

Development Management Committee  
9 November 2017

## WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 9 November 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)

J.Beckerman, D.Bennett, A.Chesterman, I.Dean,  
B.Fitzsimon, M.Larkins, T.Lyons, S.Markiewicz (substituting  
for T.Mitchinson), P.Shah, F.Thomson, J.Weston,  
P.Zukowskyj

OFFICIALS: Head of Planning (C.Haigh)  
PRESENT: Development Management Service Manager (L.Hughes)  
Interim Development Management Service Manager (C.Carter)  
Legal Adviser, Partner, Trowers and Hamlin LLP (J.Backhaus)  
Principal Development Management Officer (M.Peacock)  
Governance Services Officer (M.Lowe)  
Governance Services Officer (G.Paddan)

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### 68. SUBSTITUTIONS

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

Councillor S.Markiewicz for T.Mitchinson.

### 69. APOLOGY

An apology for absence was received from Councillor T.Mitchinson.

### 70. MINUTES

The Minutes of the meeting held on 12 October 2017 were approved as a correct record and signed by the Chairman.

### 71. DECLARATIONS OF INTEREST BY MEMBERS

Councillor J.Beckerman declared a non-pecuniary interest in item 6 - 22 The Avenue, Welwyn, AL6 0PP - 6/2017/1751/OUTLINE by virtue of knowing the owner of the application site.

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

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72. 22 THE AVENUE, WELWYN, AL6 0PP - 6/2017/1751/OUTLINE - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 12 DWELLINGS WITH ALL MATTERS EXCEPT ACCESS RESERVED TO INCLUDE DEMOLITION OF EXISTING DWELLING AND INDUSTRIAL BUILDING

Report of the Executive Director (Public Protection, Planning and Governance) setting out the application seeking planning permission for outline planning permission for the erection of up to 12 dwellings with all matters except access reserved to include demolition of existing dwelling and industrial building.

Officers clarified that the only matter for consideration at this stage was the access. Access would be gained from The Avenue via the existing vehicular access road that leads to a number of dwellings including, No. 22 The Avenue, which was part of the application site and which was proposed to be demolished. Additionally, an existing industrial building on the site would also be demolished as part of the proposals.

Whilst scale and layout were not matters for consideration at this stage, the application description referred to 'up to 12 dwellings' and was accompanied by three alternative potential layout plans for either 8, 10 or 12 dwellings.

The application had been presented to the Development Management Committee because the development was a departure from the District Plan.

Councillor Cragg has also called the application in on the grounds that;

*'It is in Green Belt land and outside the local plan'*

Mr Chris Watts, agent, spoke in support of the application.

In response to a question from a Member, Officers advised that under outline planning permission up to five matters could be determined. These were access, landscaping, layout, design and scale.

Members supported the recommendation of Officers to refuse the application for outline planning permission for this site due to the following concerns.

- Constrained access
- Inappropriate location
- Noise levels from the A1(M)
- Air quality of the site as a result of its close proximity to the A1(M)
- Not contained in the Local Plan
- Non-compliant
- Over development of the site

It was then proposed by Councillor A.Chesterman, seconded by Councillor I.Dean and

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RESOLVED:  
(13 voting for)

That planning permission be refused for the reasons set out in the report of Officers.

(Councillor J.Beckerman withdrew from the meeting during consideration of this item).

73. PLOT 6000 LAND ADJACENT TO PORSCHE GARAGE HATFIELD AVENUE  
HATFIELD BUSINESS PARK HATFIELD AL10 9UA - 6/2017/0550/MAJ -  
ERECTION OF A 75 BED ELDERLY CARE HOME DEVELOPMENT (C2)  
WITH 24 PARKING BAYS AND ASSOCIATED LANDSCAPING

Report of the Executive Director (Public Protection, Planning and Governance) detailing the application for the proposal seeking full planning permission for the erection of a 75 bed elderly care home development (C2) with 24 parking bays and associated landscaping. The care home would cater for nursing and dementia (use class C2 residential institutions) on a vacant site between Hatfield Avenue and Manor Road.

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

Hatfield Town Councillor James Broach spoke against the application.

During the discussion Members made the following comments.

- The proposal for a mixed use residential and nursing home was much needed in the Borough.
- The number of car parking spaces were insufficient for the proposed facility and there would be a significant impact on the surrounding area displacing residents parking.
- The informal arrangement with the car park of the neighbouring hospital which allowed be used for overflow was not legally binding.
- The owners of the facility were to be encouraged to formalise the arrangements regarding parking with the neighbouring hospital.
- There should be no pedestrian access from Manor Road to the development to reduce parking in that road.
- The residents may be affected by the possible noise disturbance from the neighbouring garage.

Officers advised that the proposed parking capacity was with the Council's parking standards.

It was then proposed by Councillor J.Beckerman, seconded by Councillor N.Pace and

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RESOLVED:  
(12 voting for, 2 against)

That planning permission be approved for the application for Plot 6000 Land Adjacent To Porsche Garage Hatfield Avenue Hatfield Business Park Hatfield AL10 9UA - 6/2017/0550/MAJ subject to the imposition of relevant conditions and the satisfactory completion of a supplementary Section 106 Agreement, on or before 9 January 2018 to secure the following obligations:

- Submission of an amended Travel Plan
- £6,000 Travel Plan Monitoring Fee
- £50,000 towards a parking study and the implementation of parking restrictions

74. FORMER ROCHE PRODUCTS SITE, 40 BROADWATER ROAD, AL7 3AY - 6/2016/1882/FULL - CHANGE OF USE OF FORMER ROCHE PRODUCTS FACTORY (CLASS B OFFICES, RESEARCH AND MANUFACTURING) TO PROVIDE 34 RESIDENTIAL UNITS (CLASS C3) ACROSS BASEMENT, GROUND AND FIRST TO THIRD FLOORS, WITH ASSOCIATED EXTERNAL ALTERATIONS INCLUDING EXCAVATION TO THE REAR LIGHTWELL OF SOUTHERN ELEVATION, ADDITIONAL AND ALTERED FENESTRATION TO THE NORTHERN AND SOUTHERN ELEVATIONS, CREATION OF ADDITIONAL CAR PARKING AND ASSOCIATED LANDSCAPING, TOGETHER WITH INTERNAL ALTERATIONS INCLUDING THE SUBDIVISION AND RECONFIGURATION OF FLOORSPACE, THE INTRODUCTION OF 5 NEW SPIRAL STAIRCASES AND PROVISION OF SERVICING WITHIN THE BUILDING

Report of the Executive Director (Public Protection, Planning and Governance) detailing an application seeking planning permission for the change of use of former Roche products factory (Class B offices, research and manufacturing) to provide 34 residential units (Class C3) across basement, ground and first to third floors, with associated external alterations including excavation to the rear lightwell of southern elevation, additional and altered fenestration to the northern and southern elevations, creation of additional car parking and associated landscaping, together with internal alterations including the subdivision and reconfiguration of floorspace, the introduction of five new spiral staircases and provision of servicing within the building.

Ms Andrea Herrick, agent spoke in favour of the application.

Borough Councillor Malcolm Cowan spoke against the application

Officers proposed the following amendment to Clause 6 of the Heads of Term.

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6. Contribution to Affordable Housing of £50,000 together with the inclusion of a clause for a viability review mechanism following completion of the 25th property sale.

Members expressed the following views.

- Development of the site was to be welcomed particularly in light of the vandalism and neglect currently experienced at the site.
- It was unacceptable that the owner of the site had allowed a historically listed building to fall into such a poor state of disrepair.
- The loss of the heavily used parking spaces within the site would result in the lack of spaces for neighbouring properties, which would spill over into residential roads nearby.
- A parking study should be undertaken prior to any decision being made on the application for the proposed site.
- The proposed change of use and alterations to the building would potentially harm the significance and setting of the listed building.
- The total lack of social housing in the proposed development was unacceptable.
- The provision of social housing in the scheme would not be detrimental to the overall profitability of the site.

The Legal Adviser reminded Members that the Council had sought independent advice from BNP Paribas on the viability of the site. The Council would be at risk should Members go against the advice given by their own agents who were specialists in this area.

It was then proposed by Councillor F.Thomson, seconded by Councillor M.Larkins and

RESOLVED:  
(11 voting for, 3 against)

That planning permission be approved for the application Former Roche Products Site, 40 Broadwater Road, AL7 3AY - 6/2016/1882/FULL subject to the imposition of relevant conditions and the satisfactory completion of a supplementary Section 106 Agreement to secure the following obligations:

1. Contribution to Green Space £3,535.56 (tree planting in Welwyn Garden City centre)
2. Contribution to Play Space £9,273.60 (enhancement of Coral Meads play area)
3. Contribution to Refuse and Recycling of up to £1,800
4. Contribution to Library Service £4,459 (enhancement of IT on First Floor of Welwyn Garden City Library)
5. Contribution to Youth Service £434 (mobile provision)

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6. Contribution to Affordable Housing of £50,000 together with the inclusion of a clause for a viability review mechanism following completion of the 25th property sale
7. Provision of fire hydrants as necessary

75. FORMER ROCHE PRODUCTS SITE, 40 BROADWATER ROAD, AL7 3AY - 6/2016/1883/LB - CHANGE OF USE OF FORMER ROCHE PRODUCTS FACTORY (CLASS B OFFICES, RESEARCH AND MANUFACTURING) TO PROVIDE 34 RESIDENTIAL UNITS (CLASS C3) ACROSS BASEMENT, GROUND AND FIRST TO THIRD FLOORS, WITH ASSOCIATED EXTERNAL ALTERATIONS INCLUDING EXCAVATION TO THE REAR LIGHTWELL OF SOUTHERN ELEVATION, ADDITIONAL AND ALTERED FENESTRATION TO THE NORTHERN AND SOUTHERN ELEVATIONS, CREATION OF ADDITIONAL CAR PARKING AND ASSOCIATED LANDSCAPING, TOGETHER WITH INTERNAL ALTERATIONS INCLUDING THE SUBDIVISION AND RECONFIGURATION OF FLOORSPACE, THE INTRODUCTION OF 5 NEW SPIRAL STAIRCASES AND PROVISION OF SERVICING WITHIN THE BUILDING

Report of the Executive Director (Public Protection, Planning and Governance) detailing this application seeking listed building consent for the change of use of former Roche products factory (Class B offices, research and manufacturing) to provide 34 residential units (Class C3) across basement, ground and first to third floors, with associated external alterations including excavation to the rear lightwell of southern elevation, additional and altered fenestration to the northern and southern elevations, creation of additional car parking and associated landscaping, together with internal alterations including the subdivision and reconfiguration of floorspace, the introduction of five new spiral staircases and provision of servicing within the building.

It was then proposed by Councillor M.Larkins, seconded by Councillor D.Bennett and

RESOLVED:  
(13 voting for, 1 against)

That planning permission for the Former Roche Products Site, 40 Broadwater Road, AL7 3AY - 6/2016/1883/LB be granted subject to the conditions set out in the report.

76. 16 THE MEADWAY, CUFFLEY, EN6 4ES - 6/2017/1648/HOUSE - ERECTION OF DETACHED ANNEXE IN REAR GARDEN FOLLOWING THE DEMOLITION OF EXISTING SHED, STUDIO AND GREENHOUSE

Report of the Executive Director (Public Protection, Planning and Governance) detailing this application seeking planning permission for the erection of detached annexe in rear garden following the demolition of existing shed, studio and greenhouse.

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Mrs Andrea Allgood, (Objector) spoke against the application.

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

Members discussed the application and expressed the following views.

- The proposed development was not a like for like replacement of the existing structures.
- Members did not consider the proposed development to be an annexe, as it was not close or adjacent to the house. Nor was it joined to the existing house, which is what was understood to consist of an annexe.
- Although legally considered to be an annexe, Members were of the view that an annexe would allow a family member, with health or mobility issues, to live independently in close proximity to the main family house. Considered to be the case with this application.
- Special circumstances of family had not been given for the reasons as to why such a construction would be necessary.
- The proposed development could accessed easily through the existing garage, as the up and over door could be changed to a domestic door.
- Access to the railway station could easily be gained through the rear garden gate. The right of access along this stretch of land was queried, together with the access route along the alley behind the property. It was proposed that the new development would be beyond the fence line.
- Should a person be sufficiently determined, they would be able to pass through the woods to gain access to the proposed development from the railway line area.
- The proposed development was considered to be a substantial building with a living and dining room, which could be relatively easily converted into a two bedroom property, independent of the main house.
- It would be virtually impossible to enforce the occupation of the proposed building to that of a family member.
- The proposed property was not considered to be ancillary to the house, it was a new house.
- Members believed that the proposed development would be rented out by word of mouth.
- Concerns were raised regarding the possibility that the proposed development could be occupied by anyone, unrelated to the family and of the owner turning the annexe to the house in to a house of multiply occupation (HMO).
- Further concerns were raised regarding the impact of the proposed development would have on the parking in the road.

Members were advised by Officers that the proposed development was legally considered to be an annexe and that an ancillary building did not have a separate address nor separate bills to the main dwelling.

The Members were further advised that should they be minded to an additional condition preventing a kitchen to be within the building, this would

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prevent the proposed property from being used as a separate dwelling to that of the main house. In order to enforce, evidence would be required to show the building was a completely separate dwelling. A kitchen would indicate that the dwelling was separate to the main house.

Following discussion, it was proposed by Councillor S.Markiewicz, seconded by Councillor P.Zukowskyj to accept the Officers recommendation. On being put to the vote this was lost (6 votes for and 8 against).

It was then proposed by Councillor S.Markiewicz, seconded by Councillor J.Weston to include an additional condition that no kitchen be allowed in the proposed building.

RESOLVED:  
(8 voting for, 4 against)

That planning permission for the 16 The Meadway, Cuffley, EN6 4ES - 6/2017/1648/HOUSE be granted subject as recommended with the following additional condition:

Notwithstanding drawing number 2017/04 and condition 4, no kitchen shall be installed in the building at any time.

REASON: To ensure that the building remains ancillary to the main building and an independent dwelling does not result which would require an assessment of the amenity for both existing and proposed residents on site and adjoining premises as well ensuring matters such as, but not limited to, appropriate parking provision is provided, in accordance with the Welwyn Hatfield District Plan policies D1 and D2 and the National Planning Policy Framework 2012.

#### 77. APPEAL DECISIONS

Report of the Executive Director (Public Protection, Planning and Governance) detailing recent appeal decisions for the period 30 September to 30 October 2017.

RESOLVED:

That appeal decisions during this period had all been dismissed and where delegated authority be noted.

#### 78. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

Report of the Executive Director (Public Protection, Planning and Governance) providing Members with a summary of planning applications that might be presented to the 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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Member's attention was drawn to the length of time some of the cases had remained on the list.

**RESOLVED:**

That future planning applications which might be considered by the Committee be noted, together with the length of time some of the cases had remained on the list.

Meeting ended at 9.58 pm  
ML