

Development Management Committee
12 June 2018

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Tuesday 12 June 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)

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

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

1. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was noted that Councillors N.Pace and J.Boulton were elected Chairman and Vice Chairman respectively for the Municipal Year 2018/2019.

The Chairman, on behalf of the Committee and the Council, thanked Councillor Stephen Boulton for his work in relation to this Committee, which amounted to over 15 years.

2. SUBSTITUTION OF MEMBERS

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

Councillor S.Thusu had replaced Councillor S. Markiewicz.

3. APOLOGY

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

4. MINUTES

The Minutes of the meeting held on 26 April 2018 were approved as a correct record and signed by the Chairman.

Development Management Committee
12 June 2018

5. ROYAL VETERINARY COLLEGE HAWKSHEAD LANE NORTH MYMMS
HATFIELD AL9 7TA - 6/2018/0729/CN - HAWKSHEAD CAMPUS
MASTERPLAN

Report of the Corporate Director (Public Protection, Planning and Governance) detailing the Hawkshead Campus masterplan.

The Hawkshead Campus was vital to the RVC's rural operations and was currently identified as a Major Developed Site in the Green Belt where all but minor development should come forward in the context of a development brief.

The RVC's Hawkshead Campus Masterplan had been developed in response to a need for clarity regarding forthcoming development for stakeholders including the local community, Parish Councils, Hertfordshire County Council and Welwyn Hatfield Borough Council. The Masterplan was intended to inform development projects during the period 2018-2028 and would serve as planning guidance for development control purposes, therefore, must be the subject of public consultation and approved by the Council.

The Masterplan identified a package of short and medium term interventions that would be further developed through consultation. As a whole, it sought to provide a vision for the campus that enhanced the green infrastructure, reflected its location in the Green Belt, improved the built environment, encouraged connections and places of exchange whilst facilitating the removal of buildings that detracted from the campus and were no longer fit for purpose. The proposed approach aimed to promote development that was efficient, of high quality, and sustainable.

The report of Officers listed the key principles of the Masterplan as:

- the numbers of students based at Hawkshead would increase to approximately 1,200 while staff numbers remained broadly stable
- the College would meet head-on the challenge posed by direct competitors and would do all in its power to develop sustainably
- the College would focus on improving its built estate primarily to improve the student experience, but would also seek to improve the teaching and learning, research and clinical environment for staff and clients
- the College would strive to retain its position in the university world rankings and its accreditations with professional bodies
- the College would seek to minimise the environmental impact of its buildings and Operations
- the College would seek to improve the quality of its buildings, many of which are in very poor condition

Development Management Committee
12 June 2018

- the College would continue to strengthen its community engagement

The application had been presented to the Development Management Committee because the RVC Masterplan would serve as planning guidance for development management purposes and had more than just local interest.

Five key sites had been identified for development and these were summarised by Officers. It was concluded the vision for the campus set out in the Masterplan was considered to afford benefits in all areas of sustainability and was in accordance with the aims and objectives of saved policies of the Welwyn Hatfield District Plan, the Draft Local Plan and the National Planning Policy Framework.

Officers reiterated that approving the Masterplan would not result in the granting of planning permission and that any planning applications which came forward in the context of this Masterplan would be considered on their merits against Development Plan Policies in the usual way.

Ian Darker, representing the Royal Veterinary College, spoke in favour of the application.

It was then proposed by Councillor A.Chesterman, seconded by Councillor P.Shah and

RESOLVED:
(unanimous)

That the Hawkshead Campus Masterplan be agreed.

6. 49 ELMWOOD, WELWYN GARDEN CITY, AL8 6LD - 6/2018/0140/HOUSE - DEMOLITION OF EXISTING CONSERVATORY. ERECTION OF A PART TWO, PART SINGLE STOREY REAR EXTENSION. INSERTION OF FIRST FLOOR SIDE WINDOW. PART CONVERSION OF GARAGE WITH INSTALLATION OF ROOFLIGHT WITHIN EXISTING ROOF AND MINOR ALTERATIONS TO WINDOWS AND DOORS. CONSTRUCTION OF PARAPET WALLS

Report of the Corporate Director (Public Protection, Planning and Governance) detailing the erection of a part two, part single storey rear extension insertion of first floorside window part conversion of garage with installation of rooflight within existing roof and minor alterations to windows and doors construction of parapet walls.

49 Elmwood was a two storey, detached dwellinghouse with attached single storey elements which accommodated the garage, utility room, and home office. A single storey conservatory was located to the rear of the existing dwelling. 49 Elmwood had off road parking set within a landscaped front garden. The rear garden was enclosed by close boarded fencing and a brick wall approximately 1.8 metres high.

Development Management Committee
12 June 2018

49 Elmwood formed part of a road characterised by detached and semi-detached properties. Properties had off street car parking and the road was characterised by substantial soft landscaping, grass verges and trees. The properties and their associated garages were set with spacious gaps. The properties were designed in a varied but traditional manner. There were no parking controls on the street albeit the road was narrow. Many of the dwellings had been extended.

Planning permission had been sought for the demolition of the existing conservatory and the erection of a part two and part single storey rear extension. This would create an extended kitchen/diner/living space on the ground floor and fifth bedroom and second bathroom on the first floor level.

The proposal also sought to convert part of the existing garage to enlarge the downstairs bathroom and install a flat rooflight within the existing roof.

The application had been presented to the Development Management Committee as the applicant was an employee within the planning department of Welwyn Hatfield Borough Council.

Officers read from the following statement, which set out the position of the Council regarding this application.

“This planning application seeks permission for the erection of a part two storey and part single storey rear extension, insertion of a first floor side window and the partial conversion of the existing garage to residential with the installation of a roof light, alterations to windows and the increase in height of the existing parapet walls.

The application is presented to committee because the applicant is a member of staff within the planning department.

The key issues to be considered relate to impacts on the living conditions of neighbouring occupiers, the design and appearance of the proposed extensions and alterations, and impacts on the Welwyn Garden City Conservation Area. Members will have read the report and I do not propose to go into detail on the first two of these matters.

Members will have noted, however, that a neighbouring occupier has raised a number of concerns with the way in which the Council has considered the application, particularly in regard to heritage impacts. In order that Members are clear as to how the conservation impacts of the proposal should be considered, I do want to spend some time setting this out before any debate and decision is taken on the application.

Firstly, with regard to the need for a Heritage Impact Assessment. Paragraph 128 of the National Planning Policy Framework states that “in determining planning applications, local planning authorities should require an applicant to

Development Management Committee
12 June 2018

describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.

In the case of this planning application, the applicant submitted information dated 19 February 2018 which set out that the site is within the conservation area, considered the Welwyn Garden City Conservation Area Appraisal 2007 and considered the effect of the proposals on the conservation area as a heritage asset. Having regard to this information, I do not consider that the applicant needed to submit a standalone heritage assessment and the Council takes the view that, as for the vast majority of similar applications in our conservation areas, the requirements to provide information imposed on an applicant seeking planning permission should be proportionate, in accordance with the government's aims.

With regard to the need to consult with a Conservation Officer, or other heritage professional. The Council has the benefit of such specialist advice for one day per week. As such, we look to prioritise those cases where this specialist input is considered to be of most benefit and this will normally be applications for works to listed buildings, or major developments either within, or affecting the setting of, a listed building or a conservation area. This application was not subject to consultation with a specialist advisor, as is the case with the vast majority of such applications within the Borough's conservation areas. Officers are taught about conservation areas and heritage as part of their planning degrees/masters and the Council has recently arranged heritage training for all officers.

Turning now to the requirements placed upon the Council as Local Planning Authority under both legislation and policy.

The Council has a general duty as respects conservation areas in the exercise of its planning functions. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “in the exercise, with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area”. Case law has confirmed that, when an authority finds that a proposed development would harm the character or appearance of a conservation area, it must give that harm considerable importance and weight. Further such a finding of harm gives rise to a strong presumption against planning permission being granted, and this presumption is a statutory one.

The National Planning Policy Framework, at paragraph 132 follows along these lines when it states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be”.

Development Management Committee
12 June 2018

Paragraph 134 of the same document states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposal, including securing its optimum viable use”.

Turning now to how these considerations have been made in the application that is before the Council. Firstly, it is clear from the analysis presented by the objector, and the length of this update, that these matters could have been better expressed in the written report.

Notwithstanding this, officers have found that there is limited and less than substantial harm to the character and appearance of the conservation area as a result of the element of the proposal which involves increasing the height of the parapet walls. This weighs against the proposed development. Officers have also found that positive effects on the conservation area would result from the proposed architectural detailing of the front elevation garage doors and windows and rear extension, as set out in paragraphs 10.10 and 10.11 of the report, and this weighs in favour of the proposal. As a result of this, it is the view of officers that the overall effect of the proposals, when combined, is a neutral impact on the conservation area, thus preserving the character and appearance of the area.

It is open to members, of course, to arrive at a different conclusion. You may find the harm from the proposal to be substantial, or less than substantial, but not to be outweighed by other matters. If this is the case, then the decision to be made is whether there are any public benefits from the proposal that would outweigh the identified harm.

Finally, the submissions from the neighbouring occupier also raise the issue of potential bias in the determination of this application, due to the applicant being a member of staff. I would like to re-assure the committee that this planning application has been treated no differently to any other planning application that we receive and has been handled carefully by the case officer. The Royal Town Planning Institute Code of Conduct requires members such as the case officer and myself to exhibit honesty and integrity at all times, and we take that code seriously. The applicant is a member of staff in the planning department, and this is why the application is before the committee for determination”.

Mr Richard Robinski, (Objector) spoke against the application stating that the proposed plans would significantly and materially affect his amenities and privacy, as well as harm the character and appearance of the Conservation Area in a permanent and very damaging way. This would be contrary to the National Planning Policy Framework (NPPF) and the Council’s own development plan policies.

During discussion, Members raised the following points.

- The application had been dealt with as all other applications were dealt with.

Development Management Committee
12 June 2018

- Officers had remained very professional throughout the application process.
- There was no evidence of bias.
- The recommendation was based on the merits of planning matters.
- The proposal demonstrated less than substantial harm.
- There were parapets of differing heights on the same side of the road.
- Whether the windows encroached on the privacy of the neighbouring property.
- The extension, should it go ahead, would result in an overbearing impact on the neighbouring properties.
- The design of the two properties were mirror images of those opposite.
- The proposed application would be detrimental to the private space of the neighbouring property.
- This was a key corner site within the conservation area.
- The proposed development would be detrimental to the visual amenity of the area.
- There would be no loss of light.
- The side window would result in overlooking of the neighbouring property.
- The open aspect would be retained.
- The parapet of the development site should remain at the same level as that on the adjoining property.
- The proposals would have a significant impact on the area.
- A Heritage report had not been requested by the Council and the reasoning for this had not been given in the report.
- There were concerns regarding the possible legal consequences to the Council due to the possible appearance of bias both for and against the applicant.

It was then proposed by Councillor J.Boulton, seconded by Councillor A.Chesterman and

RESOLVED:
(7 for and 6 against)

- (1) That planning permission be approved subject to the conditions set out in the report of Officers:
- (2) 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
0785 01 100		Existing Plans & OS Plan	16 January 2018
0785 01 101		Existing Elevations	16 January 2018
0785 02 100	A	Proposed Plans	14 February 2018
0785 02 101	A	Proposed Elevations	14 February 2018
0785 01 115	A	Block Plan	14 February 2018

Development Management Committee
12 June 2018

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

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).

7. APPEAL DECISIONS

Report of the Corporate Director (Public Protection, Planning and Governance) detailing recent appeal decisions for the period 5 April 2018 to 11 May 2018.

RESOLVED:

That appeal decisions during this period be noted.

8. 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.

9. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT - JANUARY - MARCH 2018

The report of the Corporate Director (Public Protection, Planning and Governance) informed the Committee of the performance of the Development Management Service over the first quarter of 2017/18.

RESOLVED:

That the report on the performance of the Development Management Services over the first quarter 2017/18 be noted.

Meeting ended 8.35pm
ML