

Development Management Committee
17 August 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 17 August 2017 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors N.Pace (Vice-Chairman in the Chair)
R.Basch, J.Beckerman, D.Bennett, H.Bower
(substituting for T.Mitchinson), A.Chesterman, J.Cragg
(substituting for S.Boulton), I.Dean, B.Fitzsimon,
K.Holman (substituting for F.Thomson), M.Larkins,
T.Lyons, P.Shah, J.Weston, P.Zukowskyj

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

OFFICIALS PRESENT: Development Management Service Manager (L.Hughes)
Interim Development Management Service Manager (C.Carter)
Parking and Cemetery Services Manager (V.Hatfield)
Governance Services Officer (M.Lowe)
Governance Services Officer (G.Paddan)

34. SUBSTITUTIONS

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

Councillor K.Holman in place of F.Thomson
Councillor J.Cragg in place of S.Boulton
Councillor H.Bower in place of T.Mitchinson

35. APOLOGIES

Apologies for absence were received from Councillors S.Boulton, T.Mitchinson and F.Thomson.

36. MINUTES

Councillor P.Zukowskyj stated, that in his view, the Minutes did not reflect the question he had raised regarding affordable housing on the Mercury House site nor of his request for a response from Officers.

Officers, with the agreement of the Committee, undertook to clarify the query raised by Councillor P.Zukowskyj and, subject to consultation with the Head of Planning who had been present at the meeting, to amend the Minutes accordingly if appropriate.

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The Minutes of the meeting held on 19 July 2017 were approved as a correct record and signed by the Chairman, subject to the inclusion of the following amendment.

Question raised by Councillor P.Zukowskyj.

The affordable housing was not 30% of the total number of properties proposed. Why had the developer not been asked to provide 30% affordable housing? It was reasonable to ask this of the developer considering the amount of profit which was likely to be made.

The Head of Planning responded to Councillor P.Zukowskyj's question as follows.

The Head of Planning advised the Committee that Officers, through negotiations the applicant has agreed to provide 30% affordable housing, which has been applied to the increase in units (twelve) over the Prior Approval permission. As such the applicant has agreed to provide four, one bedroom, shared ownership units. The Council's housing team had confirmed that this proportion would be acceptable.

The Head of Planning stated that he was of the view that the Planning Officers had worked very hard in negotiating the affordable housing on the additional units and had done as much as was possible through the planning process and laws.

37. DECLARATIONS OF INTEREST BY MEMBERS

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

38. MERCURY HOUSE, 1 BROADWATER ROAD, WELWYN GARDEN CITY, AL7 3BQ - 6/2016/2624/FULL - CHANGE OF USE FROM B1(A) OFFICE TO C3 RESIDENTIAL, CONSTRUCTION OF ROOF AND SIDE EXTENSIONS, CREATION OF 43 RESIDENTIAL APARTMENTS AND CYCLE STORAGE COMPOUND

The report of the Executive Director (Public Protection, Planning and Governance) setting out the application seeking planning permission for the change of use from B1(a) office to C3 residential, construction of roof and side extensions, creation of 43 residential apartments and cycle storage compound.

Officers had concluded that the additional condition that the committee sought to impose would not meet the relevant tests of planning conditions as set out in the National Planning Policy Framework.

Whilst the intention behind imposing the condition was clearly understood, matters to do with the combustibility of the materials to be used should be dealt

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with under the Building Regulations. The National Planning Practice Guidance states specifically that “conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning”.

The Committee was advised that the architect for this scheme had confirmed in writing that the scheme will specify what are called Materials of Limited Combustibility for all elements of the cladding system. The definition of these materials is stated in Approved Document Part B2 of the Building Regulations and the architect has stated that Building Control will be provided with these details for approval in due course. It was felt that this re-enforced that this matter can be adequately controlled under those regulations.

Members recalled that the application had been reported to the Development Management Committee on 19 July 2017. At that meeting Members resolved to approve the application subject to relevant amendments which had been reported to Members, the inclusion of an additional condition and a signed S106 agreement.

Members were aware that an additional condition was requested by the Committee, which required the applicant to submit details to demonstrate that the materials used in the proposed development were fire retardant. However, following discussions with the Council’s legal department, it was considered that such a condition would not meet the tests as stated within the National Planning Policy Framework (NPPF) and therefore could not be enforced by the planning service. The NPPF sets out at paragraph 206 that “planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects”.

Whilst the motivations surrounding fire safety were acknowledged and understood, it was considered that this fell within the remit of building control and would be dealt with as a requirement of the Building Regulations. Therefore the suggested condition was not considered to be relevant to planning, in the terms of the NPPF and was not enforceable as the basis for considering such a condition would be the Building Regulations. Therefore it was recommended that this matter should not be conditioned as part of the planning application.

Members noted that the remainder of the report had been revised in line with the updates and amendments that had been reported and approved at the last meeting of the Committee. This included the paragraph within the ‘Highway and Parking matters’ section and amendments to conditions 9 and 10.

A comment was made in respect of the Building Regulation having failed elsewhere in terms of fire safety and that it was felt that the Council should be able to seek to control these matters through the planning system. It was noted the Building Regulations would be updated shortly.

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The application was therefore recommended for approval subject to a S106 Agreement and the same conditions as previously stated, with the inclusion of those changes to conditions 9 and 10.

Tom Akehurst (Agent) spoke in support of the application.

It was proposed by Councillor P.Zukowskyj, seconded by Councillor K.Holman and

RESOLVED:
(unanimous)

That planning permission be approved for application 6/2016/2624/FULL subject to the conditions set out in the report of the Executive Director (Public Protection, Planning and Governance) and completion of a S106 Agreement on or before 1st December 2017.

39. 23 PARK STREET, HATFIELD, AL9 5AT - 6/2016/2339/FULL - CHANGE OF USE FROM RESTAURANT (A3) TO RESIDENTIAL (C3) AND THE ERECTION OF SINGLE STOREY AND FIRST FLOOR REAR EXTENSION AND SUBDIVISION INTO FOUR FLATS (2 X 1 BEDROOM FLATS AND 2 X 2 BEDROOM FLATS)

The report of the Executive Director (Public Protection, Planning and Governance) detailed the application for the change of use from restaurant (A3) to residential (C3) and the erection of single storey and first floor rear extension and subdivision into four flats (2 x 1 bedroom flats and 2 x 2 bedroom flats).

Members recalled that the application was reported to Development Management Committee on 27 April 2017. The application was deferred to enable Officers to explore the potential to make the ground floor of the development “car free” as a means of overcoming the shortfall of two on-site car parking spaces.

Officers had investigated the means available to Local Planning Authorities (LPA’s) to achieve car free developments. Case law illustrates that LPA’s were not able to prevent through S106 Obligations, residents from owning cars or applying for Residents/Business Parking Permits for Controlled Parking Zones. However, LPA’s were able to exclude a property from the Traffic Regulation Order (TRO) that listed the properties eligible for a Residents/Business Parking Permits in any Zone. This method was found, in other Local Authority areas outside of London, to be an effective means of deterring residents from owning and parking a car within the vicinity of a site while the Council retained control over the situation. This method had proved useful in historic townscapes where on-site parking was not available.

At present No. 23 Park Street was within the list of properties eligible for Parking Permits. Removing the two ground floor flat units would require an amendment to the TRO. The effect would be as above to exclude residents from being

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granted a Residents' Parking Permit for the Old Hatfield Resident Parking Zone, which would exclude them from parking there during its hours of operation.

The applicant had confirmed their willingness to make a contribution towards the administrative cost of amending the TRO and this could be secured through a S106 Agreement. Accordingly, the two ground floor flats would not have car parking but this was not considered to cause highway safety issues.

Members noted that the report had been amended in Section 5 (i) Highways and Parking (paragraphs 11.27 to 11.37) and the Planning Obligations Section and was recommended for approval subject to a S106 Agreement and the same conditions as set out in the previous report.

Chris Goward, (Objector) spoke against the application on behalf of the Old Hatfield Residents' Association.

Hatfield Town Councillor James Broach spoke against the application.

Members expressed concerns that the proposed change of use to residential property would have a detrimental impact on the vitality and vibrancy of the centre of Old Hatfield and that they wished to see the character of the area remain as it was and not be destroyed. The view was also expressed that the retail unit, regardless of the nature of the business, should remain.

Further concerns were expressed by Members regarding the long term impact that residential premises on the site would have on neighbouring businesses together with the living conditions of future occupiers of 23 Park Street.

It was moved by Councillor J.Beckerman, seconded by Councillor A.Chesterman that the planning application be approved. On being put to the vote, this motion was lost (6 voting for and 7 against).

It was moved by Councillor P.Zukowskyj, seconded by Councillor T.Lyons and proposed that the application for change of use from restaurant (A3) to residential (C3) and the erection of single storey and first floor rear extension and subdivision into four flats (2 x 1 bedroom flats and 2 x 2 bedroom flats) be refused due to the potential loss of a retail unit and the impact would have on the vibrancy and vitality of in Hatfield Old Town.

RESOLVED:
(11 voting for, 4 against)

That notwithstanding the Officer's recommendation for approval the application 6/2016/2339/FULL for the changed use of the property from a restaurant to residential dwellings be refused for the following reason.

1. The proposed change of use of the ground floor would result in the loss of a restaurant (A3 use) which would be harmful to the viability and vitality of this part of Old Hatfield. The proposal is therefore

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contrary to paragraph 23 of the National Planning Policy Framework which recognises town centres as the heart of the community.

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
P-01		Location Plan	7 November 2016
P-03		Existing & Proposed Block Plans	16 November 2016
P-25	A	Proposed Elevations Rev A	14 February 2017
P-11		Existing Ground Floor & Cellar	16 November 2016
P-12		Existing First Floor Plan	16 November 2016
P-13		Existing Roof Plan	16 November 2016
P-14		Existing Sections	16 November 2016
P-15		Existing Elevations	16 November 2016
P-21	A	Proposed Ground Floor Plans	14 February 2017
P-22	A	Proposed First and Second Floor Plans	14 February 2017
P-23	A	Proposed Roof Plan	14 February 2017
P-24	A	Proposed Sections	14 February 2017

40. LAND AT LITTLE MEAD, HATFIELD - 6/2017/0546/FULL - ERECTION OF 4 X 3 BEDROOM HOUSES AND 3 X 2 BEDROOM HOUSES WITH ASSOCIATED PARKING FACILITIES AND LANDSCAPING FOLLOWING DEMOLITION OF 16 GARAGES AND 2 FLATS

The report of the Executive Director (Public Protection, Planning and Governance) detailed the application seeking full planning permission for the erection of a two-storey terrace of 4 x 3 bedroom houses (Terrace A) and a two-storey terrace of 3 x 2 bedroom houses (Terrace B) with associated parking facilities and landscaping involving the demolition two blocks of 16 lockup garages and two flats above. The block of four units would front Cornerfield with access to the houses gained from this road while the block containing three units adjoins 47-49 Little Mead which serves as the front access. Officers quoted the results of the Transport Survey undertaken by the Council on 13 January 2016.

Andrew Fisher (Agent) spoke in support of the application.

Anthony Goodwin (Objector) spoke against the application.

Members acknowledged and welcomed the positive aspects of the development, which had achieved 100% social housing rather than the 30% as would have

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been achieved in private developments and the siting and size of the access road.

A Member stated that in his view, the Council deciding upon an application for its own development was inappropriate.

Officers, at the request of a Member, restated the figures relating to the Transport Survey undertaken on 13 January 2016 as follows.

Of the 264 spaces within 200m distance (2 minute walk), the following were available at the following hours:

00:30 – 76
12:30 – 132
19:30 – 88

A Transport Survey could be undertaken at any point, but guidance recommends that this is undertaken outside of known times of either unusually high or low vehicular movements. Schools holidays were avoided in order to obtain good representative data. No objections had been received from County Highways.

In response to concerns regarding the serious parking issues witnessed by Members, the Parking and Cemetery Services Manager advised that parking was not permitted in the garage area. Following the parking survey where 555 responses had been received out of over 2,000 questionnaires sent to residents in the immediate vicinity. Few responses were received from Little Mead residents, of which there was not enough to progress any other parking restrictions apart from double yellow lines at the junctions.

It was proposed by Councillor D.Bennett, seconded by Councillor J.Weston and

RESOLVED:
(13 voting for, 1 against and 1 abstention)

That planning permission be approved for application 6/2017/0546/FULL subject to the conditions set out in the report of the Executive Director (Public Protection, Planning and Governance).

41. 32 PARKWAY WELWYN GARDEN CITY AL8 6HQ - 6/2017/1435/FULL - DEMOLITION OF REAR OUTBUILDING

The report of the Executive Director (Public Protection, Planning and Governance) setting out the application which sought planning permission for the demolition of the rear outbuilding which is located within the Welwyn Garden City Conservation Area. Members noted that there was no indication that anything would replace the structure.

The reason that the application had been presented to the Development Management Committee for consideration was because the applicant's wife was Councillor Helen Bromley.

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The Development Management Service Manager explained that representation had been made by the applicant which had described the building to be in disrepair, structurally unsafe, uninsurable and construction work taking place at the neighbouring property provided an opportunity to demolish and clear the rear outbuilding from the property with the minimum disturbance to other neighbouring properties and the busy town centre location.

It was proposed by Councillor D.Bennett, seconded by Councillor I.Dean and

RESOLVED:
(unanimous)

That planning permission be approved for application 6/2017/1435/FULL subject to the conditions set out in the report of the Executive Director (Public Protection, Planning and Governance).

42. APPEAL DECISIONS

The report of the Executive Director (Public Protection, Planning and Governance) detailed recent appeal decisions for the period 6 July to 3 August 2017.

Following clarification from the Development Management Service Manager, Members noted that the applications for 11 Brookmans Avenue, Brookmans Park, Hatfield, AL9 7QH (APP/C1950/W/17/3173234) and 85 Hardings, Welwyn Garden City, AL7 2HA (APP/C1950/W/17/3171041) had been Committee decisions rather than delegated to Officers as stated in the report.

RESOLVED:

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

43. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

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.

RESOLVED:

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

Meeting ended at 8.35 pm
ML