

Development Management Committee  
30 March 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 30 March 2017 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Boulton (Chairman)  
N.Pace (Vice-Chairman)

R.Basch, D.Bennett, M.Birleson, A.Chesterman,  
J.Cragg (substituting for F.Thomson), I.Dean, C.Gillett,  
M.Larkins, S.Markiewicz, H.Morgan, P.Shah,  
J.Weston, P.Zukowskyj

ALSO PRESENT: Councillors M.Perkins (Deputy Leader and Executive Member,  
Planning, Housing and Community)  
H.Bromley (Executive Member for Environment  
Borough Councillor for Handside

OFFICIALS PRESENT: Head of Planning (C.Haigh)  
Principal Housing Development Manager (J.Morton)  
Principal Major Development Officer Officer (C.Carter)  
Principal Development Management Officer (A.Mangham)  
Solicitor for Development Management Committee (M.Searle)  
Hertfordshire Highways (J.Dale)  
Governance Services Officer (M.Lowe)  
Governance Services Officer (G.Padden)

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144. SUBSTITUTIONS:

The following substitutions of Committee Members had been made in accordance with Council Procedure Rules 19-22:

Councillor J.Cragg in place of Councillor F.Thomson.

145. APOLOGIES:

Apologies for absence were received from Councillor F.Thomson.

146. MINUTES:

The Minutes of the meeting of the Committee held on 2 March 2017 had not been previously circulated and would be deferred the next meeting on 27 April 2017.

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147. DECLARATIONS OF INTEREST BY MEMBERS:

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 J.Cragg declared a non-pecuniary interest in item 6 on the agenda - Former Shredded Wheat Factory, Bridge Road, Welwyn Garden City, AL8 6UN - N6/2015/0294/PP by virtue of her husband being a former employee of Tesco PLC.

Councillor S.Markiewicz declared a non-pecuniary interest in item 10 on the agenda - The Cemetery House, South Way, Hatfield AL10 8HS - 6/2016/2623/MAJ by the virtue of being the Chairman of the Council's Crematorium Procurement Board. Due to the potential for a perception of bias, Councillor S Markiewicz confirmed that he would leave the room for the duration of the item and would not take part in the debate and vote.

Councillor M.Larkins declared a non-pecuniary interest in item 10 on the agenda - The Cemetery House, South Way, Hatfield AL10 8HS - 6/2016/2623/MAJ by the virtue of being a Member of the Council's Crematorium Procurement Board. Due to the potential for a perception of bias, Councillor M Larkins confirmed that he would leave the room for the duration of the item and would not take part in the debate and vote.

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

148. FORMER SHREDDED WHEAT FACTORY, BRIDGE ROAD, WELWYN GARDEN CITY, AL8 6UN - N6/2015/0294/PP - OUTLINE PLANNING PERMISSION FOR PART DEMOLITION, REPAIR, RESTORATION, EXTENSION AND CONVERSION OF THE FORMER SHREDDED WHEAT FACTORY COMPLEX TO INCLUDE DEMOLITION OF ALL BUILDINGS AND STRUCTURES EXCEPT THE ORIGINAL 1920'S SILOS, PRODUCTION HALL, GRAIN STORE AND BOILER HOUSE. REFURBISHMENT AND CHANGE OF USE OF THE RETAINED LISTED BUILDINGS TO PROVIDE 2 CLASS C3 RESIDENTIAL UNITS, A CLASS C1 BOUTIQUE/BUDGET HOTEL, CLASS B1(A) OFFICES, A CLASS A4 PUB/BAR, A CLASS D1 CRÈCHE AND A CLASS D2 GYM/DANCE/EXERCISE STUDIO. ERECTION OF UP TO 850 CLASS C3 DWELLINGS TO POTENTIALLY INCLUDE UP TO 80 CLASS C2 (AND/OR C3 ASSISTED LIVING UNITS), CLASS A1 RETAIL, CLASS A3/A4 RESTAURANTS/CAFÉS/BARS/PUBS, CLASS D1 COMMUNITY USE AND HEALTHCARE AND CLASS D2 GYM/DANCE/EXERCISE STUDIO FLOORSPACE. PROVISION OF EXTERNAL SPACE FOR LEISURE AND RECREATION TO INCLUDE A LINEAR PARK, EXTERNAL GAMES/PLAY AREA, ALLOTMENTS AND A SKAT PARK. CREATION OF INTERNAL ESTATE ROADS, PATHS, VEHICLE AND CYCLE PARKING. ASSOCIATED HIGHWAY WORKS COMPRISING THE WIDENING OF FOOTWAYS AND THE PROVISION OF CYCLE WAYS TO BROADWATER ROAD AND BRIDGE ROAD, WORKS TO HYDEWAY, JUNCTION REMODELLING WORKS AND

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THE ERECTION OF A NEW FOOTBRIDGE FROM BRIDGE ROAD. PHASE 1 (BLOCKS 2,3,4,5,6 & 7 ON LAND TO THE NORTH AND WEST OF HYDEWAY AND NORTHERN PART OF BLOCK 1) – INCLUDES APPEARANCE, MEANS OF ACCESS, LANDSCAPING, LAYOUT AND SCALE IN ADDITION TO ALL ASSOCIATED HIGHWAY WORKS. PHASE 2 (BLOCKS 8,9,10,11 & 12 AND SOUTHERN PART OF BLOCK 1 ON LAND TO THE SOUTH OF HYDEWAY) – INCLUDES MEANS OF ACCESS WITH LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED:

Report of the Executive Director (Public Protection, Planning and Governance) setting out the detailed considerations for the major planning application on land at Broadwater Road West in Welwyn Garden City, a site known as the Former Shredded Wheat Factory. The application was for a mixed use development which was residential led and would deliver up to 850 new homes as well as office, retail and leisure opportunities, public and private open space, highways improvements, landscaping and other benefits.

The report also set out the material planning considerations as they related to each main issue. The report also gave a detailed review of the proposed development as well as considering the potential environmental impacts, which could be positive or negative, as addressed by the submitted Environmental Impact Assessment.

#### Site Description

The application site is located to the east of Welwyn Garden City town centre in the Peartree ward, covers an area of approximately 12.7 hectares. The site formed part of the wider Broadwater Road West development site, an area allocated for mixed use development and was split in two by Hydeway which ran east-west across the site and provided a pedestrian and vehicular link to the train station over-bridge, and on to the town centre, for the eastern half of the town.

The site itself was largely cleared of structures with the exception of the former Shredded Wheat factory buildings, including the silos, to the north of Hydeway and the former Polycell building immediately to the south of Hydeway. The remaining buildings on site were vacant and in an increasing state of disrepair. Members were asked to note that some of the Shredded Wheat factory buildings dated back to 1925 and all of the factory buildings are Grade II listed.

#### The Proposal

Overview - The description of the proposed development, as it has been advertised was as follows:

Outline planning permission for part demolition, repair, restoration, extension and conversion of the former Shredded Wheat factory complex and included demolition of all buildings and structures except the original 1920's silos, production hall, grain store and boiler house. Refurbishment and change of use

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of the retained listed buildings to provide two Class C3 residential units, a Class C1 boutique/budget hotel, Class B1(a) offices, a Class A4 pub/bar, a Class D1 crèche and a Class D2 gym/dance/exercise studio. Erection of up to 850 Class C3 dwellings to potentially include up to 80 Class C2 (and/or C3 assisted living units), Class A1 retail, Class A3/A4 restaurants/cafés/bars/pubs, Class D1 community use and healthcare and Class D2 gym/dance/exercise studio floor space.

Provision of external space for leisure and recreation included a linear park, external games/play area, allotments and a skate park. Creation of internal estate roads, paths, vehicle and cycle parking. Associated highway works comprising the widening of footways and the provision of cycle ways to Broadwater Road and Bridge Road, works to Hydeway, junction remodelling works and the erection of a new footbridge from Bridge Road. Phase 1 (Blocks 2,3,4,5,6 & 7 on land to the north and west of Hydeway and northern part of Block 1) – Includes Appearance, Means of Access, Landscaping, Layout and Scale in addition to all associated highway works. Phase 2 (Blocks 8, 9, 10, 11 & 12 and southern part of Block 1 on land to the south of Hydeway) – Includes Means of Access with Layout, Scale, Appearance and Landscaping reserved.

Phase 1, predominantly the part of the site to the north of Hydeway, with the exception of part of block 1, was fully detailed at this stage of determination. Should Members be minded to grant planning permission, the details that were before the Committee would be fixed for phase 1.

Phase 2, everything else to the south of Hydeway, was shown indicatively on many of the plans and documents that had been submitted, however only the means of access was detailed at this stage. Should planning permission be granted for phase 2 then the Committee would be agreeing to a set of parameters and principles on which a future detailed planning application would be based. Building and Landscape Design Codes had been submitted for phase 2 and would become approved documents.

Phase 1 comprised of seven different blocks of development as well as intervening areas of public open space such as the main civic square, also internal walkways and roadways, play areas, allotments and formal and informal gardens as well as a skate park and small areas of on-street parking.

#### Reason for Committee Consideration

The application was presented to the Development Management Committee because it represented a major planning application the determination of which should be made by elected Members in order to serve the public interest.

Officers advised the Committee that the applicant had proposed an additional 15 affordable homes on phase 1 and an amendment to the Heads of Terms to reflect the increase.

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The Committee was also advised of a number of corrections and modifications to the published report as well as an additional recommended condition, as updated earlier in the week of the committee.

#### Typographical Corrections

- Paragraph 10.119 – “the 201 amendments” should read “the 2016 amendments”
- Paragraph 10.129 – “that these buildings will been seen” should read “that these buildings will be seen”
- Paragraph 10.140 – “it is considered that for point the key point” should read “it is considered that for the key point”
- Paragraph 10.260 – “however the go on to state” should read “however they go on to state”
- Paragraph 10.306 – “a limited proportion of these new homes would not be ‘affordable’” should read “a limited proportion of these new homes would be ‘affordable’”
- Paragraph 12.1 – “Appendix A” should read “Appendix 1”

#### Report Amendments

- Table on page 28 of the report pack – the last row in the table has not been populated correctly and should be displayed as follows:

| <b>Effect</b>   | <b>Mitigation Measure</b>  | <b>Mechanism for Securing</b> | <b>Responsibility for Implementing</b> |
|---|--|-------------------------------|--|
| Wind: Effect on pedestrian comfort at the thoroughfare around the East end of the silo building (block 5) and two building entrances on the North side of the silo building (block 5) | A scheme of measures to reduce wind shear, to be agreed with the Local Planning Authority, implemented and maintained on site. | Planning Condition            | Applicant.                             |

- Paragraph 10.293 – In the last sentence it is stated that the restoration works to the listed building will also be included in the S106 Agreement. However, following advice, it is proposed to control these works by planning condition rather than S106 Agreement. As such, recommended condition 6 is included.

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- Recommended condition No.9 (page 77 of report pack), the word “access” should be removed from the first line of the condition. The condition should then read as follows:

*Details of the appearance, landscaping, layout, and scale of phase 2 (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins on that phase and the development shall be carried out in accordance with the approved details.*

*REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.*

- Recommended condition No.16 (page 79 of report pack), the following words should be removed “or a Private Management and Maintenance Company has been established”. The reason for removing these words is that, if no Section 38 Agreement is entered into, the roads should be maintained in accordance with the approved scheme in perpetuity. The condition should then read as follows:

*No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980.*

*Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.*

#### Additional Condition

- An additional condition is proposed in order for the developer to be able to deliver the proposed development in a phased manner, in agreement with the Council as Local Planning Authority. Whilst the proposals are split into two phases for the purposes of the planning application, it is likely that the construction process would take place in smaller phases. The wording of the additional condition would allow for details of many of the recommended conditions to be provided on a phase by phase basis, other than where site wide details are required. The proposed wording of recommended condition No.46 is as follows:

*Before the commencement of any work on site a delivery schedule plan shall be submitted to, and approved in writing by, the Local Planning Authority defining the delivery schedule of the various parts of the development. Following the written approval of the delivery schedule plan, the term “prior to commencement” contained within conditions 9-45*

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*(inclusive) shall be deemed to mean "prior to the commencement of any work on that phase"*

*REASON: In order to ensure the managed delivery of each part of the development and to ensure that the requirements of other conditions are complied with at the appropriate time.*

Late representation in favour of the application had been received from the Welwyn Garden City Society.

Mr George Gordon (Applicant) spoke in favour of the application.

Mr Nigel Quinton (Objector) spoke against the application.

Welwyn Hatfield Borough Councillor M.Cowan spoke against the application.

During the discussion which ensued, the following points were made:-

#### Affordable Housing

- Members expressed disappointment that the percentage of affordable housing across the whole site did not comply with the Council's policy of 30%.
- Members questioned whether the viability of the site as reported would be affected so significantly should the number of affordable homes be increased.
- Members expressed the view that in order to prevent Welwyn Garden City from becoming a dormitory town, preference should be given to the people of Welwyn Hatfield, particularly those who were in low paid employment. The purchase price of a one bedroomed property on the site, at around £300,000, was likely to be prohibitive to a large number of people in the Borough. The proposal did not include part ownership with the Local Authority.
- Members expressed that view that they would have expected there to be a percentage of the minimum amount of affordable housing guaranteed on future phases to be stated clearly in the documentation. It was suggested that a condition should be attached which guaranteed that the number of affordable housing units in the second phase and there on after should be at least ten percent. However this suggestion was not taken forward.

#### Other issues

The number of car parking places and the use of what was historically employment land for residential purposes was contradictory to local policy.

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The Chairman made the following summary comments: -

- Phase 1 would be standalone and in order to make it viable the figure of affordable housing would need to be 14%.
- Due to the difficult work associated with clearing and developing the site, Phase 1 would have 14% affordable housing.
- Phase 2 would be subject to the same profit appraisal as Phase 1 and would be more profitable.

Officers confirmed that should the Committee be so minded as to approve the application for phase 1, the Committee could refuse phase 2 should insufficient affordable housing be included, although regard would need to be given to any viability evidence submitted. It would not be possible to state a minimum amount of affordable housing to be based on the viability of the development at this stage.

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

RESOLVED:

(9 voting for, 5 against and one abstention)

That planning permission be approved as recommendation for application N6/2015/0294/PP, subject to the conditions set out in the report of Officers with a modification to conditions Numbers 9 and 16, additional condition number 46 and amendment to the agreed Heads of Terms to account for 15 additional affordable homes on phase 1 as set out below.

Condition 9 To Be Amended To:

Details of the appearance, landscaping, layout, and scale of phase 2 (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins on that phase and the development shall be carried out in accordance with the approved details.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

Condition Number 16 To Be Amended To:

No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980.



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REASON: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

Condition Number 46 To Read As:

Before the commencement of any work on site a delivery schedule plan shall be submitted to, and approved in writing by, the Local Planning Authority defining the delivery schedule of the various parts of the development. Following the written approval of the delivery schedule plan, the term "prior to commencement" contained within conditions 9-45 (inclusive) shall be deemed to mean "prior to the commencement of any work on that phase"

REASON: In order to ensure the managed delivery of each part of the development and to ensure that the requirements of other conditions are complied with at the appropriate time.

149. FORMER SHREDDED WHEAT FACTORY, BRIDGE ROAD, WELWYN GARDEN CITY, AL8 6UN - N6/2015/0293/LB - PART DEMOLITION, REPAIR, RESTORATION, EXTENSION AND CONVERSION OF THE FORMER SHREDDED WHEAT FACTORY COMPLEX TO INCLUDE DEMOLITION OF ALL BUILDINGS AND STRUCTURES EXCEPT THE ORIGINAL 1920'S SILOS, PRODUCTION HALL, GRAIN STORE AND BOILER HOUSE. REFURBISHMENT AND CHANGE OF USE OF THE RETAINED LISTED BUILDINGS TO PROVIDE 2 CLASS C3 RESIDENTIAL UNITS, A CLASS C1 BOUTIQUE/BUDGET HOTEL, CLASS B1(A) OFFICES, A CLASS CLASS A4 PUB/BAR, A CLASS CLASS D1 CRÈCHE AND A CLASS D2 GYM/DANCE/EXERCISE STUDIO:

Report of the Executive Director (Public Protection, Planning and Governance) setting out the listed building consent for the part demolition, repair, restoration, extension and conversion of the former shredded wheat factory complex to include demolition of all buildings and structures except the original 1920's silos, production hall, grain store and boiler house. Refurbishment and change of use of the retained listed buildings to provide two class C3 residential units, a class C1 boutique/budget hotel, class B1(A) offices, a class class A4 pub/bar, a class class D1 crèche and a class D2 gym/dance/exercise studio.

The application was linked with the main planning application under reference N6/2015/0294/PP which was considered also considered at the meeting of the Development Management Committee on 30 March 2017 and was for the wider redevelopment of this site.

The determination of the application for listed building consent had been delayed in order that it could be considered at the same time as the application for the redevelopment of the wider site.

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Late representations in favour of the application had been received.

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

RESOLVED:  
(14 voting for, 1 against)

That planning permission be approved for application N6/2015/0293/LB, as set out in the report of Officers.

150. FOOTBRIDGE, HYDEWAY, WELWYN GARDEN CITY - 6/2016/0457/FULL - IMPROVEMENTS TO FOOTBRIDGE TO INCLUDE A NEW FLOOR FINISH, LIGHTING AND THE RESTORATION OF THE EXISTING LATTICE STEEL STRUCTURE:

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application for the proposed improvements to the railway bridge to include the upgrading of the floor surface to a resin bonded finish, the repainting of the lattice steel structure and the provision of pedestrian level lighting on the bridge. Precise details of all of these features would need to be agreed with Network Rail before works could commence.

The application site was the existing pedestrian footbridge which ran from the end of Hydeaway over the east coast mainline to the Howard Centre shopping centre and provided access to the platforms of Welwyn Garden City railway station.

Mr Nigel Quinton (Objector) spoke against the application.

Members noted that the application was not brought by the land owner and raised queries as to the extent that the scheme had been agreed by the land owner.

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

RESOLVED:  
(unanimous)

That planning permission be approved for application 6/2016/0457/FULL as set out in the report of Officers.

151. 45 NORTHAW ROAD EAST, CUFFLEY, POTTERS BAR, EN6 4LU - 6/2016/1855/VAR - VARIATION OF CONDITION 2 (OBSCURED GLAZED DORMER WINDOWS) ON PLANNING PERMISSION 6/2016/0391/VAR FOR THE VARIATION OF CONDITION 1 (APPROVED PLANS) ON PLANNING PERMISSION 6/2015/2223/HOUSE FOR THE 'ERECTION OF SINGLE

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STOREY SIDE/REAR EXTENSION, INCLUDING EXTENDING THE ROOF TO FORM HABITABLE ACCOMMODATION':

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application requesting the variation of condition 2 attached to application referenced 6/2016/0391/VAR which approved the "*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'*".

Section 73 of the Town and Country Planning Act 1990 (as amended) allows the determination of applications to develop land without compliance with conditions previously attached. In this case, the applicant requests the variation of condition 2, which stated "*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.*" The reason for the imposition of this condition on the approval was to protect the residential amenity of the occupiers of adjoining dwellings.

The proposed variation would re-word the conditions so as to alter the height from 1.8m to 1.7m and allow the windows below 1.7m to have a restricted opening of 15 degrees alongside the removal of the windows within the foremost dormer on the north facing elevation from the condition. Accordingly, the condition would be worded as follows –

*"All side facing dormer windows within the south facing elevation, as well as the rearmost and central side facing dormer windows within the north facing elevation of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened beyond 15 degrees below a height of 1.7 metres above floor level. The works described above shall be completed 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."*

The key considerations in this case, were whether the revised condition would sufficiently protect the amenity of the occupiers of adjoining premises, and whether the proposed condition would comply with the six tests of conditions as laid out in paragraph 206 of the National Planning Policy Framework (NPPF) (hereby referred to as the six tests).

Reason for Committee Consideration

This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council has objected.

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Late representation in the form of photographs from the neighbouring properties at numbers 43 and 47 together with the following addendum from Officers had been received.

Addendum to item 9 of part 1 of the Welwyn Hatfield Borough Council Development Management Committee dated 30 March 2017 read as follows:-

The addendum was in reference to the wording only of the condition proposed to be varied in application referenced 6/2016/1855/VAR at 45 Northaw Road East, Cuffley, Potters Bar, EN6 4LU.

The proposed condition in the committee report stated –

*“All side facing dormer windows within the south elevation, as well as the rearmost and central side facing dormer windows within the north elevation of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened beyond 15 degrees below a height of 1.7 metres above floor level. The works described above shall be completed 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.”*

Following correspondence with the agent for the application, it has been agreed that the following condition would better describe the resultant fenestration detailing within the property –

*“All side facing dormer windows within the southern elevation at roof level, as well as the rear most and central side facing dormers within the northern elevation at roof level, shall be fixed with obscure glass up to a height of 1.7m above floor level. These same windows should be incapable of being opened beyond 15 degrees below a height of 1.7m above floor level. The works described above should be completed 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.”*

Officers explained that the addendum had been provided for clarity as the change in wording would not impact on the considerations within the report.

Mrs Carolynn Apcar (Agent for the applicant) spoke in favour of the application.

Northaw and Cuffley Parish Councillor Andrea Allgood spoke against the application.

Mr David Chapman (Objector) spoke against the application.

During consideration of this application the follow discussion ensued:-

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- Members stated that they were very concerned that a further application to vary conditions had been made. The original application for three dormer windows had been approved, however a fourth dormer window had been built.
- Members acknowledged the difficulties caused by the omission of conditions requiring non-opening windows with obscured glazing to be included when the original application had been approved. The situation had been exacerbated by the Council's policy of not permitting the roof height of the bungalows to be changed.
- Overlooking into the neighbouring property's habitable room was very apparent and had to be addressed. The neighbour's privacy must be respected.
- Members considered that there were alternative methods of ventilation available for the rooms other than allowing a 15 degree opening. All side facing windows should be obscured glazed to avoid overlooking and to preserve the privacy of the neighbouring properties. The skylight to the habitable room in number 43 was the only source of natural light for that room. In order to preserve their privacy the residents of number 43 should not be required to install window dressings to the skylight.

The Chairman advised that roller blinds could be installed on Velux windows. The Chairman went on to raise concerns regarding the proposal to install obscured glazing to a maximum height of 1.7m, as when he tested the proposed height he was able to see over but not at 1.8m

In conclusion, the Committee agreed that the proposed changes to the conditions would have a detrimental impact on the amenity value of the adjoining properties together with a loss of privacy.

It was then moved by Councillor S.Markiewicz, seconded by Councillor I.Dean, and

**RESOLVED:**

(13 voting for, 2 against and 1 abstention)

That planning permission for application 6/2016/1855/VAR notwithstanding the Officer's recommendation for approval be refused for the following reason:

**REASON:** The proposal by virtue of the introduction of an opening mechanism and the reduction in the level of obscure glazing in the wording to the revised condition would result in an unacceptable impact on the living conditions of neighbouring properties resulting in a loss of privacy by way of overlooking. Accordingly, this would fail to respect the living conditions currently enjoyed by the occupiers of these properties

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contrary to the provisions of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Chapter 7 of the National Planning Policy Framework.

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

152. THE CEMETERY HOUSE, SOUTH WAY, HATFIELD AL10 8HS - 6/2016/2623/MAJ - ERECTION OF A NEW CHAPEL, MACHINERY STORE AND CREMATORY, TO INCLUDE NEW CAR PARKING PROVISION AND ENHANCED LANDSCAPING FOLLOWING DEMOLITION OF EXISTING CHAPEL, MACHINERY STORE, LODGE HOUSE AND CENTRAL COLONNADE:

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application for the erection of a new chapel, machinery store and crematory, to include new car parking provision and enhanced landscaping following demolition of existing chapel, machinery store, lodge house and central colonnade:

Late representations objecting to the scheme had been received from or on behalf of two funeral directors operating near to the Welwyn Hatfield area.

Members commented that the site was well located and that at present many residents have to travel some distance and experience long waiting times in order to be able to use the facilities. It was observed that the development was situated away from residential property.

It was then moved by Councillor N.Pace, seconded by Councillor A.Chesterman, that

RESOLVED:  
(unanimously of the 14 voting members)

That planning permission be approved for application 6/2016/2623/MAJ as set out in the report of Officers subject to referral to the Secretary of State.

(Permission for the application would not to be issued until it had been confirmed by the Secretary of State).

(Note: Councillors S.Markiewicz and M.Larkins withdrew from the meeting for this item).

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153. 40 BURROWFIELD, WELWYN GARDEN CITY, AL7 4SR - 6/2016/1848/FULL - CHANGE OF USE TO ENERGY GENERATION AND INSTALLATION AND OPERATION OF THREE GAS ENGINES AND ANCILLARY DEVELOPMENT:

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application for the change of use to energy generation and installation and operation of three gas engines and ancillary development.

The application sought planning permission for the change of use of the site for energy generation (Sui-Generis) and the installation and operation of three gas engines and ancillary development to provide additional electrical power generation (at peak times/reserve capacity) for input into the National Grid. The ancillary development would include the erection of a gas kiosk, a clean oil tank and a waste oil tank, as well as some alterations to the existing building.

The gas engines would be approximately 13m in depth and 6m in width. The gas engines would each have cylindrical exhaust flues 12m in height from the ground level with a diameter of approximately 0.5m. Two gas engines would be oriented east to west, and be located on the west corner of the site. The third gas engine would be located at the south east corner of the site, close to the street, and at right angles to the road.

The gas kiosk would be located to the front of the existing building, along the north east boundary with a shallow hipped pitched roof. The structure would be approximately 5.8m in width, 2.6m in height and 2.6m in depth.

The oil tanks would be located along the south boundary of the site, between the gas engines. The waste oil tank would be approximately 1.5m in width and depth, with a height of 1.2m. The clean oil tank would measure approximately 2.3m in depth, 3.2m in width and 1.4m in height.

Reason for Committee Consideration

This application is presented to the Development Management Committee because Councillor Chesterman has called the application to committee for the following reason;

*“This application is out of keeping with the intended use for the area ie small industrial and office accommodation. The applicant has not taken the necessary readings from the areas that will be most affected. This will cause an impact on employees, most of whom are local, with regard to noise and air quality pollution which could prove detrimental to their health.”*

Additionally the proposal represents a departure from the development plan given the location of the site within a designated employment area.

Three items of late representation had been received in the form of objections.

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Mr Andy Dingle (Objector) spoke against the application.

Welwyn Hatfield Borough Councillor L.Chesterman spoke against the application.

For clarity, the Committee was asked to note that Councillor L.Chesterman had called in the application as Ward Councillor.

The following points were made during the discussion which ensued:-

- Members expressed concerns regarding the impact the proposed change of use would have on the amenity value to the neighbouring commercial properties in terms of noise levels; impact of increased traffic movements; parking of commercial vehicles and insufficient infrastructure. The employment site was for small industrial units with office accommodation. The development would provide few employment opportunities as only two full time operatives would be required in addition to service engineer visits.
- Concerns were also raised by Members regarding the detrimental loss of light to the industrial unit adjoining the application site.
- Further concerns were expressed regarding the emission of airborne particles and air pollution bearing in mind the relative close proximity to a primary school and residential area. Members sought clarification regarding whether the proposed flues would have a filtration system to deal with the emissions.
- Officers, in response to questions from Members, informed that the Fire and Rescue had been consulted on the fire implications of the development and not been consulted in their capacity for Civil Defence. Officers went on to confirm that a bund would be part of the conditions as would continuing noise testing.
- In response to discussions regarding potential health and safety risks together with car parking concerns for the residential properties the Chairman advised against including these as reasons for refusal. Sites of this nature were built to very high safety standards and were normally very good. Emissions from the flue, would according to published research, be negligible. The Chairman stated that he disagreed with view that the development would increase the existing parking issues and that the proposal would be an overdevelopment of the site. Officers reminded the Committee that there had been no objection to the application from the Highways department.

In summary the Committee agreed the reasons that the development should be refused for the following reasons:-



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- The proposed development would be a departure from the current local plan in which it was defined as employment land but there would be little employment. The deployment of three huge gas turbines constituted a significant overdevelopment of the site.
- The impact the proposed development would have on the immediate neighbouring industrial properties would be unacceptable.

It was then moved by Councillor S.Markiewicz, seconded by Councillor M.Birleson, that

RESOLVED:  
(12 voting for, 3 against)

That planning permission for application 6/2016/1848/FULL notwithstanding the Officer's recommendation for approval be refused for the following reason:

*REASON: The proposal by virtue of its Sui Generis use would result in an unacceptable loss of employment land. Furthermore, by virtue of its scale, height and general layout, the proposal would comprise an overdevelopment of the site resulting in an unacceptable impact on the amenities of neighbouring business premises and the character and appearance of the area. As such the proposals fail to comply with Policies EMP1, EMP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.*

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

#### 154. APPEAL DECISIONS:

The report of the Executive Director detailed recent appeal decisions for the period 9 February to 9 March 2017.

RESOLVED:

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

#### 155. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS:

The report of the Executive Director providing Members with a summary of planning applications that might be presented to Committee over the coming

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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 10.20pm  
ML