

Development Management Committee  
25 May 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 25 May 2017 at 7.30 pm 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, J.Beckerman, A.Chesterman, I.Dean,  
B.Fitzsimon, C.Gillett, S.Johnston (substituting for  
D.Bennett) M.Larkins, T.Mitchinson, P.Shah,  
F.Thomson, J.Weston, P.Zukowskyj

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

OFFICIALS PRESENT: Head of Planning (C.Haigh)  
Development Management Service Manager (L.Hughes)  
Principal Development Management Officer (C.Carter)  
Principal Planning Enforcement Officer (B.Owusu)  
Solicitor for Development Management Committee (M.Searle)  
Governance Services Officer (S.Hulks)  
Governance Services Officer (G.Paddan)

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1. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was noted that Councillors S.Boulton and N.Pace were elected Chairman and Vice Chairman respectively for the Municipal Year 2017/2018.

2. SUBSTITUTIONS

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

Councillor S.Johnston for Councillor D.Bennett.

3. APOLOGIES

An apology for absence was received from Councillor D.Bennett,

4. MINUTES

The minutes of the meeting held on 27 April 2017 were approved as a correct record and signed by the Chairman.

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5. DECLARATIONS OF INTEREST BY MEMBERS

Councillors S.Boulton and P.Zukowskyj declared non-pecuniary interest in items on the agenda as appropriate by virtue of being members of Hertfordshire County Council.

6. LAND REAR OF 26 GREAT NORTH ROAD, WELWYN - 6/2016/1980/FULL - ERECTION OF A TWO STOREY DETACHED DWELLING

The report of the Executive Director (Public Protection, Planning and Governance) setting out the application which sought full planning permission for the sub-division of the site and the erection of a 3 bedroom two-storey dwelling to the rear of No. 26 Great North Road, with associated parking. The dwelling was to be sited to the rear of the existing semi-detached dwelling and be orientated to Oaklea.

**Site Description**

The application location lies northwest of the town centre of Welwyn Garden City in the village settlement of Oaklands and Mardley Heath. The site comprised of a semi-detached house set within a good sized plot (approximately 974sqm) orientated to Great North Road, and was setback approximately 22m from the highway. The topography of the site sloped from the rear to the front (northwest to southeast) towards the highway and contained mature vegetation to the rear and front of the site. Immediately to the rear of the site was Oaklea a residential street.

**The Proposal**

Planning permission was being sought for the sub-division of the site and erection of a 3 bedroom two-storey dwelling to the rear of No 26 Great North Road, with associated parking. The dwelling was to be sited to the rear of the existing semi-detached dwelling and be orientated to Oaklea. The dwelling would be L-shaped with uncovered car parking space to the north-western corner of the site and rear decking. The ground floor of the proposed dwelling was to be approximately 62.1m<sup>2</sup> and the first floor approximately 65.4m<sup>2</sup> equating to a total floor area of 127.5sq.m and a footprint of approximately 76m<sup>2</sup>. Whilst the previously refused scheme involved the removal of an existing greenhouse and approximately 4 mature trees and associated shrubbery, these have since been removed and the application site cleared with some shrubbery retained along the boundaries. Vehicle and pedestrian access was to be gained from Oaklea. The existing dwelling and proposed dwelling would be divided by a 2.4m high (fence) wall allowing approximately 197m<sup>2</sup> of private garden area for the proposed dwelling and the remainder (approximately 253m<sup>2</sup>) to be associated with No. 26 Great North Road.

The new dwelling would host a pitched roof with side facing hipped and gable ends. The new L-shaped dwelling would host a wide and shallow footprint, with street level appearance measuring approximately 5.35m in depth and 9.25m in

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width. The siting of the dwelling on the divided plot was such that it would sit nearer to the boundary shared with 24 Great North Road than the boundary shared with 1A Oaklea, but was broadly sited centrally within the plot. The site would retain space to side for car parking and would host private rear and side gardens.

### **Reason for Committee Consideration**

This application was presented to the Development Management Committee because Welwyn Parish Council has objected to the application.

Mrs Stedham (Applicant) spoke in support of the application.

Mr Collins (Objector) spoke against the application.

Welwyn Hatfield Borough Councillor Tony Kingsbury spoke against the application.

Members expressed the following concerns during the discussion which ensued:-

- The proposed development would result in overdevelopment of the site.
- The proposal had received a number of objections in respect of privacy impacts on neighbouring property.
- Concern was also expressed regarding the loss of grass verge and established vegetation would have a detrimental impact on the area.
- The proposal raised concern regarding vehicular access, flow and safety in the section of the road and also the access via the lay-by.
- The parking was an issue when properties had visitors and they have been forced to use the lay-by for parking, which in return can cause a problem for vehicles to pass.

It was then moved by Councillor J.Beckerman and seconded by Councillor A.Chesterman that planning permission be agreed.

This was lost (4 voting for, 10 against, 1 abstention).

Following discussion by Members the amendment (as listed below points 1 and 2) being agreed, it was then moved by Councillor F.Thompson and seconded by Councillor N.Pace.

RESOLVED:  
(11 voting for, 3 against, 1 abstention)

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That notwithstanding the Officer's recommendation for approval the application 6/2016/1980/FULL was overturned and refused for the following reasons:-

1. The proposal would result in overdevelopment of the site out of character with and appearance of the area by reason of its bulk, form and design. The proposal is therefore contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy) and Paragraphs 53 and 64 of the National Planning Policy Framework 2012.
2. The proposal by reason of its siting and design would result in overlooking of the adjoining dwelling at 1a Oakleigh in addition to the proposed dwelling's private rear garden being overlooked by 1a Oakleigh. The proposal therefore would result in a poor form of design contrary to policy D1 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy) and Paragraph 53 of the National Planning Policy Framework 2012.

#### 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).

#### Refused Drawing Numbers

| Plan Number | Revision Number | Details                              | Received Date     |
|-------------|-----------------|--------------------------------------|-------------------|
| AL(0)01     |                 | Location Plan                        | 26 September 2016 |
| AL(0)02     | G               | Site Plan                            | 30 November 2016  |
| AL(0)08     | B               | Context Plan                         | 6 October 2016    |
| AL(0)04     | E               | Lower Floor Plan                     | 30 November 2016  |
| AL(0)03     | F               | Upper Floor Plan                     | 30 November 2016  |
| AL(0)05     | E               | Elevations                           | 30 November 2016  |
| AL(0)09     | A               | Elevations II                        | 30 November 2016  |
| AL(0)06     | C               | Section A-A                          | 30 November 2016  |
| AL(0)07     |                 | Site Survey                          | 6 October 2016    |
| AL90)10     |                 | Sight-line & over-looking assessment | 30 November 2016  |

7. 9A BROOKMANS AVENUE, BROOKMANS PARK, HATFIELD, AL9 7QH - 6/2017/0157/FULL - ERECTION OF A TWO-STOREY FRONT AND PART SINGLE, PART TWO STOREY REAR EXTENSION, ALTERATION TO

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EXISTING ROOF AND HEIGHT OF BUILDING (INCLUDING PROVISION OF 8 DORMERS) TO CREATE 3 X 2 BEDROOM SELF-CONTAINED FLATS, TOGETHER WITH ELEVATIONAL ALTERATIONS, PROVISION OF FORECOURT PARKING FOR 4 CARS AND ASSOCIATED BOUNDARY TREATMENT

The report of the Executive Director (Public Protection, Planning and Governance) setting out the application which sought full planning permission for the erection of a two-storey front and part single, part two storey rear extension, alteration to existing roof and height of building (including provision of 8 dormers); conversion of the property into 3 residential units: 3 x 2 bedroom flats and use of forecourt for car parking cycle parking and bin stores.

**Site Description**

The application site was situated on the north side of Brookmans Avenue and consisted of a detached two storey dwelling house with integral garage. The property was set back from the road frontage by approximately 14 metres; providing ample forecourt parking. The property is bound to the east and west by other similar styled detached properties; to the north of the site was the Brookmans Park Club (golf course). The property was within walking distance of Bradmore Green shopping facilities and Brookmans Park Station. A number of properties within the vicinity of the site have flatted accommodation: namely: Bradmore Way, Oaklands Avenue, Marlborough Court 1-12 Green Close, Station Road together with the neighbouring property 11 Brookmans Avenue.

**Reason for Committee Consideration**

The application was presented to the Development Management Committee because North Mymms Parish Council had objected to the application.

“There are no flats midway along any road in Brookmans Park and those existing are located at gateway points to the village. The building will be over-dominant in the street scene and there are no roof level front dormer windows in Brookmans Avenue. This is out of keeping and therefore inappropriate. Parking is a serious issue in Brookmans Avenue particularly at the bottom end, near the shops, where this property is located. The number of parking spaces is inadequate as local evidence shows that homes with two bedrooms generate at least two cars and this proposal provides no facility for visitor parking or delivery vehicles, and will result in the loss of the front garden”.

A number of comments were received from North Mymms Parish Council further to the re-consultation exercise undertaken on 21 April 2017.

Members gave consideration to the 4.5 car parking spaces allocated for the development and noted the sustainable travel with the site located 0.6 miles from Brookmans Park train station and bus services. It was suggested that with modification to the car parking area there was scope to accommodate 5 cars.

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Mr Salvatore Trupia (Applicant) spoke in support of the application.

North Mymms Parish Councillor B. Weeks spoke against the application.

RESOLVED:  
(10 voting for and 5 against)

That planning permission be approved following the amendment 5(b) and additional condition at no. 8 for application 6/2017/0157/FULL subject to the following conditions:-

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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.

2. Any upper floor window located within the flank wall must be glazed with obscure glass and fixed so as to be incapable of opening below a height of 1.7 metres above floor level and must be retained in that form thereafter.

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

3. No development shall commence before details of the design and specification of the refuse and recycling storage areas to serve the residential units have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation of the residential units hereby approved and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies R5 and D1 of the Welwyn Hatfield District Plan 2005.

4. No development shall commence before details of the, design and specification of the secure and weatherproof bicycle store to serve

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the residential units as shown on drawing number LO3 have been submitted to and approved in writing by the Local Planning Authority. Subsequently the bicycle store shall be constructed, equipped and made available for use prior to first occupation of the residential units hereby approved and retained in that form thereafter.

REASON: To ensure a satisfactory standard of cycle storage provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies D1, D5 and M6 of the Welwyn Hatfield District Plan 2005.

5. No development shall take place until a suitably scaled plan showing detailed hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:-
- (a) proposed means of enclosure and boundary treatments to all areas of the site;
  - (b) permeable hard surfacing, other hard landscape features and materials;
  - (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
  - (d) management and maintenance details.

The development shall be carried out in accordance with the approved details.

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.

6. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development 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

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development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

7. Prior to occupation of the residential units hereby approved, the parking area shown on Drawing No. L03 shall be constructed in accordance with the approved details. Thereafter the car parking area must be permanently retained for the use of the occupiers of the development hereby permitted, and shall not be used for any other purpose.

REASON: To ensure proper implementation of the agreed parking details in the interest of the amenity value of the development in accordance with Policies D1, D2 and M14 of the Welwyn Hatfield District Plan 2005.

Additional condition below

8. Notwithstanding the submitted plan, prior to commencement of the development hereby approved details of a parking layout shall be submitted to the Local Planning Authority for approval in writing. This plan shall show the provision of 5 car parking spaces as well as information to demonstrate that the parking spaces are all usable. The details on the approved plan shall be implemented prior to the occupation of the development hereby approved and the parking spaces retained for occupiers of the development permitted.

REASON: In the interests of highway safety and to ensure sufficient off-street parking spaces are provided for future occupiers of the development in accordance with policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance Parking Standards, January 2004 and Interim Policy for Car Parking Standards and Garage Sizes, August 2014.

#### DRAWING NUMBERS

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

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b>               | <b>Received Date</b> |
|--------------------|------------------------|------------------------------|----------------------|
| L03                |                        | Proposed Site Plan           | 20 April 2017        |
| EXS01              |                        | Location Plan                | 27 January 2017      |
| EX11               |                        | Existing Elevation (Side)    | 27 January 2017      |
| EX12               |                        | Existing Elevation (Side)    | 27 January 2017      |
| EX14               |                        | Existing Elevation (Front)   | 27 January 2017      |
| EX13               |                        | Existing Elevation (Rear)    | 27 January 2017      |
| EX01               |                        | Existing Floor Plan (Ground) | 27 January 2017      |
| EX02               |                        | Existing Floor Plan (First)  | 27 January 2017      |



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|      |                                  |                 |
|------|----------------------------------|-----------------|
| EX03 | Existing Loft Plan               | 27 January 2017 |
| PL13 | Proposed Elevations (Rear)       | 27 January 2017 |
| PL02 | Proposed Floor Plans (First)     | 27 January 2017 |
| PL03 | Proposed Floor Plans<br>(Second) | 27 January 2017 |
| PL04 | Proposed Roof Plan               | 27 January 2017 |
| PL10 | Proposed Elevation (Front)       | 27 January 2017 |
| PL11 | Proposed Elevation (Side)        | 27 January 2017 |
| PL12 | Proposed Elevation (Side)        | 27 January 2017 |
| PL01 | Proposed Floor Plan<br>(Ground)  | 27 January 2017 |

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

#### 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).

8. CUFFLEY MOTOR COMPANY, 71 STATION ROAD, CUFFLEY, EN6 4NZ - 6/2016/0887/MAJ - ERECTION OF THREE STOREY RESIDENTIAL BLOCK (WITH BASEMENT PARKING) COMPRISING OF 9NO TWO BEDROOM AND 3NO ONE BEDROOM FLATS WITH ASSOCIATED ACCESS, OFF-STREET PARKING, AMENITY SPACE AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING CAR SHOWROOM

The report of the Executive Director (Public Protection, Planning and Governance) setting out the application which sought full planning permission for the demolition of the existing garage buildings and construction of a new residential block of twelve flats. The use of the site would change from commercial to residential (C3). The Planning Officer advised the Committee of a late representation from the County Council Archaeologist and that additional conditions was recommended in this regard.

Northaw and Cuffley Parish Councillor B.Stubbs spoke against the application.

Members discussed the issue of parking, as 17 parking places which had been allocated for 12 flats and the proposed underground car parking provision. The style of the roof was reviewed and some members commented that they would prefer to see a traditional mansard roof rather than a flat roof. It was noted that the building had been designed to be reflective of the neighbouring building, whilst seeking to improve on the overall quality of appearance.

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It was proposed by Councillor J.Beckerman seconded by Councillor P.Shah and

RESOLVED:

(10 voted for and 5 against)

That planning permission be approved for application 6/2016/0887/MAJ subject to the following conditions set out in the report of the Executive Director (Public Protection, Planning and Governance), the additional conditions at 14 and 15 and subject to completion of a S106 agreement securing the following contributions and to the applicant agreeing any necessary extensions to the statutory determination period to allow the completion of the S106:

1. Green Space £1,262
2. Play space £3,320
3. Refuse and recycling bins (between £900 and £1,400)
4. HCC Nursery education £1,680
5. HCC Library contribution £1,617
6. Monitoring fee at 5% of total contributions

and the following conditions:

PRE-COMMENCEMENT

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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.

2. No development shall take place until details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use, in accordance with the approved details, prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and

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future occupiers in accordance with Policies IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005.

3. No development shall commence until a scheme for the provision of secure cycle parking (including powered two wheel vehicle parking where applicable) on site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

4. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels
- (b) means of enclosure and boundary treatments
- (c) car parking layout and markings
- (d) vehicle and pedestrian access and circulation areas
- (e) hard surfacing, other hard landscape features and materials
- (f) planting plans, including a scheme for enhanced screen planting of the northern boundary (including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing)
- (g) management and maintenance details

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.

5. Notwithstanding the planning permission hereby granted, development must not commence until details of the green roof have been submitted to and approved in writing by the Local Planning Authority. Details must include the construction method; specification of planting species to be used and a scheme for the management and maintenance of the roof. Subsequently the development shall not be carried out other than in accordance with the approved details.

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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, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005

6. No development shall take place until a detailed surface water drainage scheme for the site based on the approved Flood Risk Assessment (carried out by MTC Engineering Ltd (Reference 1831-DS) and dated January 2017) and sustainable drainage principles and an assessment of hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year+ climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The strategy should include the following:
  - (i) Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs;
  - (ii) Clarification of flow rate from green roof into the wider drainage system, how this will be controlled and location of all control structures;
  - (iii) Post development calculations to be carried out for the 1 in 10 year rainfall event, 1 in 30 year rainfall events up to and including the 1 in 100years plus climate change event
  - (iv) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall subsequently be implemented in accordance with approved details before the development is completed.

REASON: To prevent the increased risk of flooding both on and off the site in accordance with Policies of the National Planning Policy Framework and Policy R8 of the Welwyn Hatfield District Plan 2005

7. No development shall take place until details of any external lighting proposed in connection with the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.Noise mechanical vents

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8. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

(e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in

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accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

#### PRE-OCCUPATION

9. The development hereby permitted shall not be carried out other than in accordance with the approved surface water drainage assessment carried out by MTC Engineering Ltd (reference 1831-DS) dated January 2017 and the following mitigation measures as set out in the Flood Risk Assessment:
- (i) Providing a minimum attenuation volume of 20cubic metres to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year+ climate change event;
  - (ii) Limiting surface water run-off to 6.9l/s with discharge in Thames Surface Water sewer
  - (iii) Implementing appropriate SuDS measures as shown on the proposed drainage plan Drawing No 1831-02 and including a green roof.

The mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the timing/phasing arrangements embodied within the scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

10. Prior to the first occupation of the development hereby permitted, the proposed access and on-site car and cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available free of charge for parking of domestic vehicles in association with the residential use of the site and for no other purpose.

REASON: To ensure the permanent availability of the parking/manoeuvring area in the interests of highway safety.

11. The gradient of the access shall not be steeper than 1:20 for the first five meters from the edge of the carriageway.

REASON: In order that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway.

No overhang over the public highway

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12. Before the first occupation of the development hereby approved, and concurrent with the construction of the new access onto The Meadway, all existing accesses onto Station Road and The Meadway shall be removed and the footway reinstated and constructed to the specification and satisfaction of the Local Planning Authority.

REASON: To ensure that the site access is constructed to the satisfaction of the Local Planning Authority in the interests of highway safety and in accordance with Policies of the National Planning Policy Framework and the District Plan.

Closure of existing vehicle openings from Meadway and Station Road

#### POST DEVELOPMENT

13. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development 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.

14. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
  1. The programme and methodology of site investigation and recording;
  2. The programme and methodology of site investigation and recording as required by the evaluation;
  3. The programme for post investigation assessment;
  4. Provision to be made for analysis of the site investigation and recording;
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;



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6. Provision to be made for archive deposition of the analysis and records of the site investigation;
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
  - (a) The development shall take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved above.
  - (b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis and publication where appropriate.

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development and to comply with the National Planning Policy Framework.

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

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b>                | <b>Received Date</b> |
|--------------------|------------------------|-------------------------------|----------------------|
| 8754-A1-S002       |                        | Existing Plans and Elevations | 18 May 2016          |
| 12010_P004         | A                      | Proposed Street Elevations    | 12 April 2017        |
| 12010_P002         | C                      | Site Plan and Basement        | 12 April 2017        |
| 12010_P001         | B                      | Proposed Floor Plans          | 12 April 2017        |

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

#### POSITIVE AND PROACTIVE STATEMENT

The decision has also 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 inspected at these offices).

9. 58 HERON WAY, HATFIELD, AL10 8QX - 6/2016/2615/FULL - ERECTION OF A 3-BED DETACHED DWELLING FOLLOWING DEMOLITION OF EXISTING DETACHED GARAGE AND REAR SECTION OF EXISTING DWELLING

The report of the Executive Director (Public Protection, Planning and Governance) setting out the application which sought full planning permission for the erection of a 3-bed detached dwelling following demolition of an existing

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detached garage and the rear section of the existing dwelling. External materials are proposed to match existing neighbouring properties.

### **Site Description**

The application site comprises a two storey semi-detached dwelling located on the western side of heron Way, directly opposite its junction with Falcon Close. There was a large garden area to the south side of the property, currently occupied by a detached single garage. The immediate locality featured similar detached, semi-detached and link-detached properties in terms of size, design and appearance.

### **Reason for Committee Consideration**

This application was presented to the Development Management Committee because Hatfield Town Council had objected to the proposed development. The objection stated:

‘The Committee objected to the application due to an over development of the site and loss of car parking. The Committee questioned did the build impact on the neighbours? And was the new build a HMO?’

Clarification was given that, whilst Hatfield Town Council had objected to the original proposal, they did not object to the revised proposal that was now being considered by the Committee.

The Planning Officer asked the committee to consider the addition of a further condition in order to ensure that the property is used as a single dwelling house rather than a House in Multiple Occupation (HMO).

Members were asked to note that there had been no objections from the immediate neighbours and the Agent advised that the development had been discussed with the Officers and was set back a similar distance from the highway to match the properties in the area.

The report noted that spacing distances between adjacent properties would adequately prevent overdevelopment across the plot width or a terracing effect within an area characterised with detached and semi-detached properties. 58 Heron Way is contained within what is considered to be a generous sized plot relative to the footprint and scale of the dwelling and featured a larger site footprint than other residential sites in the immediate context.

Mr D Goodman (Agent) spoke in support of the application.

It was proposed by Councillor N. Pace seconded by Councillor A. Chesterman and

RESOLVED:  
(unanimous)

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That planning permission be approved for application 6/2016/2615/FULL subject to the conditions set out in the report and the additional condition no 6:-

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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.

2. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) means of enclosure and boundary treatments
- (b) hard surfacing, other hard landscape features and materials
- (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (d) management and maintenance details

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. The first floor side window of the development, facing 60 Heron Way, shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, 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.

4. Details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the

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development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies R5 and D1 of the Welwyn Hatfield District Plan 2005.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B and D of Part 1 of Schedule 2 shall take place at the development hereby approved and 58 Heron Way.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order, given the nature and scale of development hereby approved, in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

Additional condition

6. The development hereby permitted shall be used for Class C3 dwelling house (s) only, notwithstanding the provisions of the town and Country Planning (General permitted Development) (England) Order 2015 (or any Order revoking re-enacting that Order with or without modification).

REASON: The Article 4 Direction covering Hatfield removes permitted development right to move from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

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

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b> | <b>Received Date</b> |
|--------------------|------------------------|----------------|----------------------|
|--------------------|------------------------|----------------|----------------------|

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|                |   |                               |                  |
|----------------|---|-------------------------------|------------------|
| 4028-E01       |   | Existing Plans and Elevations | 09 December 2016 |
| 4028-P01       | B | Proposed Plans and Elevations | 10 April 2017    |
| 4028-OS1       | E | Location Plan                 | 28 April 2017    |
| 4028-OS2       | E | Block Plan                    | 28 April 2017    |
| 4028-SITE PLAN | G | Site Plan                     | 28 April 2017    |

**(Note:** Lisa Hughes, Development Management Service Manager left the meeting when the above item was considered).

10. 11 AND 11A HOLLY CLOSE HATFIELD AL10 9JB - 6/2017/0090/FULL - CONVERSION OF EXISTING DWELLING AT 11 HOLLY CLOSE INTO TWO SELF CONTAINED 2-BED FLATS AND EXTENSION OF FRONT PORCH

The report of the Executive Director (Public Protection, Planning and Governance) setting out the application which sought full planning permission for the erection of a porch extension and conversion of the resultant building into two self-contained flats each with 2 bedrooms.

**Site Description**

The application site was situated on the western side of Holly Close and accommodates a mid-terrace dwelling with front and rear gardens. The surrounding area and street scene were residential in character and contained dwellings similar in respect of both size and appearance. The property was one of a group of dwellings which formed part of an originally planned residential area of Hatfield Town dating from the 1950s.

A small one bedroom dwelling (11a Holly Close) which adjoined the north side of the application property was erected following the grant of planning permission in 2004 under reference S6/2004/0330/FP. The same application also included permission for a part two storey, part single storey rear extension to the application property to form a five bedroom dwelling. Nos.11 and 11a share a vehicular access and a block paved area to the front of the property which provides off street parking for up to five cars.

**The Proposal**

Planning permission was sought for the erection of a porch extension and conversion of the resultant building into two self-contained flats each with 2 bedrooms.

**Reason for Committee Consideration**

The application is presented to Development Management Committee because Councillor James Broach has called it in for the following reason:

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“The loss of a family style home in this part of town would set an extremely dangerous precedent, by virtue of it being of a completely different style of accommodation to the surrounding area (i.e. a set of flats in an area otherwise surrounded by family houses and HMOs).

Furthermore, there are already extremely well documented traffic issues in this area and particularly on this street. On several occasions Serco have not been able to get their bin lorries down this road and/or the surrounding areas despite switching to a smaller lorry. Indeed just last year, an ambulance was unable to reach a patient due to the traffic issues in this area.

Both the construction traffic, and any additional traffic the proposed development may generate, could only exacerbate this.

I note that a similar application in High Dells was refused just recently under delegated powers. I urge the same decision to be made in this case.”

Dr F. Mahmud (Applicant) spoke in support of the application.

Members expressed the following concerns during the discussion which ensued:

- Concerns were expressed regarding the history of the site and the use of the eight bedroom House in Multiple Occupation (HMO); also the current use and lettings of the rooms.
- Would it be possible to return the application site to its previous use as a dwelling housing as use Class C3 with six bedrooms?
- The impact on the existing parking issues in the area and the number of parking spaces available on site.
- The proposal would constitute a reduction in the number of bedrooms when converted into two flats.

It was then moved by Councillor N.Pace and seconded by Councillor J.Beckerman that planning permission be agreed.

This was lost (7 voting for, 8 against).

It was then moved by Councillor P.Zukowskyj seconded by Councillor P.Shah, that the application for the erection of a porch extension and conversion of the resultant building into two self-contained flats each with 2 bedrooms be refused against Officers recommendation on the grounds of overdevelopment of the site and not within keeping of the character of the street scene and

RESOLVED:  
(8 voting for and 7 against)

Reason for refusal:

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1. The proposed alterations to the porch would result in overdevelopment of the site, out of keeping with the character of the area contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

#### 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).

#### REFUSED DRAWING NUMBERS –

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b>                  | <b>Received Date</b> |
|--------------------|------------------------|---------------------------------|----------------------|
| P-02               | A                      | Proposed Floor Plans            | 9 May 2017           |
| P-03               | D                      | Proposed Elevations & Site Plan | 9 May 2017           |
| P-01               |                        | Existing Plans & Elevations     | 17 January 2017      |
|                    |                        | Location Plan                   | 17 January 2017      |

#### 11. APPEAL DECISIONS

The report of the Executive Director (Public Protection, Planning and Governance) detailed recent appeal decisions for the period 6 April 2017 to 4 May 2017.

#### RESOLVED:

That the appeal decisions during the period set out in the report of the Executive Director (Public Protection, Planning and Governance) be noted.

#### 12. FUTURE PLANNING APPLICATIONS FOR COMMITTEE AND PERFORMANCE

The report of the Executive Director (Public Protection, Planning and Governance) 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.

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RESOLVED:

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

13. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT - FOURTH QUARTER 2016/2017

The report of the Executive Director (Public Protection, Planning and Governance) informed the Committee of the performance of the Development Management Service over the first quarter of 2016/17.

RESOLVED:

That the report on the performance of the Development Management Services over the first quarter 2016/17 be noted.

14. 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 (Minute 17 refers) on the grounds that it involved the likely disclosure of confidential or exempt information as defined in Section 100(A) (3) and paragraph 6 (statutory notice or order) 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 was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

15. PLANNING APPLICATION VALIDATION CHECKLIST

The report of the Executive Director (Public Protection, Planning and Governance) informing Members that a Planning Application Validation Checklist was adopted by Development Management Committee on 14 July 2015. The checklist was reviewed since its most recent adoption in 2015 and follows legislation, section 62 (4A) of the Town and Country Planning Act 1990, guidance within the National Planning Policy Framework and Planning Practice Guidance which requires Local Planning Authorities to only request information that is relevant, necessary and material to the development proposed and to review their validation checklist every two years in order to be able to rely on information requirements within their local list. The list has been updated to take account the continued legislative changes since its last adoption in 2015, the introduction of a number of new prior approval regimes, draft local plan, as well as other legislative changes.



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Since the previous report, the Council has had the benefit of having two years with the new IT database. Since its launch it has made efficiency improvements. These improvements now further help our Planning Officers in determining all application types more proficiently and reduced the amount of work required for the Support Team, meaning that applications continue to be checked earlier in the process for their validity.

Members reviewed the speed at which decisions were made and noted that none major applications threshold would be set at 65% with the intention to increase this over time with a threshold of 70% early 2018. Also the appeal decisions as shown within the report were deliberated.

RESOLVED:

That Members note and agree, as appropriate: the proposed changes to the validation checklist; the proposed checklist will be subject to consultation for a minimum of 6 weeks (in accordance with government guidance) to statutory consultees, agents, developers and town and parish councils; and a report on the summary of consultation responses will be presented to Development Management Committee, together with an updated checklist, to enable the checklist to be formally adopted.

16. ENFORCEMENT CASES MONITORING REPORT

The exempt report of the Executive Director (Public Protection, Planning and Governance) provided the Committee with an update of ongoing planning enforcement cases.

RESOLVED:

That the report which provided an update of the ongoing planning enforcement cases be agreed and noted.

Meeting ended 9.35pm  
GP