

Development Management Committee
2 February 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday, 2nd February, 2017 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors S.Boulton (Chairman)

R.Basch, D.Bennett, M.Birleson, A.Chesterman,
I.Dean, C.Gillet, M.Larkins, S.Markiewicz, H.Morgan,
N.Pace, P.Shah, F.Thomson, J.Weston, P.Zukowskyj

ALSO PRESENT: M.Perkins (Deputy Leader and Executive Member,
Planning, Housing and Community)

OFFICIALS PRESENT: Head of Planning (C.Haigh)
Development Management Service Manager (L.Hughes)
Principal Development Management Officer (M.Robinson)
Governance Services Officer (M.Lowe)
Governance Services Officer (G.Paddan)

121. MINUTES

The Minutes of the meeting held on 5 January 2017 were approved as a correct record and signed by the Chairman.

122. DECLARATIONS OF INTEREST BY MEMBERS

Councillor C.Gillet declared a non-pecuniary interest in Agenda Item 9 – The Rowans, Great North Road, Hatfield (96/2016/2441/FULL).

Councillor P.Zukowskyj declared non-pecuniary interests in items on the agenda as appropriate by virtue of being a Member of Hertfordshire County Council.

Councillor P.Zukowskyj declared a pecuniary interest in agenda Item 7 – Comet Hatfield, St Albans Road West, Hatfield (6/2016/1739/MAJ) by virtue of his involvement with the University through his employment there.

Councillor H.Morgan declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being a Member of Hatfield Town Council.

123. 171 CUNNINGHAM AVENUE, HATFIELD, AL10 9JZ - 6/2016/1917/HOUSE - CONVERSION OF GARAGE TO HABITABLE ROOM, REPLACEMENT OF GARAGE DOOR WITH WINDOW, PROVISION OF CYCLE STORE AND BIN STORE AND LAYING OF HARD SURFACING TO FORM ADDITIONAL CAR PARKING SPACE

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Report of the Executive Director (Public Protection, Planning and Governance) setting out the application for the conversion of a garage to habitable room, replacement of garage door with window, provision of cycle store and bin store and laying of hard surfacing to form additional car parking space and the following details.

Background

The Committee report followed that which had been heard and subsequently approved at Development Management Committee on the 5th January 2017. The decision had not been issued by reason that an incorrect existing floor plan had been presented alongside the application heard at Committee.

The existing floor plan presented alongside the application heard at Committee in January 2017 illustrated and annotated three bedrooms. However this was not the case. During the course of the application the Officer assigned to the application was informed by the applicant that the property had been further subdivided to serve four bedrooms. It was understood from the agent representing the applicant for the application that the property had served four bedrooms since 2008. A revised existing floor plan was provided, however the case file had not been updated accordingly.

The application was represented to Committee on the basis of an existing four bedroom property rather than an existing three bedroom property. For clarification, the ground floor had yet to be converted.

The content of the report was identical to that previously presented and resolved at January's meeting, with the exception of an additional condition. The additional condition was in relation to a restriction on the number of bedrooms provided by the property.

Site Description

The application site was located on the north side of Cunningham Avenue and comprised of a two storey maisonette with single garage and private entrance hall at ground floor level and stairs leading to accommodation at first floor. The first floor accommodation extended over two adjoining garages (not within the applicant's ownership) and the access road to the parking court. The property currently serves four bedrooms, all contained at first floor level.

The application property currently benefited from four car parking spaces. These included: garage, car parking space to the front of the garage and two on-street permit based parking spaces.

The application property did not benefit from any external private amenity space but did include the grass verge frontage along Cunningham Avenue and a narrow strip of land between the west flank elevation of the application property and adjacent garages.

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The Proposal

The proposal encompassed the conversion of the garage to a habitable room, replacement of garage door with window, provision of cycle store and bin store and laying of hard-surfacing to form additional car parking space.

Planning permission was required for the replacement of the garage door with a window and the laying of hard-surfacing as the application property was not a dwelling house. It therefore did not benefit from the permitted development rights afforded to dwelling houses. Furthermore, planning permission was required for the conversion of the garage to habitable accommodation as condition 23 of outline permission: S6/1999/1064/OP highlighted that car parking shall be retained and kept available for its purpose at all times.

Reason for Committee Consideration

The application was presented to the Development Management Committee because Hatfield Town Council had objected to the proposal.

Hatfield Town Councillor James Broach spoke against the application.

It was moved by Councillor P.Shah, seconded by Councillor D.Bennett and

RESOLVED:
(13 voting for, 2 against)

That planning permission for application 6/2016/1917/HOUSE be approved as set out in the report of Officers.

124. COMET HATFIELD, ST ALBANS ROAD WEST, HATFIELD, AL10 9RH - 6/2016/1739/MAJ - EXTENSION AND REFURBISHMENT OF THE GRADE II LISTED BUILDING (USE CLASS C1) FOLLOWING DEMOLITION OF EXISTING REAR AND SIDE EXTENSIONS. ERECTION OF 7,253.7SQM STUDENT ACCOMMODATION (SUI GENERIS), LANDSCAPING AND ASSOCIATED WORKS

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application for the extension and refurbishment of the Grade II listed building (use class C1) following demolition of existing rear and side extensions. Erection of 7,253.7sqm student accommodation (Sui Generis), landscaping and associated works.

Background

The application and the related Listed Building Consent application (6/2016/1740/LB) had been presented to the Development Management Committee (DMC) on 13 October 2016.

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At that Committee Members approved the Listed Building Consent application. Members also resolved to grant planning permission for the planning application subject to the satisfactory completion of a Section 106 agreement to provide a number of planning obligations and to the revision to two of the 23 planning conditions. It also approved a recommendation that planning permission be refused if the S106 Agreement was not completed on or before 13th January 2017.

The planning obligations requested were detailed below:

1. *Restriction of occupation of student accommodation to registered full time students at the University of Hertfordshire,*
2. *Sustainable Transport: Green Travel Plan incorporating a Parking Management Plan (HCC) and ongoing assessment of demand for cycle parking and bicycle pooling on the site*
3. *Monitoring of the Travel Plan £6,000 (HCC)*
4. *Sustainable Transport - £27,000 to promote pedestrian way-finding in the locality (HCC)*
5. *£50,000 contribution towards pre-development and post-occupation car parking surveys and potential alterations to parking controls to manage the impact of the development on the local area with respect to car parking (WHBC)*
 - (i) *£10,000 towards undertaking a survey of car parking in the area prior to occupation of the development*
 - (ii) *£10,000 towards undertaking a survey of car parking in the area following occupation of the development*
 - (iii) *£30,000 towards the implementation of car parking mitigation measures in the event that they are necessary.*
6. *£18,788 Contribution to enhancing and improving informal leisure opportunities in the vicinity of the student accommodation (at £61 per head) (WHBC)*
7. *Contribution for provision of refuse bins for the student accommodation (WHBC)*
8. *£5,000 Monitoring fee (WHBC)*
9. *Surface water discharge connection to Ellenbrook*
10. *Access to the student accommodation for monitoring of occupation.*

Members were advised that regrettably and despite all the endeavours of the parties involved in the legal process to prepare and complete the legal agreement, it was not completed by the 13 January 2017. The parties included the applicant, agent, and both Officers of the Council and Hertfordshire County Council, the Section 106 agreement was only duly completed on 17 January 2017. The completion date was four days beyond the date earlier approved by Members.

Reason for Committee Consideration

The application was presented to the Development Management Committee by virtue of the earlier Member resolution on 13 October 2016 (DMC) to grant

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planning permission subject to the satisfactory completion of a Section 106 agreement by 13 January 2017.

The Section 106 agreement was completed on 17 January 2017. Approval by Members was sought for the date of completion to be extended from 13 January 2017 to 17 of January 2017. This would avoid the possibility of any legal challenges should the Council have granted the planning permission after the stipulated deadline of 13 January 2017 for completion of the said agreement.

The conditions contained in the report were identical to those reported and agreed revisions at the DMC on 13 October 2016.

Hatfield Town Councillor James Broach withdrew his request to speak against the proposal. Catherine Norris, (Agent) chose not to speak in connection with the application although she had registered to do so.

It was moved by Councillor S.Markiewicz, seconded by Councillor N.Pace and

RESOLVED:
(unanimous)

That planning permission for application 6/2016/1739/MAJ be approved as set out in the report of Officers subject to the legal agreement.

(Note: Councillor P.Zukowskyi withdrew from the meeting for this item due to his involvement with the University of Hertfordshire as an employee).

125. ENCORE HOUSE, 51 GREAT NORTH ROAD, HATFIELD, AL9 5EN - 6/2016/1647MAJ - CHANGE OF USE FROM B1A (OFFICE) TO C3 (RESIDENTIAL) AND ERECTION OF TWO STOREY SIDE EXTENSION TO FORM 23 RESIDENTIAL UNITS COMPRISING 10 ONE-BEDROOM AND 13 TWO-BEDROOM APARTMENTS

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application for the change of use from B1a (Office) to C3 (Residential) and erection of two storey side extension to form 23 residential units comprising ten one-bedroom and 13 two-bedroom apartments.

Site Description

The application site 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 was the multi storey car park which served Hatfield Railway Station. To the north was a car park and loading area associated with 61 Great North Road which was occupied by GE Healthcare for purposes falling within Use Class B, which encompassed offices, research and development, industrial process and storage or distribution. To the north east of the application site, on the opposite side of Great North Road, was a Grade II listed building known as North Place. Also on the opposite side of the Great North Road, to the south east, was a residential

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development of 25 flats known as Northcotts. The building dates from the 1970's and was three storeys in height with a flat roof.

The application building was two storeys in height and was believed to have been built in the early 1990's. It was previously used as offices; however, it had been vacant for some time and now had deemed planning consent for conversion to residential use and the creation of ten dwellings, following the Council's decision (ref. S6/2015/1147/OR) that prior approval was not required. The development was permitted pursuant to Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The Proposal

Planning permission was sought for change of use from B1a (office) to C3 (residential) and erection of two storey side extension to form 23 residential units comprising ten one-bedroom and 13 two-bedroom apartments. The two-storey side extension would have had seven dormer windows with accommodation in roof space.

The proposed 23 dwellings was an increase of 13 dwellings from the form of development envisaged by the application for prior approval. This was facilitated by the introduction of a side extension measuring approximately 7m wide by 13m long at ground floor level with a 6.2m wide undercroft and 13.2m wide by 24m long on upper floors. Its eaves level and roof height would match those of the existing building; seven dormer windows are proposed in the roof slope housing three apartments. The proposal was for additional eight units to the 15 units already approved including the ten units under deemed consent of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal would involve the creation of a two-storey extension, with one apartment on the ground floor, four on the first floor and three on the second (roof space) floor.

Reason for Committee Consideration

The application was presented to the Development Management Committee because the proposed development would represent a departure from the Development Plan and an objection from the Hatfield Town Council.

Tim Waller (Agent) spoke in support of the application.

Hatfield Town Councillor James Broach spoke against the application.

It was moved by Councillor S.Markiewicz, seconded by Councillor N.Pace and

RESOLVED:
(11 voting for, 4 against)

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That planning permission for application 6/2016/1647MAJ be approved as set out in the report of Officers.

126. THE ROWANS, GREAT NORTH ROAD, HATFIELD, AL9 5DB - 6/2016/2441/FULL - ERECTION OF A TWO STOREY DETACHED DWELLING IN REAR GARDEN OF THE ROWANS

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application erection of a two storey detached dwelling in rear garden of The Rowans.

Site Description

The site lies within the rear garden of a detached dwelling known as “The Rowans” fronting Bull Stag Green. The Rowans was a two storey dwelling with a hipped roof situated between two sets of three and four storey dwellings. The terrace of four storey dwellings faces Burleigh Mead, a small cul-de-sac off Great North Road. The three storey terrace of dwellings faces Bull Stag Green and host flat roofs.

The Proposal

The full planning application proposed the erection of a two storey dwelling in the rear garden of The Rowans with access from Burleigh Mead.

The new dwelling would host a hipped roof with side facing gable ends and would host a wide and shallow footprint, measuring approximately 6.9m in depth and 9.8m in width. The siting of the dwelling on the divided plot was such that it would sit nearer to the boundary shared with The Rowans than the boundary shared with No.13 the Ryde, but was broadly sited centrally within the plot. The site would retain space to the front for car parking and would host private rear and side gardens.

The key changes from the earlier refused scheme (6/2015/2440/FULL) are as follows:

- The dwelling had been reduced in width, depth and height.
- The dwelling would be positioned more centrally within the plot.
- The dwelling had altered the roof form to had gabled side elevations as opposed to front and rear.
- The proposal no longer involves the erection of a detached garage.

Reason for Committee Consideration

The application was presented to the Development Management Committee because Hatfield Town Council had objected to the application.

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It was moved by Councillor P.Zukowskyj, seconded by Councillor D.Bennett and

RESOLVED:

(8 voting for, 7 against. With the Chairman using his casting vote)

That planning permission for application 6/2016/2441/FULL be approved as set out in the report of Officers.

127. WARRENWOOD MANOR, HORNBEAM LANE, BROOKMANS PARK, HATFIELD, AL9 6JF - 6/2016/1953/FULL - RETENTION OF SINGLE STOREY EQUESTRIAN STORAGE BARN

Report of the Executive Director (Public Protection, Planning and Governance) setting out a retrospective planning application for the retention of single storey equestrian storage barn.

Background

The application had been withdrawn from the Development Management Committee meeting held in January 2017 as the applicant had submitted a late representation to the Council following publication of the Officer's report.

The applicant had instructed JSP Management Ltd to comment on the Independent Appraisal undertaken on behalf of the Council by KWA Architects and Planning Consultants. Within that report they summarised that there was a defined need for a storage barn separate from the stables. In that report they outlined the justification for a separate storage barn and provided an analysis of incorporating the storage area into the existing stable block.

With regard to the need for a separate storage barn the applicant's report outlined that KWA Architects agreed that a separate storage barn would be a good addition to any equine yard, and confirmed the content of in the original report. The report prepared by KWA Architects outlined that it was widely accepted that stable yards did create an increased fire risk and that the storage of hay, bedding and machinery all created potential fire hazards. Best practice was to provide a separate building for the storage of hay, bedding and machinery wherever possible, particularly when designing a new equestrian yard. The report also stated that; -

'Whilst it is functionally preferable to have a separate storage Barn appropriate management processes and fire safety systems can be implemented on yards which have internal storage to reduce the fire risk. We therefore cannot concur with JSP's claim that it is 'never' acceptable to have internal storage but it is acknowledged that it is functionally preferable'.

The applicant's report prepared by JSP made reference to stables on KWA Architect's website which included separate buildings for storage. As these were at different sites outside the Borough full details had not been provided and no weight could be attached to this statement.

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With regard to the section of the applicant's report prepared by JSP which provided an analysis of incorporating the storage area into the existing stable block, reference was made to the fact that KWA Architects had not visited Warrenwood Manor. It was noted that whilst KWA Architects had not visited the site they were employed by the Council to provide an independent appraisal of their supporting information on the specific equestrian considerations. KWA Architects had been instructed to advise whether or not there was actually a need for the barn in addition to the existing stables on the site. They had been provided with the relevant information and plans concerning the site and were able to make a clear judgement on the supporting information.

The report, prepared by KWA Architects, outlined that the stable block had been designed and built with significant storage. The report also outlined that even though the stable block did not currently provide suitable access to the first floor storage areas for storing hay and bedding, there was more than sufficient space provided within the building as a whole to meet the storage and functional needs for the proper management of 16 horses. The report outlined that airflow may well have been an issue for the first floor hay storage areas however this would not prevent these areas of the building from being used for alternative purposes such as an office, tackroom etc. to allow the floor space on the ground floor to be used more productively. It outlined that the building could accommodate simple internal remodelling to provide more than sufficient space internally for the required storage without further encroaching into the Green Belt.

The applicant's report prepared by JSP outlined that the alternatives were not viable on a practical and costs basis. In this instance, the cost was not a material planning consideration. The applicant had built the storage barn without the appropriate planning permission and at his own risk. It was apparent that there were alternative options that were available to the applicant to accommodate the required equipment and hay within the existing stable block.

The report prepared by KWA Architects provided one example of remodelling only. KWA Architects considered that there were many ways in which the building could be remodelled to meet the storage requirements on site. Therefore whilst the applicant critiques the suggestion made this was only one option available to the applicant and the onus would be for the applicant to remodel the building to provide a situation that would work for him.

The first floor of the building included two large hay stores in the stable block which the applicant explained could not be accessed. This was due to the lack of appropriate openings and a mechanical load lifter was required to manoeuvre hay to these areas. Whilst the report prepared by KWA Architects accepts this claim, the applicant's report prepared by JSP outlined that fire risk was a real threat and putting hay in an enclosed space with minimal airflow was not advisable. Nevertheless, condition 20 of planning permission S6/2012/2656/S73B, which was for 'Time extension of planning permission S6/2009/2574/FP (Erection of new dwelling, three bay garage block, garden store together with retention and alteration of the existing stables, landscaping

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and all other ancillary works. Following demolition of partially constructed dwelling, adjoining stables and garage blocks) sought to have a first floor plan submitted. That condition was also placed on the original application, reference S6/2009/2574/FP, where that Officer's report outlined that the finished stable block would provide 16 horse boxes, feed and hay store, tack rooms and rest rooms. The submitted Drawing 703/100 by the applicant to comply with Condition 20 of planning permission S6/2012/2656/S73B on the 3 June 2013 showed the first floor of the stable building as built. The floor plan included two large hay stores within the first floor of the stable block.

It therefore seemed extremely surprising that the applicant was now stating that what was designed, submitted to the Local Planning Authority for approval and actually built, was now not appropriate as there was no appropriate access or indeed now considered that there was a real potential of fire risk. Subsequently, it strongly suggested that the vast majority of the first floor of the stable block had no functional use.

The applicant's report prepared by JSP outlined that the storage space also reduced the size of the existing stables and that they were all currently used. In this instance, KWA Architect's report did not suggest reducing the number of stables. It outlined that certain stables could be remodelled to provide two reasonably sized stables.

The applicant's report prepared by JSP made reference to other equine yards which included separate buildings for storage. Again those were at different sites where the full details had not been provided. No weight could therefore be attached to this statement.

The applicant provided the ground floor plans of the stable block as built, which were different to those granted planning permission and which the Council had on file. Whilst there were differences to the internal layout, the footprint of the building had not altered and the first floor space remains as previously granted. Accordingly the findings in the report prepared by KWA Architects remain.

A supporting letter from the applicant, outlined that in the field adjacent to the site consent for a similar size building had been granted. No information had been provided of the exact address of that site and therefore no comment could be made by Officers. In any event, every site was assessed on its own individual merits and it was unlikely that this would provide any support in relation to the proposal.

In conclusion, Officers considered that the proposed storage barn would be inappropriate development in the Green Belt and thus harmful to it, where additional harm was caused to the openness, the purposes and the visual amenity of the Green Belt. There are no other considerations apparent that would weigh in favour of the scheme which cumulatively or individually would outweigh the harm identified and warrant very special circumstances.

Phil Koscienc (Agent) spoke in support of the application.

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Sarah Ingram (Objector) spoke against the application.

Members of the Committee made the following comments during the discussion which ensued:-

- There were significant health and safety issues with the storage of hay and fuel based machinery together with the horses to warrant a separate storage building.
- The storage of hay in the hayloft constituted a fire hazard in the existing stables due to the large amount of hay needed for the number of horses being stabled there currently.
- The health and safety issues led to very special circumstances for an additional storage building.
- The unauthorised barn was not noticeable either from the road or from the yard within. The impact on the Green Belt was negligible.
- The storage barn did not affect the openness of the Green Belt.
- Improved landscaping could be used to screen the storage barn.
- The intention to use the hayloft to store hay bales had been indicated in the original planning application for the existing stables and had been acceptable by the applicant. However the applicant was now stating that the hay bales needed to be in a separate hay storage area. No reason had been given for this and there had been no change in the size of the stables.
- An additional building in the Green Belt was not necessary as the existing stables were very large and had sufficient capacity to store the necessary amount of hay for the 16 horses currently stabled.

It was moved by Councillor F.Thomson, seconded by Council P.Shah and lost, 7 voted for and 8 against, that the Officer's recommendation to refuse the retrospective application for the retention of single storey equestrian storage barn be agreed.

It was then moved by Councillor P.Zukowskyj, seconded by Councillor D.Bennett and

RESOLVED:
(8 voting for, 7 against)

That planning permission for application 6/2016/1953/FULL, notwithstanding the Officer's recommendation for refusal be approved with the following conditions:

1. The development hereby permitted shall not be used other than for a storage barn in association with the equestrian stable block on the site.

REASON: In the interests of the character and amenity of the area in accordance with Policies D1 and D2 of the Welwyn Hatfield District

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Plan and impact on the Green Belt in accordance with the National Planning Policy Framework 2012.

2. Within 3 months of this decision, full details on a suitably scaled plan of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping details to be submitted shall include:

- (f) existing trees, hedges or other soft features to be retained
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

3. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following approval: and any plants which within a period of 5 years from first planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

Positive and Proactive Statement

The development is inappropriate in the Green Belt where there is additional harm caused to the openness, the purposes of the Green Belt and the visual amenity of the Green belt. However the case put forward by the applicant comprising the health and safety requirement to have hay stored separately to where horses are stabled is considered to provide the very special circumstances necessary to overcome that harm.

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128. APPEAL DECISIONS

The report of the Executive Director detailed recent appeal decisions for the period 8 December 2016 to 12 January 2017.

RESOLVED:

That the appeal decisions during the period set out in the report of the Executive Director be noted.

129. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

The report of the Executive Director provided Members with a summary of planning applications that might be presented to Committee over the next one or two months. If the call-in or application was withdrawn, the item would not be presented.

RESOLVED:

That future planning applications which might be considered by the Committee be noted.

Meeting ended at 8.45 pm
ML