

Development Management Committee
13 September 2018

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 13 September 2018 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

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

H.Bromley, J.Caliskan, A.Chesterman, L.Chesterman
(substituting for T.Lyons), S.Elam, C.Gillett
(substituting for S.Boulton), P.Hebden, M.Larkins,
G.Michaelides (substituting for S.Markiewicz), P.Shah,
S.Wrenn

OFFICIALS Head of Planning (C.Haigh)
PRESENT: Development Management Service Manager (C.Carter)
Legal Adviser, Partner, Trowers and Hamllins LLP (J.Backhaus)
Development Management Officer (D.Elmore)
Governance Services Officer (M.Lowe)

44. SUBSTITUTION OF MEMBERS

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

Councillor C.Gillett for S.Boulton
Councillor G.Michaelides for S.Markiewicz
Councillor L.Chesterman for T.Lyons

45. APOLOGIES

Apologies for absence were received from Councillors S.Boulton, T.Lyons and S.Markiewicz.

46. MINUTES

The Minutes of the meeting held on 16 August 2018 were approved as a correct record and signed by the Chairman.

47. DECLARATIONS OF INTEREST BY MEMBERS

Councillor L.Chesterman declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being a Member of Hertfordshire County Council.

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48. WOOD GREEN TIMBER COMPANY, COOPERS LANE, NORTHAW, POTTERS BAR, EN6 4NE- 6/2018/0719/FULL - RETENTION OF EXISTING RACKING STRUCTURE WITH A REDUCED HEIGHT OF 4M AND OMITTING THE ROOFS

Report of the Corporate Director (Public Protection, Planning and Governance) setting out the retention of existing racking structure with a reduced height of 4m and omitting the roofs.

The application site comprised an established timber merchant yard operated by 'Wood Green Timber Company'. The application site was located on the west side of Coopers Lane, close to Potters Bar. The site was adjoined to the south by an access road leading onto Coopers Lane, beyond which was an open field. Two residential properties also faced onto the access road, almost opposite the application site. To the immediate west of the application site was a recycling centre, with open land and the Old Owens Sports Ground beyond. To the immediate north was the access road and car park to the sports ground, and a parcel of open land. To the east, the land was mostly open fields with occasional pockets of woodland. The character of the area was described as being semi-rural.

The application had been presented to the Development Management Committee because Northaw and Cuffley Parish Council had objected to the proposal.

Reasons for refusal:

'The racking structure, by virtue of its location, scale and form, represents inappropriate development within the Green Belt and has a harmful effect on the openness of the Green Belt. No very special circumstances exist. As such, this development is contrary to Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2012.'

'The racking structure, by virtue of its location, scale and form, represents an incongruous and harsh addition relative to the semi-rural character and visual amenities of the existing area. As such, this development represents a poor standard of design which would detract from the character of the existing area and its local landscape character, contrary to Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2012.'

Mr Lane, (Agent) spoke in favour of the application.

Mr Butters, (Objector), spoke as a neighbour against the application and Officer's recommendation due to the inappropriateness of the development in the green belt and the traffic issues caused to the neighbouring residences by the large heavy goods vehicles and other vehicular movements associated with the business in what was a very narrow country lane.

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Mr Holt, on behalf of Northaw and Cuffley Parish Council, spoke against the application, reiterating the objections made in the statement from the Parish Council.

Councillor Bernard Sarson, as Ward Member, spoke against the application, supporting the views put by the Parish Council and neighbouring residential properties.

Members raised the following concerns regarding the application.

- Health and Safety concerns regarding the height and access by the Fire and Rescue services.
- It would be impossible to enforce against the planning conditions proposed in the application.
- The current development was unlawful and the proposal to reduce the height of the racking structure would still be detrimental and harmful to the openness of the Green Belt
- The proposal would represent inappropriate development in the Green Belt and would be contrary to planning policies.

It was then proposed by Councillor J.Boulton, seconded by Councillor A.Chesterman and on being put to the vote was lost (4 voting for and 9 against the Officer's recommendation).

Members expressed the following views.

The criteria for very special circumstances was not met which would result in inappropriate development in the Green Belt; and would continue to cause significant traffic issues in a residential area.

It was then proposed by Councillor S.Wrenn, seconded by Councillor P.Shah and

RESOLVED:
(10 voting for and 3 against)

That notwithstanding the Officer's recommendation for approval the planning application be refused for the following reason:

The racking structure by virtue of its location, scale and form, represents inappropriate development within the Green Belt and has a harmful effect on the openness of the Green Belt. The very special circumstances advanced by the applicant are not considered to outweigh the identified harm. As such, this development is contrary to Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2018.

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49. 11 OAKLEA, WELWYN, AL6 OPT - 6/2018/1556/FULL - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL LAND INCLUDING THE ERECTION OF A 1.82M BOUNDARY FENCE

Report of the Corporate Director (Public Protection, Planning and Governance) detailed the retrospective application for the change of use of amenity land to residential land including the erection of a 1.82m boundary fence.

Members noted that the land previously consisted of mixed vegetation including high Lleyandii trees which had grown up to the boundary of the private road mostly covering the area of verge. The verge was partially grassed in areas and measured approximately 2m in depth and 29m in length.

The application was to change the use of land comprising a 'verge' to garden land and to replace an existing enclosing, fence which was erected without planning permission measuring 2.43m (8ft) high, with a shorter 1.82 (6ft) fence. The fence would be attached to the existing front boundary wall of No.11 Oaklea and span the full depth of the plot enclosing the verge/land.

The fence had been erected, without permission, to enclose land which had been purchased by occupiers of No.11 Oaklea.

The application had been presented to the Development Management Committee because Councillor Tony Kingsbury had objected to the proposal and called-in the application and stated:

"I would like to call in the application to committee, if the officer is minded to approve it, on the basis that the loss of amenity land has raised concerns from many residents. The reduced height fence is still out of keeping and overbearing when considered with the surrounding properties and road. The fence is close to the road and safety issues need to be considered. There have also been issues raised by neighbours regarding right of way over the area".

Mrs Allegri, (Applicant), spoke in favour of the application.

Mr Littlewood, an Objector speaking on behalf of the neighbouring properties stated that the proposed development was overbearing and out of keeping with the streetscene. The current fence abutted the kerb which had made it difficult for both pedestrians and vehicles to exit Oaklea Wood safely. This would not change with the proposed replacement fence.

Welwyn Parish Councillor Colin Hukin spoke against the application and referred to the loss of amenity land to residential land and the area which had been previously used as a private right of way.

Councillor Tony Kingsbury, speaking as Ward Member, emphasised the reasons why he had called-in the application.

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Members of the Committee supported the views of the three public speakers who had objected to the change of use from amenity land to residential land and the loss of the private right of way. Members also expressed the views that the height of the existing and proposed fences were considered to be oppressive and overbearing to the streetscene. The loss of the private right of way would not be helpful to pedestrians.

It was then proposed by Councillor H.Bromley, seconded by Councillor P.Shah that the application was contrary to road safety, overbearing and out of keeping with the streetscene.

RESOLVED:
(11 voting for and 2 against)

By virtue of its height, appearance and location, the proposed fence would be an incongruous addition to the street scene and would be detrimental to the character and context of the area. Accordingly, the proposal would fail to comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2018.

50. 57 ATTIMORE ROAD, WELWYN GARDEN CITY AL8 6LG - 6/2018/1708/TPO - FELL 1X CONIFER TREE (T1) - CONSERVATION AREA

Report of the Corporate Director (Public Protection, Planning and Governance) detailing the felling of one conifer tree situated within the front garden adjacent to the boundary with 59 Attimore Road.

The application had been presented to the Development Management Committee because the applicant was a Councillor at Welwyn Hatfield Borough Council.

It was then proposed by Councillor A.Chesterman, seconded by Councillor H.Bromley and

RESOLVED:
(unanimous)

That no objection be raised to the proposal works.

51. APPEAL DECISIONS

Report of the Corporate Director (Public Protection, Planning and Governance) detailing recent appeal decisions for the period 3 August to 30 August 2018.

RESOLVED:

That appeal decisions during this period be noted.

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52. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

Report of the Corporate 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.

53. 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 13 (Minute 54 refers) on the grounds that they involve the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraphs 2 (Information likely to reveal the identity of an individual), and 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 is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

54. ENFORCEMENT CASES MONITORING REPORT

The exempt report of the Corporate Director (Public Protection, Planning and Governance) provided an update on ongoing planning enforcement cases and sought authorisation of the enforcement of the cases.

RESOLVED:

That the contents of the report be noted.

Meeting ended 9.05pm
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