

Development Management Committee  
18 August 2016

## WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 18 August 2016 at 7.30 pm in the Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors N Pace (Vice-Chairman)

R Basch, D Bennett, A Chesterman, L Chesterman (substituting for M Birleson), I Dean, B Fitzsimon (substituting for S Markiewicz), C Gillett, S Johnston (substituting for S Boulton), M Larkins, H Morgan, P Shah, F Thomson, J Weston and P Zukowskyj

OFFICIALS Head of Planning (C Haigh)  
PRESENT: Development Management Service Manager (L Hughes)  
Principal Development Management Officer (M Robinson)  
Principal Development Management Officer (S Smith)  
Governance Services Officer (M Lowe)  
Governance Services Officer (S Hulks)

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### 41. SUBSTITUTIONS

The following substitution of a Committee Member had been made in accordance with Council Procedure Rules 19-22.

Councillor L Chesterman for M Birleson  
Councillor B Fitzsimon for S Markiewicz  
Councillor S Johnston for S Boulton

### 42. APOLOGIES

Apologies for absence were received from Councillors M Birleson, S Boulton, S Markiewicz and M Perkins.

### 43. MINUTES

The Minutes of the meeting held on 21 July 2016 were approved as a correct record and signed by the Chairman.

### 44. DECLARATIONS OF INTEREST BY MEMBERS

Councillor H Morgan declared an interest in items on the agenda as appropriate by virtue of being a member of Hatfield Town Council.

Councillor P Zukowskyj declared an interest in items on the agenda as appropriate by virtue of being a member of Hertfordshire County Council.

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Councillor L Chesterman declared an interest in items on the agenda as appropriate by virtue of being a member of Hertfordshire County Council.

Councillor S Johnston declared an interest in items on the agenda as appropriate by virtue of being a member of Hertfordshire County Council.

45. 22 PARKWAY, WELWYN GARDEN CITY, AL8 6HG - N6/2016/0868/FP CHANGE OF USE FROM OFFICES (1) TO PUBLIC HOUSE (A4) AND REAR ONE AND TWO STOREY EXTENSIONS

The report of the Director (Governance) contained an application for the change of use to a public house and an extension to the building. The current application represented a resubmission of the previous application with the following main changes:-

- The rear ground floor extension has been reduced in width and depth. The reduced depth would result in a greater amount of planting on the south (Reiss Memorial Garden) side being retained and that the rear elevation of the ground floor extension would be further from the west boundary with Asquith House.
- A 3.5m high acoustic fence is proposed between the rear of the extension and the boundary with Asquith House.
- The revised elevations now show two fan extracts and a vertical discharge cowl above the ridge of the ridge of the rear extension roof.

Jamie Pyper (Agent) spoke in support of the application.

Bryan Scott (Objector) representing the Welwyn Garden City Society spoke against the application.

Welwyn Hatfield Borough Councillor Malcolm Cowan spoke against the proposal.

During the debate which ensued Members raised the following concerns regarding the application:-

- The location was inappropriate due to the neighbouring properties the building was originally a private residence then an officer. Should permission be granted there could be a change of use from a public house to a retail premises without the need for planning permission.
- The ownership of the property could change hands and the use as a public house could continue without the need for any intervention from the Council which may be detrimental to the town.
- The front garden near to a busy main road.
- Two public houses in close proximity to each other as there was one on either side of a main road.

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- The changes to the planning application were considered to be minor and did not address the main issues, there was no significant changes proposed. The proposed changes would result in a significant change of use. Both the police and the Council's Environmental Health department had indicated serious concerns regarding the proposal.
- The site was considered to be inappropriate as it was in the centre of town and formed part of a row of buildings that were either offices or private dwellings.
- Wetherspoons were welcome to have a site in Welwyn Garden City but not at that particular location, which backed onto an over 55's housing complex, the residents of which would be significantly affected by the use of the back garden of the public house should the application be approved.

It was moved by Councillor P Zukowskyj, seconded by Councillor M Larkins and

RESOLVED:  
(Unanimous)

That planning permission for application N6/2016/0868/FP be refused for the reasons set out in the report of the Director (Governance).

46. WARRENWOOD MANOR, HORNBEAM LANE, BROOKMANS PARK, HATFIELD, AL9 6JF - S6/2015/1105/FP RETENTION OF SINGLE STOREY STORAGE BARN, OPEN HORSE WALKER AND ASSOCIATED FENCING

The report of the Director (Governance) set out the application which was deferred from Development Management Committee on 21 July 2016 for a site visit, which took place on 14 August 2016.

This report has been updated in paragraphs 5.5, 11.6, 11.7, 11.27, 11.28, 11.29, 11.30, 11.31 and 11.32 to take account of late representations previously reported.

The application sought planning permission for the retention of the single storey storage barn and open horse walker and its associated fencing. The proposed storage barn was located to the front of the existing 16 box stable building, which did not form part of the application. It has a maximum height of approximately 5m, a width of approximately 12m and a maximum depth of approximately 6m. The barn was required to accommodate straw, hay, sawdust and together with tractors and equipment associated with the equestrian use of the land and stables.

The open horse walker is to the rear of the stable building and is circular with a post and rail fence 1.65m in height. Fencing is proposed that links the horse walker to the stables.

Mr Brunt (Applicant) spoke in support of the application.

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Mrs Ingram (Objector) spoke against the application.

Members noted that the barn was within close proximity to the stable building and queried whether there were potential alternative locations where the hay could be stored, such as in the stable, possibly subject to alterations. They noted that the building was of a good design and materials. No very special circumstances were considered to exist to justify the development.

It was moved by Councillor F Thomson, seconded by Councillor J Weston and

RESOLVED:  
(8 voting for and 7 against)

That planning permission for application S6/2015/1105/FP be refused for the reasons set out in the report of the Director (Governance)

It was moved by Councillor L Chesterman, seconded by Councillor J Weston and

RESOLVED:  
(8 voting for and 7 against)

That the appropriate enforcement action will be taken.

47. WARRENWOOD MANOR, HORNBEAM LANE, BROOKMANS PARK, HATFIELD, AL9 6JF- S6/2015/1106/FP RETENTION OF PARKING AREA FOR CARS AND HORSEBOXES, HORSE HOLDING AREA AND MANÈGE AREA WITH ASSOCIATED FENCING AND LIGHTING

The report of the Director (Governance) set out the application which was deferred from Development Management Committee on 21 July 2016 for a site visit, which took place on 14 August 2016.

The application sought planning permission for the retention of a parking area for cars and horseboxes. It was accessed from Hornbeam Lane and was finished in block paving and measured approximately 47m x 42m and enclosed the area between manège and existing stable building, which was outside the red line of the application site. It provided 6 car parking spaces and 5 horse box parking spaces with a 12m radius turning zone.

The proposed manège covered an area of 80m x 40m and was enclosed by a 1.1m high post and rail fencing with access gates at both ends.

Flood lighting is proposed on 12 steel piles at a height of 4.5m around the manège. Each light contained a 150 watt yellow metal halide lamp and the heads had been angled downwards. The lighting was switched on as and when required.

Mr Brunt (Applicant) spoke in support of the application.

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Mrs Ingram (Objector) spoke against the application.

- Members raised concerns regarding the amount and location of the hard standing laid without planning permission and its visual impact on the Green Belt.
- Members acknowledged that whilst some hard standing and lighting was appropriate and would be required for safety reasons and to enable the applicant to be able to use the mange during the winter months. However Members expressed the view that the amount of both lighting and hard standing current on the site was excessive and expressed concerns regarding the amount of light pollution in the Green Belt and the impact on nature.
- Members reiterated the point that the application was for retrospective planning permission in the Green Belt and noted whilst the hard standing did not impact on the openness of the Green Belt the spread on the site was considered to be inappropriate development of the Green Belt.
- Some Members expressed the view there was what amounted to be a commercially run operation on the site and that an application for change of use should come before the Committee.
- Members were of the view that the unauthorised development should be enforced against however it would not be necessary to do so as per Officers recommendation.
- Some Members expressed the view there was what amounted to be a commercially run operation on the site and that an application for change of use should come before the Committee.

At the conclusion of the debate Members agreed that the amount of hard standing to be retained; the number of lights erected around the manège; the amount of wattage of the lights be reduced to a specified level; the hours of use of the lights (noted that it was suggested for guidance only that there be no lighting between the hours of 2000 and 0700) and the manège and equestrian facilities be for personal use only and there be no commercial use of the land.

It was moved by Councillor S Johnston, seconded by Councillor F Thomson and

RESOLVED:  
(8 voting for and 7 against)

That planning permission for application S6/2015/1106/FP be refused for the reasons set out in the report of the Director (Governance).

It was moved by Councillor S Johnston, seconded by Councillor L Chesterman and

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RESOLVED:  
(8 voting for and 7 against)

That the appropriate enforcement action will be taken, comprising under enforcement to allow an agreed amount of hardstanding, agreed amount of luminance, agreed hours of operation of lighting and personal permission only.

48. WARRENWOOD MANOR, HORNBEAM LANE, BROOKMANS PARK, HATFIELD, AL9 6JF - S6/2015/1107/MA RETENTION OF MODIFIED LAND LEVELS AND FURTHER LAND REMODELLING TO AGREED CONTOURS

The report of the Director (Governance) set out the application which was deferred from Development Management Committee on 21 July 2016 for a site visit, which took place on 14 August 2016.

The application sought planning permission for the retention of the modified land levels and further land remodelling to the proposed contours. Piles of excavated material had been spread over part of the application site and further works were necessary to complete the process and return the natural contours of the land. It was proposed to remodel the slope through spreading two of the stockpiles on the site.

The applicant had outlined that the made ground present on the site is composed of material cleared from the adjacent sites, although it was also possible that there has been additional importation of material from external sources.

Mr Brunt (Applicant) spoke in support of the application.

Mrs Ingram (Objector) spoke against the application.

Members expressed grave concerns regarding the level and type of possible contamination to the land and recognised concerns expressed by the Environment Agency that the contamination could be potentially hazardous to public health and to wildlife and ground. It was critical that the contaminant be identified as early as possible and the necessary legal action taken; that contaminations needed to stop and as soon as possible and enforcement to take place as soon as possible.

Members went on to express the view that as the level of contamination of the ground was unknown at this stage and that enforcement action should only be commenced once it was known categorically that there was some contamination of the land; and if so, the level contamination when the appropriate action should be taken.

It was moved by Councillor F Thomson, seconded by Councillor S Johnston and

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RESOLVED:  
(8 voting for and 7 against)

That planning permission for application S6/2015/1107/MA be refused for the reasons set out in the report of the Director (Governance).

It was moved by Councillor N Pace, seconded by Councillor L Chesterman and

RESOLVED:  
(14 voting for and one abstention)

That the appropriate enforcement action will be taken.

49. 71 GREAT NORTH ROAD, HATFIELD, AL9 5EN - 6/2015/1774/MAJ  
ERECTION OF 18 FLATS, PROVISION OF CAR PARKING, AMENITY SPACE  
AND AMENDED ACCESS ARRANGEMENTS

The report the Director (Governance) detailed the application for a site which was situated between Great North Road (A1000) to the west and the East Coast Mainline Railway to the east. To the south of the site is No.61 Great North Road which is occupied by GE Healthcare for purposes falling within Use Class B, which encompassed of offices, research and development, industrial process and storage or distribution. The conversion of this building from office to residential use is nearing completion.

Members noted that the proposals have been amended during the application process in response to the concerns raised by the Council's Conservation Officer.

The application was presented to the Development Management Committee because the proposed development would represent a departure from the development plan and it is recommended for approval. Hatfield Town Council also objects to the proposal.

Hatfield Town Councillor James Boach spoke against the proposal.

Concern was expressed regarding paragraph 10.3 of the Officer's report which stated 'that whilst the proposal involves residential development land within the Employment Area which would ordinarily be contrary to policy, the application site has already started the process of changing use to residential under permitted development rights'. The view was expressed that the proposal to allow the planning application was clear contradiction of the emerging local plan and that employment land in the Borough was scarce and should be retained. There was more than ample commercial land available for development.

It was moved by Councillor J Johnston, seconded by Councillor I Dean and

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RESOLVED:  
(13 voting for and 2 against)

That planning permission for application be approved subject to the imposition of relevant conditions set out in the report of the Director (Governance) and to the satisfactory completion of a Section 106 Legal Agreement on or before the 30 September 2016 to secure the following obligations:

£2,076.00 – Refuse and Recycling Facilities  
£1,823.90 – Green Space (subject to indexation from Q1 2012)  
£4,784.00 – Play Facilities (subject to indexation from Q1 2012)  
£434.20 – Monitoring Fee (subject to indexation from Q1 2012)

50. 45 NORTHAW ROAD EAST, CUFFLEY, POTTERS BAR, EN6 4LU - N6/2016/0391/VAR VARIATION OF CONDITION 1 (APPROVED PLANS) ON PLANNING PERMISSION 6/2015/2223/HOUSE FOR THE 'ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION, INCLUDING EXTENDING THE ROOF TO FORM HABITABLE ACCOMMODATION'

The report of the Director (Governance) set out an application where the site was located on the east side of Northaw Road East. The site contained a bungalow style dwelling hosting 3 dormer windows within both the north facing roof slope and 3 dormer windows within the south facing roof slope. To the front of the dwelling, the roof is part-hipped part-gabled, whereas the rear of the dwelling hosts a gable end.

The applicant has failed to comply with condition 1 of planning approval referenced 6/2015/2223/HOUSE which specified development be in accordance with the plans and details submitted to support that application. The application is made to vary this condition to include a new drawing, showing some variations to the previously approved development.

Mr Lima (Objector) spoke against the application.

Northaw and Cuffley Councillor Bob Stubbs spoke against the proposal.

Councillor P Zukowskyi, seconded by Councillor M Larkins and

RESOLVED:  
(13 voting for and 2 against)

That planning permission for application N6/2016/0391/VAR be approved subject to the following amendments as set out below.

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

nor/plan/16 rev o1 & nor/plan/15 rev 2 & nor/plan/15/ rev 3



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REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. All side facing dormer windows of the building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter. Obscured glazing shall be installed within 3 months of the date of this decision and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

51. 42 LEMS FORD ROAD, HATFIELD, AL10 0DJ - 6/2016/0595/HOUSE SINGLE STOREY FRONT, SIDE AND REAR EXTENSION

The report of the Director (Governance) sought planning permission for a combined addition of a single storey front, side and rear extension. The extensions would combine to create a 'wrap around' which would host white painted render to match the existing dwelling and would feature a hipped roof featuring a crown and lean to element along the south eastern side of the host dwelling.

Hatfield Town Councillor James Boach spoke against the proposal.

Councillor I Dean, seconded by Councillor P Zukowskyi and

RESOLVED:  
(14 voting for and 1 against)

It was recommended that planning permission be approved subject to the following conditions:

- (1) The development/works shall not be started and completed other than in accordance with the approved plans and details:

Drawing No's PD 01.02.16 Revision A & PD 02.02.16 Revision A & PD 03.02.16 Revision A & PD 04.02.16 Revision A & PD 05.02.16 Revision A received and dated 20<sup>th</sup> June 2016.

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

- (2) The brickwork, roof tile, bond, mortar, detailing, guttering, soffits and other external decorations of the approved extension/alterations must match the existing dwelling/building in relation to colour and texture.

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REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

52. APPEAL DECISIONS 30/06/2016 TO 26/07/2016

The report of the Director (Governance) detailed recent decisions.

RESOLVED:

That the decisions be noted.

53. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

The report of the Director (Governance) provided a summary of applications that might be presented to Committee over the next one or two months. If the call-in or application is withdrawn, the item will not be presented.

RESOLVED:

That the summary of future planning applications be noted.

54. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT - FIRST QUARTER 2016/2017

The report of the Director (Governance) related to the performance of the Development Management Service over the three month period April 2016 to June 2016.

All Councillors were thankful with a massive debt of gratitude for all of the hard work by Officers. Members were concerned about staff well-being, sickness levels and the work workloads of Officers together with the current number of job vacancies.

Members strongly supported the suggestion that more staff, in addition to the two and half vacancies currently being advertised may be required.

RESOLVED:

That the contents of the report and the general concerns of Members be noted.

55. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 18 on the grounds that it involves the likely disclosure of confidential or exempt

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information as defined in Section 100(A)(3) and Paragraph 3 (private financial or business information) of Part 1 of Schedule 12A of the said Act (as amended).

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

56. ENFORCEMENT CASES MONITORING REPORT

The report of the Director (Governance) is to provide the Development Management Committee with an update of ongoing planning enforcement cases.

RESOLVED:

That the report be noted.

Meeting ended at 10.50 pm  
ML