

Development Management Committee
6 December 2018

WELWYN HATFIELD COUNCIL

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

PRESENT: Councillors J.Boulton (Chairman)
S.Wrenn (Vice-Chairman)

S.Boulton, H.Bromley, J.Caliskan, A.Chesterman,
J.Cragg (substituting for S.Kasumu), S.Elam,
P.Hebden, M.Larkins, T.Lyons, S.Markiewicz, P.Shah

OFFICIALS Head of Planning (C.Haigh)
PRESENT: Development Management Service Manager (C.Carter)
Trowers and Hamlins LLP (J.Backhaus)
Principal Major Developments Officer (G.Ansell)
Governance Services Officer (M.Lowe)

ALSO Highways, Hertfordshire County Council (J.Dale)
PRESENT: Director, BNP Paribas (T.Glasson)
Environmental Health, WHBC (K.Riahi)
Mills and Reeve Solicitors (H.Felstead)

71. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was noted that the Council, at its meeting on 19 November 2018, appointed Councillors J.Boulton and S.Wrenn as Chairman and Vice Chairman respectively for the Municipal Year 2018/2019.

72. SUBSTITUTION OF MEMBERS

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

Councillor J.Cragg for Councillor S.Kasumu

73. APOLOGY

An apology for absence was received from Councillor S.Kasumu.

74. MINUTES

The Minutes of the meeting held on 8 November 2018 were approved as a correct record and signed by the Chairman.

Development Management Committee
6 December 2018

75. DECLARATIONS OF INTEREST BY MEMBERS

Councillor J.Boulton declared a non-pecuniary interest in item 6 – Former Shredded Wheat Factory, Welwyn Garden City, AL8 6UN on the agenda and stated.

“I work for Network Rail in the Property department, primarily advising on Thameslink and Anglia Route matters. Welwyn Garden City falls within the London North East Route so I have had no involvement with the railway bridge matters either from Network Rail's side or from the Councils.

In any event I understand the Railway Bridge is now no longer part of the Wheat Quarter Planning Application and the "Network Rail TOC" building has now been designated a B1 use”.

76. FORMER SHREDDED WHEAT FACTORY WELWYN GARDEN CITY AL8 6UN - 6/2018/0171/MAJ - CREATION OF A MIXED-USE QUARTER COMPRISING THE ERECTION OF UP TO 1,340 RESIDENTIAL DWELLINGS INCLUDING 414 (31%) AFFORDABLE DWELLINGS (USE CLASS C3); 114 EXTRA CARE HOMES (USE CLASS C2); THE ERECTION OF A CIVIC BUILDING COMPRISING 497 M² OF HEALTH (USE CLASS D1), 497 M² OF COMMUNITY USE (USE CLASS D1), 883 M² OF OFFICE (USE CLASS B1) AND 590 M² OF RETAIL (CLASS A1/A2/A3/A4/A5); ALTERATIONS, ADDITIONS AND CHANGE OF USE OF GRADE II LISTED BUILDING AND RETAINED SILOS TO PROVIDE 5,279 M² OF FLEXIBLE BUSINESS FLOORSPACE (USE CLASS B1), 270 M² COMBINED HEAT AND POWER (SUI GENERIS), 2,057 M² INTERNATIONAL ART CENTRE (USE CLASS D1), 1,235 M² GYMNASIUM (USE CLASS D2), 1,683 M² OF RESTAURANT/COFFEE SHOP/BAR (USE CLASS A1/A3/A4/A5), CRECHE/DAY NURSERY (USE CLASS D1) OF 671 M² AS WELL AS A NETWORK RAIL TOC BUILDING (USE CLASS B1) OF 360 M²; PLUS ASSOCIATED CAR PARKING, ACCESS, LANDSCAPING, PUBLIC ART AND OTHER SUPPORTING

Report of the Corporate Director (Public Protection, Planning and Governance) setting out the creation of a mixed-use quarter comprising the erection of up to 1,340 residential dwellings including 414 (31%) affordable dwellings (use class C3); 114 extra care homes (use class C2), the erection of a civic building comprising 497 M² of health (use class D1), 497 M² of community use (use class D1), 883 M² of office (use class B1) and of retail (class A1/A2/A3/A4/A5); alterations, additions and change of use of grade II listed building and retained silos to provide 5,279 M² of flexible business floorspace (use class B1), 270 M² combined heat and power (sui-generis), 2,057 M² international art centre (use class D1), 1,235 M² gymnasium (use class D2) 1,683 M² of restaurant/ coffee shop/bar (use class A1/A3/A4/A5), crèche/day nursery (use class D1) of 671 M² as well as a network rail toc building (use class B1) of 360 M²; plus associated car parking, access, landscaping, public art and other supporting infrastructure.

The report set out considerations in relation to the planning application of the former Shredded Wheat Factory at Welwyn Garden City. The application

Development Management Committee
6 December 2018

followed last year's approval of a residential led (850 units) mixed used scheme (DMC March 2017). The present application envisaged a much denser scheme at 1,454 residential units and mixed use. The application was accompanied by a listed building consent application reference 6/2018/0960. Also for consideration was the Environmental Statement setting out an analysis of a range of environmental factors related to the proposed development of the site.

The site had contained a Grade II Listed Building, parts of which had been removed following approval of a Listed Building Consent (Ref: N6/2015/0293/LB) last year.

Presently the site had undergone substantial clearance and demolition of a number of silos together with administration and manufacturing buildings. The retained buildings were the production hall, grain and boiler houses and a section of the silos. The rest of the site was now virtually clear and enclosed by hoardings.

Members noted that the developable area was essentially the same as for the previous application although the site area was smaller. This was because: the application site did not include any public highway land around the site; nor did it include Hyde Way which ran centrally east-west; it also excluded the access road to the site occupied by PW Gates distribution in the south east corner (also known as the Pall Mall site).

The application had been presented to the Development Management Committee because it was a major application accompanied by an Environmental Statement. The Committee had the proper authority conferred on it under the constitution for making decisions of this nature subject to any statutory notification or Secretary of State call-in. In this case the Council must notify the Secretary of State of its decision in accordance with the Environmental Impact Assessment Regulations 2017.

Officers proposed a number of additional planning conditions which were as a result of further consultation feedback coming forward from Environment Agency and WHBC Environmental Health relating to decontamination works and to incorporate details which were not included in the Update of Heads of Terms.

The proposed changes to the Planning Conditions were as follows.

9. Upon Completion Condition for Maintenance (Sustainable Drainage Systems)

Upon completion of the drainage works for each sub-catchment included within the final drainage proposal, in accordance with the final phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The Network Rail Train Operating Company building was no longer required and the applicant had clarified that the use was proposed as B1 office space.

Development Management Committee
6 December 2018

The management and maintenance plan shall include;

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

No more than 50% of the dwellings on a Block of the development shall be occupied until the management and maintenance plan for the SuDS features and drainage network serving such Block have been approved in writing by the local planning authority. Such management and maintenance plan shall be carried out as approved.

17. Hyde Way Off-site highway works – *New wording in red italics to secure implementation*

No occupation of blocks 1, 4, 5, 7 and 8 shall occur on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works at Hyde Way has been submitted to and approved in writing by the Local Planning Authority and completed. *The scheme must include a timetable for implementation and for the management of parking on Hyde Way. The scheme shall be implemented in accordance with these approved details.*

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor and to ensure that the development does not have an unacceptable impact on safe and free flow of the pedestrian and highway network.

27. Noise Attenuation – Sentence deleted (denoted by red/strikethrough) to reflect wording agreed between WHBC Environmental Health and noise consultant. To read as follows:

No development of any phase or block shall commence, other than ground and site preparation works, until the applicant has submitted to, for approval in writing by the Local Planning Authority, a detailed scheme to protect the proposed development of that phase or block from traffic noise, railway noise and noise associated with other uses on the site. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 and the ventilation standards within Approved Document F of the Building Regulations. ~~The mechanical ventilation system shall provide a ventilation rate of at least the purge rate within Approved Document F (4 air changes per hour) when required to maintain thermal comfort.~~ Where required, dwellings shall be ventilated with MVHR as per System 4 in Building Regulations Part F to help minimise the reliance on openable windows for the control of

Development Management Committee
6 December 2018

overheating. No part of the development shall be occupied or used until the approved scheme has been implemented.

REASON: To protect the occupants of the new development from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

47. Skate Park – delete as to be amalgamated with open space condition.

49. Completion of Block 1 Civic Building, Block 4 Production Hall, Block 5 Grain Silos

Prior to the final 25% of the Use Class C3 open market ~~housing dwellings~~ being occupied, Blocks 1, 4 and 5 must be practically completed. *No more than 75% of the Use Class C3 open market dwellings comprising part of the development shall be occupied until Blocks 1, 4 and 5 have been practically completed in accordance with the approved plans.*

REASON: To ensure the availability of community and leisure facilities for the development and to secure the restoration of the retained listed buildings.

53. Site investigation and Remediation Strategy – deleted as now discharged as decontamination works complete and confirmed acceptable by Environment Agency and WHBC Environmental Health.

54. Verification Report - deleted as a satisfactory verification report has been provided and confirmed acceptable by Environment Agency and WHBC Environmental Health.

55. Long Term Monitoring – replace condition to secure monitoring in accordance with approved details and consistent with advice from Environment Agency and WHBC Environmental Health. Condition to read as follows:

Monitoring reports as specified in the plan approved under reference 6/2018/2530/COND, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority in accordance with the approved timetable and any such contingency action identified in the approved reports shall be implemented in full.

REASON: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures, in line with paragraph 109 of the NPPF. This is also in line with policy R2 and R7 of the Welwyn and Hatfield Local Plan.

New Planning Conditions

Open Space (including skate park, play space and the sensory garden)

1. No development above ground level in a phase or block shall take place until a scheme for the provision of all open space and play space in the relevant phase or block has been submitted to and approved by the local planning authority in writing. The scheme shall include:

- (i) details of the location and design of all open space and play space in that phase or block including (where relevant) all informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park;*
- (ii) a phasing programme for the provision of such areas and facilities;*
- (iii) details of the access arrangements for members of the public to and boundary treatment of the open space and play space in that phase;*
- (iv) details of the ongoing management and maintenance arrangements for the open space and play space in that phase including the means of funding and the body responsible for such management and maintenance in perpetuity.*

The approved scheme (“the Open Space Scheme”) shall be carried out as approved.

2. No more than 50% of the dwellings on a phase or block of the development shall be occupied until all open space and play space (including, where relevant to the phase, all informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park) required by the Open Space Scheme for that phase has been laid out and completed fully in accordance with the Open Space Scheme approved by the local planning authority for that phase.

From its completion, all open space and play space (including, where relevant to the phase, all informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park) shall be managed and maintained in accordance with the relevant Open Space Scheme in perpetuity.

The land on which the open space and play space has been laid out comprising part of the development (including, where relevant to the phase, all land comprising informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park) shall not be used for any use or purpose other than as public open space and amenity areas and public play space respectively in accordance with the relevant Open Space Scheme and the approved public access arrangements and boundary treatment shall be retained at all times in accordance with the relevant Open Space Scheme unless otherwise agreed with the local planning authority.

Development Management Committee
6 December 2018

REASON: To ensure that adequate supporting facilities are available for the occupants of the development.

Highway works

No dwelling shall be occupied until the applicant (or its nominee) has entered into an agreement with the highway authority pursuant to section 38 and/or section 278 of the Highways Act 1980 for the completion, dedication and adoption of the highway works detailed in the Transport Assessment (Entran Jan 2018) (“the Highway Works”). No more than 500 dwellings shall be occupied until the Highway Works have been completed fully in accordance with such agreement.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interest highway safety, to protect the environment of the local highway corridor and to ensure that does not have an unacceptable impact on safe and free flow of the pedestrian and highway network.

Childcare Condition

No development of Block 4 (Production Hall) shall be carried out until a detailed specification of childcare facilities in that block have been submitted to and been approved by the local planning authority. No more than 75% of the Use Class C3 open market housing shall be occupied until the childcare facilities have been provided in accordance with these details.

REASON: To ensure a satisfactory level of provision of childcare provision within the development.

Mr J.Waterhouse, Agent, spoke in support of the application.

Mr.R.Evans, Metropolitan Housing, Co-Applicant also spoke in support of the application.

Mr A.Jessan, an objector, spoke against the application stating the reasons for his objections where the lack of a swimming pool, unsatisfactory parking provision and the increased density of the proposed design, which was out of keeping with the garden city ethos

Councillor M.Cowan, stated the reasons for his objections were the lack of social housing, the future of the footbridge and lack of parking provision.

It was then proposed by Councillor S.Markiewicz, seconded by Councillor A.Chesterman and

RESOLVED:
(12 voting for and 1 against)

Development Management Committee
6 December 2018

That planning permission be granted, in accordance with the Officer's recommendation, subject to the following:

- The completion of a legal agreement including the updated heads of terms circulated at the meeting.
- The recommended conditions, as updated at the meeting and set out in these Minutes.
- The referral of the application to the Secretary of State; and
- The applicant agreeing to any necessary and reasonable extensions of the statutory determination period in order to complete the above.

77. 1 ROE GREEN CLOSE, HATFIELD, AL10 9PD - 6/2018/1933/FULL - ERECTION OF 8 FLATS AND CREATION OF CAR PARKING AND AMENITY SPACE FOLLOWING DEMOLITION OF EXISTING DWELLINGHOUSE

Report of the Corporate Director (Public Protection, Planning and Governance) setting out the erection of eight flats and creation of car parking and amenity space following demolition of existing dwellinghouse.

The application site comprised a bungalow with an attached garage and front and rear gardens on the north east corner of Roe Green Close and College Lane in South Hatfield. The site was on the edge of the buffer zone to Chalk Mining Area Number 10 (Roe Green Dell).

Roe Green Close was a residential loop road with a narrow carriageway. The houses were predominantly two storey and set back from the road behind grass frontages with consistent spacing between them. There were open grassed amenity areas in the Close. The bungalow on the application site projected further forward than the neighbouring houses on the north side of Roe Green Close but was not unduly prominent in the street-scene. College Lane was also a residential road with a green spacious environment. The far side of College Lane was a wooded amenity area.

The application had been presented to the Development Management Committee because Councillor Broach had called-in the application:

"I would like to call this application in to DMC – unless officers are minded to refuse, in which case I am happy for this to be done under delegated powers, as I believe this is a textbook case of overdevelopment. My call in is for the following reasons:

•This proposed change from a family bungalow to a set of flats would be completely out of keeping with the neighbouring area of family homes, and would give a significant impression of overlooking to the immediate neighbours at No. 3. To steal a quote from the officers report on the previously rejected application - "the proposal would result in an excessively bulky and prominent building, which would appear over-dominant in the streetscape. It would result in a loss of spacing to the detriment of the visual amenities of the area".

Development Management Committee
6 December 2018

•I cannot see a designated storage area for bicycles on the plans, which I would expect to see as standard on an application such as this.

•Whilst I welcome the addition of a turning area by the car parking spaces at the rear of the property, I do not believe what is proposed will work in practice. Will a car reversing out of spaces 9-11 actually be able to turn if spaces 5-8 are occupied? If not, this leaves a lengthy and potentially dangerous reversing manoeuvre of the users of spaces 9-11.

•For the numbers of potential occupants of this proposal, the garden amenity space seems absolutely tiny. I would therefore argue that insufficient outdoor amenity space has been afforded to the potential occupants of this proposal.

•Turning to indoor amenity space, I note that the applicant has failed to provide measurements on the plans for the bedrooms. Based on the information on the drawings, I would argue that Bedroom 2 of Unit Two, Unit 5 and Unit 6 are all very small, and would query whether these meet the requirements for a bedroom? I also note that none of the bathrooms have any windows, and would query whether this constitutes a good level of design?

This is a completely inappropriate development, and I would urge that it be refused as the previous application was.”

Mr D.Cummings, objector, on behalf of the neighbouring properties, stated that the proposed development would be out of keeping and overbearing. There would significant change of use which was inappropriate for the area.

Welwyn Hatfield Borough Councillor James Broach speaking as the Ward Member reiterated the reasons he had called in the application.

Members of the Committee stated the following concerns.

- Inappropriate development
- Overbearing development due to the proposed size and bulk
- Out of keeping
- Loss of amenity space
- Increased noise and disturbance and area density

It was then proposed by Councillor T.Lyons, seconded by Councillor S.Markiewicz and

RESOLVED:
(unanimous)

That planning permission notwithstanding the Officer's recommendation for approval be refused for the following reasons.

Development Management Committee
6 December 2018

- (1) By virtue of its design, scale, bulk, massing and positioning the proposal would result in an excessively bulky and prominent building, which would appear over-dominant in the streetscape. It would result in a loss of spacing to the detriment of the visual amenities of the area. Consequently, the proposed design would be out of keeping with the character and appearance of the local area, contrary to the policies of the National Planning Policy Framework 2018, Policy D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.
- (2) The proposed development would result in overdevelopment of the site and the cramped layout and inadequate size of amenity space and would fail to create a satisfactory high level of living conditions and fail to meet the requirements of the National Planning Policy Framework 2018, Policies H2, H6 and D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.
- (3) The applicant has not satisfied the sustainability aims of the Local Plan and to secure the proper planning of the area by failing to ensure that the development proposal would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy IM2 of the Welwyn Hatfield District Plan 2005.

78. 57 ATTIMORE ROAD, WELWYN GARDEN CITY AL8 6LG - 6/2018/2113/TPO - REDUCE CROWN 1X BAY LAUREL (T1) AND 1 X SYCAMORE (T2 - TWIN STEMMED) BY UP TO 30% TO MAINTAIN SIZE AND SPREAD - CONSERVATION AREA

Report of the Corporate Director (Public Protection, Planning and Governance) to reduce crown 1 x bay Laurel (T1) and 1 x Sycamore (T2 – Twin Stemmed) by up to 30% to maintain size and spread conservation area.

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 T.Lyons, seconded by Councillor S.Markiewicz and

RESOLVED:
(unanimous)

Development Management Committee
6 December 2018

It is recommend that no objection is raised to the proposal works subject to the following condition:

- (1) The works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
RTS 001		Site Plan	10 August 2018

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

79. APPEAL DECISIONS

Report of the Corporate Director (Public Protection, Planning and Governance) detailing recent appeal decisions for the period 25 October to 26 November 2018.

RESOLVED:

That appeal decisions during this period be noted.

80. 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.

81. 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 14 (Minute 82 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).

Development Management Committee
6 December 2018

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.

82. 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 10.05pm
ML