather than it being negotiated in each case, it was a levy per square metre of development that was fixed, transparent and clear to all parties in advance. Welwyn Hatfield Borough Council had undertaken previous consultation on proposed CIL rates. It was intended that this would come into effect following adoption of the Local Plan but delays with the Plan meant that this did not happen as envisaged; however, adoption of the Local Plan meant this could now be taken forward. It was independently examined so needed a robust evident base. Levies were underpinned by a series of viability proposals. The Council had commissioned BNP Paribas who had done the previous appraisals, so there was consistency with previous work. Three zones had been identified in the borough where development could support different rates, as set out in the report. It was proposed that two areas be excluded (the new strategic development sites in north west Hatfield and the part of Birchall within Welwyn Hatfield) as they were new large scale developments that would need to provide a lot of onsite infrastructure potentially very early on and were complex, so it was considered more appropriate for this to go through the S106 process. There was a caveat around smaller sites that fell below the affordable housing threshold. If the consultation was approved, it was intended to consult in January and February 2024 over a six week period.

There was a small error in the report as adoption was a function of full Council under national legislation so the third recommendation in the report was withdrawn and officers would come back to Members upon receipt of the Examiner's report.

The following points were made during the discussion:

- A Member sought clarity that the process did not apply to home extensions. Officers confirmed it applied only to the creation of new builds.

Cabinet Planning and Parking Panel
9 November 2023

- A Member asked where in the report a CIL hierarchy was referenced. Officers explained the report sought to consult on the charging schedule; further reports about governance structures would come to the Panel once the Council started to collect CIL receipts. The Member sought assurance that the proposal would not detract from housebuilding. Officers said this was a key part of the viability assessment which identified the maximum charge; the assessment was robust and they were confident it would not undermine delivery of houses.
- A Member asked about a comparison in terms of what was expected to be raised via S106s compared to the CIL and felt it was an oversight that this was not detailed in the report which precluded him from making a decision. Officers replied that while this exercise had not been carried out, developer contributions would be collected in a different way; CIL was not ringfenced and was a non-negotiable levy.
- A query was raised about why the rates for supermarket superstores had been changed. Officers said the consultant had carried out the same exercise as before but in the interim there had been significant economic change in the country so the level of liability was now much lower; the evidence that had been prepared for the Council suggested that was the rate that should be charged. Another Member noted that out of town retail was still fairly viable and profitable and a number of logistic companies in the area were booming; he wondered if the process should be more specific in specifying types of industry and accurate economic land.
- A Member noted both part of Birchall and north west Hatfield would be subject to S106 and felt the report should make that clear with reference to the latter. It was clear onsite infrastructure would be needed but he wondered if the balance was right as both these large developments were entirely S106; what was not in place was a developer's ability to constrain what the money was spent on, or to claw the money back if the development did not happen. Officers said the key difference between these two sites and others was that the scale of infrastructure they needed to deliver onsite was much greater and included schools, community facilities etc; S106 provided a much more straightforward mechanism in these instances.
- It was noted there was an error in paragraph 3.13; Woolmer Green was in residential zone 2.
- A Member asked if there was a projection of how much revenue CIL might raise and whether it would form part of a budget that would come to Council. Officers said a CIL charging schedule needed to be examined. The charging schedule was prepared based on the majority of development coming forward which was linked to the Local Plan. There was strong merit in having a straightforward charging schedule that captured the most amount of infrastructure contributions and an exercise would take place to identify the types of new development coming through and help understand what level of CIL would be generated. This was outside the Council's budget setting process but governance arrangements would be in place. Another Member commented that CIL would need to be treated as capital rather than revenue and was

Cabinet Planning and Parking Panel
9 November 2023

ringfenced for the type of infrastructure the developments were likely to generate. A single CIL would have a levy on a particular development but would need to cover education which would mean the County Council could ask the borough for a contribution, so it was not necessarily the borough's money to spend.

- A member queried how the plan would be amended and was advised the rate could be changed by going back through the process and evidencing it.
- The report stated that developments under 10 dwellings did not have to provide affordable housing and that the proposed charge for these was the same across the borough. A Member felt it would be clearer to say the rate rather than the charge was the same.
- Officers confirmed CIL rates were index linked.

RESOLVED:

CPPP agreed:

1. That the CIL Draft Charging Schedule in Table 1 and Instalments Policy in Appendix C should be recommended to Cabinet for agreement for public consultation.
2. That in the event of there being no changes to the charging schedule as a result of the consultation, delegated authority be given to the Assistant Director of Planning, in conjunction with the Executive Member for Planning, to submit the Community Infrastructure Levy charging schedule and accompanying evidence base for examination.

76. INTRODUCTION OF PARKING RESTRICTIONS IN KENNELWOOD LANE AND WELLFIELD ROAD CAR PARKS, HATFIELD

The Cabinet Member for Environment thanked staff for this and the next two reports. It was important that the Council proactively listened to residents, and Members who had parking consultations in their wards were encouraged to meet with the portfolio holder and officers.

The Panel received the report of the Assistant Director (Regeneration and Economic Development). The report set out the results of the statutory parking restriction consultation pertaining to Kennelwood Lane and Wellfield Road Car Parks and the recommended course of action.

A Member asked why one hour of free parking for the car park was considered sufficient. Officers replied that it was important to have a variety of parking in the town centre to facilitate different needs; there was free car parking for three hours in the multistorey carpark, and shorter term parking in alternative venues place prevented space being blocked.

RESOLVED:

"The Borough of Welwyn Hatfield (Various Car Parks, Hatfield) (Off-Street Parking Places) Order 2023":

CPPP:

Cabinet Planning and Parking Panel
9 November 2023

1. Considered the objection received in section 5 of the report in addition to the issues raised in section 16 around equalities and diversity;
2. Recommended to Cabinet to proceed with the creation of the traffic regulation order as set out in the report; and
3. Noted the delegated powers conferred to the Executive Member for Environment to sign an executive member decision to proceed with the creation of the traffic regulation order provisions as advertised, subject to unanimous recommendation from the Panel.

77. INTRODUCTION OF RESIDENT PERMIT PARKING SCHEME, AND OTHER WAITING RESTRICTIONS, IN VARIOUS ROADS, SHERRARDS WARD, WELWYN GARDEN CITY

SHERRARDS WARD PARKING

The Panel received the report of the Assistant Director (Regeneration and Economic Development) which set out the results of the consultation pertaining to parts of Blakemere Road, The Orchard, Walden Place and Walden Road, the statutory consultation and the recommended course of action. The Executive Member for Environment noted this was a good example of how the Council had listened to residents and amended the consultation to better meet their needs. She thanked Sherrards ward councillors who had raised an issue about the tennis club which was reflected in the report. Other Members welcomed the fact that the Council had listened to residents.

RESOLVED:

“The Borough of Welwyn Hatfield (Various Roads, Sherrards, Welwyn Garden City) (Restriction of Waiting and Permit Parking Zones) Order 2023”

CPPP:

1. Considered the objections raised in section 5 of the report in addition to the issues raised in section 16 around equalities and diversity;
2. Recommended to Cabinet to proceed with the creation of the amended traffic regulation order as set out in section 3.7 of the report; and
3. Noted the delegated powers conferred to the Executive Member for Environment to sign an executive member decision to proceed with the creation of the traffic regulation order, subject to the unanimous recommendation of the Panel.

“The Borough of Welwyn Hatfield (Various Roads, Sherrards, Welwyn Garden City) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2023:

CPPP:

4. Considered that no objections were received, in addition to the issues raised around equalities and diversity;
5. Recommended to Cabinet to proceed with the creation of the traffic regulation order as set out in the report;
6. Noted the delegated powers conferred on the Executive Member for Environment to sign an executive member decision to proceed with the creation of the traffic regulation order, subject to the unanimous recommendation of the Panel.

78. INTRODUCTION OF PARKING RESTRICTIONS IN PINE GROVE, BROOKMANS PARK

The Panel received the report of the Assistant Director (Regeneration and Economic Development) which set out the results of the statutory parking consultation pertaining to Pine Grove and the recommended course of action.

The following points were made during the discussion:

- A Member wondered if a series of double yellow lines providing passing places was a good idea for Pine Grove given there was a school on the road, buses used it and some residents had issues about staff parking. Double yellow lines would make it less attractive for staff to park and would reduce the impact on public transport; this would not impact residents as they all had at least three parking spaces per house. Officers said they had considered this but did not feel it was an appropriate solution for the location; double yellow lines would prevent anyone from parking and would push traffic into the surrounding area. Double yellow lines in a section of the road had been proposed to allow free passage of vehicles as it was a public road and occasional parking should not cause significant issues. The Member felt it was important to consult carefully with the bus companies using the road when the scheme was reviewed and noted that residents parking in a way that prevented buses getting through needed to stop. Officers agreed they would speak with bus companies as part of the review.
- A Member noted that pressure points for parking were at the start and end of the school day and asked about the timing of officer visits. Officers confirmed there had been more visits than the photographs included in the report; while parking pressures were more acute at school drop off and pick up times, they had needed to find a solution that would work for all road users all of the time.
- A Member commented that pinch points seemed to occur for only a couple of hours a day when the school was open. Officers advised the consultation had arisen due to residents' complaints as they felt disadvantaged by parking at the school; the issue was not seen as major which was why a permit scheme was not being considered and double yellow lines at key locations were being recommended. While the double yellow lines would affect all road users, it was not felt they would detrimentally affect residents as the affected properties had off-road parking.
- A Member reflected on the importance of enforcement and asked whether movable cameras could be used. Officers advised they were in discussion with Hertfordshire County Council to seek permission to place cameras on street furniture.
- A Member noted residents had been concerned about school staff parking for the duration of the school day, reflecting that this impacted on residents driving to work. He welcomed the proposed solution which would allow traffic to flow, residents to leave for work and improve easy access to the school.

Cabinet Planning and Parking Panel
9 November 2023

- The Chair commented that there had been strong views on all sides and the proposal demonstrated the Council had responded to feedback and found a compromise.

RESOLVED:

“The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Restriction of Waiting and Permit Zones) Order 2023”:

CPP:

1. Considered the objections raised in section 5 of the report, in addition to the issues raised in section 16 around equalities and diversity;
2. Recommended to Cabinet to proceed with the creation of the amended traffic order to introduce restrictions as set out in Appendix D of the report; and
3. Noted the delegated powers conferred on the Executive Member for Environment to sign an executive member decision to proceed with the creation of the traffic regulation order provisions as amended, subject to the unanimous recommendation of the Panel.

“The Borough of Welwyn Hatfield (Pine Grove, Brookmans Park) (Prohibition of Stopping and Waiting on Verge and Footway) Order 2023”:

4. Considered that no objections were received in relation to the proposal to prohibit verge and footway parking in addition to the issues raised in section 16 around equalities and diversity;
5. Recommended to proceed with the creation of the traffic regulation order as set out in the report and;
6. Noted the delegated powers conferred on the Executive Member for Environment to sign an executive member decision to proceed with the traffic regulation order provisions as advertised, subject to the unanimous recommendation of the Panel.

Meeting ended at 8.45 pm