

Development Management Committee
1 February 2018

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 1 February 2018 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Boulton (Chairman)

J.Beckerman, D.Bennett, H.Bower (substituting for N.Pace),
N.Chapman (substituting for T.Mitchinson), A.Chesterman,
M.Cowan (substituting for P.Zukowskyj), I.Dean,
B.Fitzsimon, M.Larkins, T.Lyons, P.Shah, F.Thomson,
J.Weston

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

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

105. SUBSTITUTIONS

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

Councillor H.Bower for N.Pace
Councillor M.Cowan for P.Zukowskyj
Councillor N.Chapman for T.Mitchinson

106. APOLOGIES

Apologies for absence were received from Councillors T.Michinson, N.Pace and P.Zukowskyj.

107. MINUTES

The Minutes of the meeting held on 4 January 2018 were approved as a correct record and signed by the Chairman.

108. DECLARATIONS OF INTEREST BY MEMBERS

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Councillor S.Boulton declared non-pecuniary interests in items on the agenda as appropriate by virtue of being a Member of Hertfordshire County Council and North Mymms Parish Council.

109. 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 erection of a 75-bed elderly care home, catering for nursing and dementia (use class C2 residential institutions) with 24 parking bays and associated landscaping on a vacant site between Hatfield Avenue and Manor Road.

The application had been presented to the Development Management Committee on 9 November 2017 because Hatfield Town Council had raised the following objection.

“Members object to the application due to the overbearing nature of the development on the properties in Manor Rd, the height of the development and the lack of on-site parking.”

At that meeting Members resolved to grant planning permission subject to the completion of a legal agreement on or before 9 January 2018 to secure the planning obligations set out below:

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

The completion of a legal agreement had been delayed due to some protracted negotiations. The matter had been referred back to the Development Management Committee with a recommendation to extend the time limit for a further two months (9 March 2018) whilst negotiations between interested parties for the completion of the legal agreement continued.

Members noted that there had been no significant changes to the application site, surrounding context, planning history or planning policy which would impact on the implementation of the proposal. It was therefore recommended that the time limit be extended for a further two months for the completion of the legal agreement subject to the conditions, informatives and S.106 contributions detailed within the Officer’s report.

It was then moved by Councillor T.Lyons, seconded by Councillor A.Chesterman and

RESOLVED:

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(12 voting for, 1 against, 1 abstention)

That planning permission be granted subject to the conditions set out in the report.

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

Plan Number	Revision Number	Details	Received Date
(9-) 2	F	Proposed Site Plan	12 October 2017
(00) 2	D	Proposed Ground Floor Plan	3 April 2017
(00) 3	D	Proposed First Floor Plan	3 April 2017
(00) 4	D	Proposed Second Floor Plan	3 April 2017
(00) 5	B	Proposed Roof Plan	3 April 2017
(9-) 3	A	Existing Topographical Survey	3 April 2017
(9-) 4	A	Existing Block Plan	3 April 2017
(21) 1	A	Proposed Elevations 1 of 2	3 April 2017
(21) 2	A	Proposed Elevations 2 of 2	3 April 2017
(9-) 1	A	Site Location Plan	3 April 2017
2493/16/B/1		Landscape Strategy	20 March 2017
0020/17/A/1		Landscape planting plan	28 June 2017
0020/17/A/2		Landscape planting plan – Eastern Area	28 June 2017
0020/17/A/3		Landscape planting plan – Northern Area	28 June 2017
0020/17/A/4		Landscape planting plan – Southern Area	28 June 2017
0020/17/A/5		Landscape planting plan – schedule and details	28 June 2017
SK601		Surface Water Strategy	26 July 2017

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

110. UNIT 9-11 PEARTREE FARM, WELWYN GARDEN CITY - 6/2017/1152/FULL - CHANGE OF USE OF LAND TO A B2 USE FOR VEHICLE REPAIRS INVOLVING ERECTION OF A WORKSHOP FOLLOWING PART DEMOLITION OF EXISTING WORKSHOP

Report of the Executive Director (Public Protection, Planning and Governance) setting out the application for full planning permission for the change of use of land to B2 use for vehicle repairs involving erection of a workshop following part demolition of existing workshop.

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The applicants had indicated that the proposed structure would be used to maintain and repair the applicant's coaches and minibuses. Although the applicants consider the proposal to be sui-generis, the Land Use Gazetteer classified Maintenance and Repairs of Motor Vehicles as B2 (Industrial) Use. The application had been assessed on this basis.

The application had previously been presented to the Development Management Committee as Councillor Cowan had called the application in stating:

"The fact these industrial units back onto residential homes means there has been some history of a difficult interface and it is important the application is given the fullest examination."

"My comment about difficult interface was that the previous company running a bus operation there were the subject of many complaints over a long period."

The application had been deferred at the Development Management Committee Meeting on 4th January 2018 pending further investigation into the height of the vehicles to be repaired within the repair workshop. This had been to establish the extent of repairs that would continue to be carried out in the open air. Discussions with the agents for the development had confirmed that the one double-decker bus currently operated by the applicant did not fit within the proposed building and would consequently continue to be maintained outside of the building, whilst all of the other company coaches and mini-buses would fit within the building and would be maintained therein. The report therefore remained unchanged.

Mr Alan Jellett (objector) spoke against the application on behalf of neighbours. The objections included the impact of the proposed development on the visual amenity if the neighbouring residential properties; the impact on the environment due to an increase of fume and noise emissions and that the proposal was contrary to Garden City principles.

Ward Member Councillor H.Beckett, speaking against the application, stated that due to the close proximity to residential property the use of the land as B2 (industrial) was unacceptable due to adverse effects of noise, emissions and impact on the visual amenity.

Following discussion by Members, which included the following concerns.

- Whether there is a reduced need for employment land in the Borough
- Prevailing westerly winds and any potential for odour
- The double decker bus would continue to be serviced outside of the building
- There was an expectation that there would be an increase in the number of oversized vehicles being serviced on the site and times of operation
- Increased and continued noise, vibrations and emission of fumes from the site when in operation
- The ridge height of the proposed building
- Close proximity to residential property

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- The amenity of the neighbouring residents had been and would continue to be adversely effected
- On-going complaints of noise nuisance

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

RESOLVED:
(12 voting for, 2 against)

That planning permission for UNIT 9 - 11 Peartree Farm, Welwyn Garden City - 6/2017/1152/FULL notwithstanding the Officer's recommendation for approval be overturned and refused for the following reason.

"The land on which the proposal is located is outside any designated employment area and would cause a major impact on the living conditions of the neighbouring residential properties, particularly given the proximity to their boundaries, the height and scale of the building and the fumes from the use of the facility and their impact on the health of nearby residents. As such the proposal would fail to comply with the requirements of Policy EMP8 of the Welwyn Hatfield District Plan 2005 which requires employment sites, located outside of designated employment areas, not to have any adverse impact on the residential amenities of nearby properties".

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).

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
458-02-B		Existing Block Plan	26 October 2017
458-10-C		Proposed Block Plan	26 October 2017
458-11-A		Proposed Floor Plan & Elevations	6 September 2017
458-01		Location Plan	26 May 2017
458-12		Indicative Cross Sections	26 October 2017
24489		Level Survey	26 October 2017

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458-15-B

Block plan Outline
Landscaping

8 December 2017

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

111. ACCORD HOUSE, 28 BRIDGE ROAD EAST, WELWYN GARDEN CITY, AL7 1HX - 6/2017/2415/MAJ - ADDITION OF TWO FLOORS TO FORM 15 X 1 BED FLATS AND 1 X 2 BED FLAT, ALTERATIONS TO ELEVATIONS INCLUDING FENESTRATION DETAILS AND ASSOCIATED CYCLE PARKING, BIN STORAGE FACILITIES AND DISABLED PARKING SPACES FOLLOWING REMOVAL OF EXISTING ROOF

Report of the Executive Director (Public Protection, Planning and Governance) detailing the application of an addition two floors to form 15 X 1 bed flats and 1 X 2 bed flat, alterations to elevations including fenestration details and associated cycle parking, bin storage facilities and disabled parking spaces following removal of existing roof.

The application site was located close to the corner of the cross roads with Bridge Road East and Broadwater Road and comprised a two storey office building and associated car park. The site was located within an employment area. However this particular area was changing by virtue of the introduction of residential developments close to the application site, which included the recent permission for the redevelopment of Mercury House and the Shredded Wheat Factory in the immediate vicinity.

The application site currently benefited from a car park to the rear of the other buildings for approximately 38 car parking spaces to the side of the site with limited landscaping along the boundaries.

The proposal would comprise a two-storey roof extension to the existing building, to create an additional 16 number residential flats (15 x 1 bedroom flats and 1 x two bedroom flat). Vehicular access to the building was from the rear of the site.

Accord House has extant permission for change of use from B1 office to C3 residential (ref. 6/2017/0525/PN11). The change of use had been implemented, and took place as permitted development, under the provisions of Class O of Schedule 2 (Part 3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as amended).

The proposed development would be constructed at the same time as the changes to the façade of the ground and first floor, which had been approved under (ref.6/2017/0903/FULL). The proposed plans for the current application also showed these façade changes to demonstrate the appearance of the completed residential building. A slight change to the window bars from that already permitted was proposed.

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Members noted that the changes to the façade of the ground and first floor were not possible under the application for prior approval, as the process did not allow for works which would constitute development as separate planning permission would be required. The prior approval established that the building could be converted to residential, this application sought to justify a greater number of flats and a denser form of residential development.

Mr Tim Waller (agent) spoke in support of the application.

It was then moved by Councillor D.Bennett, seconded by Councillor A.Chesterman and

RESOLVED:
(unanimous)

That planning permission be approved subject to the conditions as set out in the report of Officers and the applicant entering the necessary S.106 Agreement to secure the following obligations and agreeing any necessary extensions to the Statutory determination period to allow the completion of the S106 Obligation.

- 30% affordable housing
- WHBC Client Services (Waste & Recycling) - £1,730.00
- WHBC Green Spaces - £1,360.00
- WHBC Play Facilities - £3,606.40
- HCC Nursery Education - £675
- HCC Childcare - £177
- Management and maintenance of the communal areas.

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

Plan Number	Revision Number	Details	Received Date
A_0100	A	Existing Ground And First Floor Plans	19 October 2017
A_0101	A	Existing Second Floor And Roof Plan	19 October 2017
A_0102	A	Existing Elevations	19 October 2017
0974_A_2201	P2	Proposed Ground & Second Floor Plans	19 October 2017
0974_A_2200	P2	Proposed Site Plan	20 December 2017
0974_A_2202	P2	Proposed Second Floor And Roof Plans	19 October 2017
0974_A_3201	P1	Proposed Elevations	19 October 2017
A_1004	A	Existing Site Plan	19 October 2017
A_0010	A	Location Plan	19 October 2017

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

112. 111 THE RYDE, HATFIELD, AL9 5DP - 6/2016/0900/FULL - CHANGE OF USE TO SUI-GENERIS LARGE HOUSE IN MULTIPLE OCCUPATION (HMO) FOR UP TO 9 OCCUPANTS

Report of the Executive Director (Public Protection, Planning and Governance) detailing change of use to Sui-Generis large house in multiple occupation (HMO) for up to nine occupants.

Retrospective planning permission had been sought for the change of use from Class C3 (single family dwelling) to Sui Generis (large HMO for up to nine residents).

The changes included:

- Alterations to the existing layout
- Conversion of the front ground floor bedroom into a communal kitchen and dining room
- Reduction of the number of occupants to nine
- Shared use of the garden (accessed through the existing galley kitchen)
- Six parking spaces on the hard-surfaced site frontage
- Conversion of the car port into a garage - including alterations to southern boundary with No 109 The Ryde – replacement of the fence with a 3m high wall

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

A late representation had been received from a neighbour which agreed with the observation that the use of the property as a HMO constituted a break to the restrictive covenants imposed on the development of the Ryde.

Mr Matt Dibbs, objector spoke against the application

Hatfield Town Councillor James Broach spoke against the application and objected to the change of use of a family home to a large HMO, which was out of keeping in the area and would have a detrimental impact on the amenity of the residents of the neighbouring properties and the occupiers of the house itself.

Ward Councillor Caroline Gillett spoke against the application which was considered to have a total disregard for the neighbours and which broke the restrictive covenants associated with the development.

Following discussion, during which Members raised a number of concerns.

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- Parking arrangements and access to the crossover was considered to be inadequate for the number of occupants, which would result in the grass verge being irreparably damaged
- Any additional vehicles associated with the property would then park on the road, causing increased parking issues for the local residents
- Extension of the crossover would be detrimental to the character of the area and street tree
- The proposal was out of keeping with the area, which was characterised by detached and semi-detached/linked houses of families

It was then proposed by Councillor T.Lyons, seconded by Councillor M.Cowan and

RESOLVED:
(13 voting for, 1 against)

That planning permission for 111 The Ryde, Hatfield, AL9 5DP - 6/2016/0900/FULL notwithstanding the Officer's recommendation for approval be overturned and refused for the following reason.

"By virtue of the inaccessibility of the proposed parking area from the public highway, and the change in the nature of the use of the property, the proposed use fails to demonstrate a high standard of design, or to respect the character and context of the surrounding area. Therefore, the proposal fails to comply with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005".

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

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

Plan Number	Revision Number	Details	Received Date
		Site Plan	9 June 2016
		Block Plan	9 June 2016
		Existing Ground Floor Plan	9 June 2016
		Existing First Floor Plan	9 June 2016
1326 PL 02		Elevation Drawing 1326 PL 02	3 January 2018
1326 PL 01		Proposed Ground and	3 January 2018

First Floor Plans

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

113. FLINT COTTAGE, BLACKHORSE LANE, POTTERS BAR, EN6 3NB - S6/2014/2003/FP - ALTERATIONS TO EXTENDED DWELLING TO INCLUDE: REMOVAL OF 5NO. DORMER WINDOWS, REMOVAL OF FIRST FLOOR SIDE EXTENSION, REPLACEMENT OF TWO STOREY FRONT EXTENSION WITH SINGLE STOREY ENTRANCE PORCH AND RETENTION OF SINGLE STOREY REAR EXTENSION

Report of the Executive Director (Public Protection, Planning and Governance) detailing alterations to extended dwelling to include: removal of five dormer windows, removal of first floor side extension, replacement of two storey front extension with single storey entrance porch and retention of single storey rear extension.

Members noted that the application had been due to be reported to Development Management Committee on 14 September 2017. The application had been deferred following a late representation from Hertfordshire Ecology in order to enable a Bat Assessment to be done. A Bat Assessment had been undertaken in November 2017 and a Survey Report and Mitigation Strategy submitted by the applicant in December 2017. Hertfordshire Ecology had been consulted and responded that, subject to conditions over further bat surveys and a mitigation strategy being implemented, the report and mitigation strategy were acceptable and the development would not have an unacceptable impact on Protected Species.

Following the Planning Inspectorate's appeal decision from a previous planning enforcement decision (ENF/2010/0261) it was decided that the application would seek to negotiate an acceptable scheme for the house and that the issues of the hardstanding area and the garage/outbuilding would be dealt with through subsequent applications.

The application site comprised Flint House (also known as Flint Cottages), a two storey detached dwelling and its grounds. The site was in the Green Belt, covered an area of 0.23Ha and included a block of stables, a large outbuilding a yard area and an area which was previously used as a ménage.

The existing house consisted of two cottages which were joined into one house and extended. The existing materials were brick at ground floor, painted render at first floor and tiles on the roof. Some of the extensions had been granted planning permission while some were the subject of an extant Enforcement Notice.

The applicants had originally appealed the Enforcement Notice mentioned above. However, the appeal had been dismissed (APP/C1950/C/13/2206775)

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and the Inspector upheld the enforcement notice (Dated 1 April 2014) against breach of Condition 4 of 1994/0260/FP (which had removed Permitted Development Rights). The Inspector expected discussions to take place between the Parties to try to find a solution following the appeal proceedings. It was acknowledged that this may take time. The Inspector also commented that the Council had, under the provisions of s.173A of the 1990 Act, the power to waive or relax any requirement in a notice and may extend any period for compliance.

In the current application, full planning permission was sought for alterations to:

- The extended dwelling to reduce its size to address the unauthorised works
- Removal of five dormer windows, retention of one dormer on front to house stairs to roof space
- Removal of the first floor side extension at west side, replacement with cat slide roof
- Replacement of the two storey front extension with a single storey entrance porch (10sqm in lieu of 3sqm canopy porch)
- Retention of enlarged single storey rear extension replacing approved conservatory (50sqm larger)
- Reduce size of floor area in roof (to 68sqm from 78sqm)

The proposals presented were submitted by the applicant on the advice from Officers to submit an application that would purely concentrate on the dwelling and to seek a 'baseline' that was reflective of planning permissions granted at the property.

The enlarged garage building did not comprise part of the application. However, it remained subject to the extant Enforcement Notice. The application had been presented to the Development Management Committee because North Mymms Parish Council had objected to the proposal.

North Mymms Parish Councillor Jacqui Boulton, spoke against the application, stating that the height of the existing building was disproportionate in scale and the extensions were inappropriate and harmful to the Green Belt. Should the proposal be granted permission there would be a significant detrimental impact on the Site of Special Scientific Interest as the property was located in Hawkshead Wood and Redwell Wood a Site of Special Scientific Interest (SSSI).

Following discussion, the Committee were of the view that scale of the development would remain overbearing; out of keeping and harmful to the Green Belt and that very special circumstances had not been identified.

It was then proposed by Councillor I.Dean, seconded by Councillor M.Cowan and

RESOLVED:
(12 voting for and 2 against)

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That planning permission for Flint Cottage, Blackhorse Lane, Potters Bar, EN6 3NB - S6/2014/2003/FP notwithstanding the Officer's recommendation for approval be overturned and refused for the following reason.

By virtue of its resultant size, height, volume, mass and bulk, the development would continue to represent disproportionate additions, both qualitatively and quantitatively, over the original dwelling and, therefore, inappropriate development in the Green Belt. Further, there would be a significant and harmful impact on the openness of the Green Belt for the same reasons. The applicant has failed to advance a case of very special circumstances that is sufficient to outweigh the identified harm and therefore the proposal fails to comply with the requirements of Policies GBSP1, GBSP2 and RA3 of the Welwyn Hatfield District Plan 2005 and the requirements of the National Planning Policy Framework”.

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
FC 04		2014 2003 existing plans FC04	9 September 2014
FC 05		2014 2003 existing roof space plan FC05	9 September 2014
FC 06		2014 2003 existing elevations	9 September 2014
		2014 2003 Site Location Plan	9 September 2014
FC 02	A	2014 2003 proposed plans	9 September 2014
FC 06	A	2014 2003 proposed elevations	9 September 2014

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

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Report of the Executive Director (Public Protection, Planning and Governance) detailing recent appeal decisions for the period 13 December 2017 to 18 January 2018.

RESOLVED:

That appeal decisions during this period be noted.

115. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

Report of the Executive Director (Public Protection, Planning and Governance) provided Members with a summary of planning applications that might be presented to the Committee over the next one or two months. Members noted that if the call-in or application was withdrawn, the item would not be presented to Committee.

RESOLVED:

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

Meeting ended at 9.06 pm
ML