

Cabinet Planning and Parking Panel  
3 July 2019

## WELWYN HATFIELD COUNCIL

\* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Wednesday 3 July 2019 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Boulton (Chairman)  
S. Kasumu (Vice-Chairman)

J. Boulton (substituting for T. Kingsbury), H. Bower (substituting for D. Richardson), B. Fitzsimon, G.Hayes, L. Musk (substituting for A. Chesterman), J. Quinton, A Rohale, P.Shah and P.Zukowskyj

OFFICIALS Head of Planning (C. Haigh)  
PRESENT: Head of Environment (D. Reyner)  
Planning Policy and Implementation Manager (S. Tiley)  
Senior Projects Officer (M. Pyecroft)  
Parking and Cemetery Services Manager (V. Hatfield)  
Governance Services Officer (G. Paddan)

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### 6. SUBSTITUTIONS

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

Councillor J. Boulton for T. Kingsbury.  
Councillor H. bower for D. Richardson  
Councillor L. Musk for A. Chesterman

### 7. APOLOGIES

Apologies for absence were received from Councillors A. Chesterman, T. Kingsbury and D. Richardson.

### 8. MINUTES

The Minutes of the meeting held on 6 June 2019 were approved as a correct record and signed by the Chairman.

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9. DECLARATION OF INTERESTS BY MEMBERS

Councillors S. Boulton and P. Zukowskyj declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being Members of Hertfordshire County Council.

Councillor P. Zukowskyj declared an interest as an employee of University of Hertfordshire.

Councillor J. Boulton declared a non-pecuniary interest in items associated with Network Rail; as an employee of this organisation.

10. PUBLIC QUESTION TIME AND PETITIONS

The following questions were received and the Chairman responded:

**1. Pauline Perkins**

The Officer report recognises at paragraph 7.2 of their report that modifications to the submitted Plan should not make so many changes that it is, in essence, a different Plan.

The Procedural Practice in the Examination of Local Plans (the Procedural Practice) makes quite clear at paragraph 1.3:

*“The Planning and Compulsory Purchase Act specifically provides that a LPA must not submit the Plan unless it considers the document is ready for examination. The Inspector will take the published plan...as the final word of the LPA on the Plan. Therefore there is a strong expectation that further LPA led changes to the Plan will not be necessary and this is the key premise of delivering an efficient examination timetable”.*

The above statement is repeated at paragraph 5.20 of the Procedural Practice with the additional words:

*“Provision for changes after submission is to cater for the unexpected, not intended to allow the LPA to complete or finalise the preparation of the Plan.”*

The report before Members this evening, together with the new and emerging changes to the evidence base and other changes to the Plan which are being proposed by the Council, do fundamentally and cumulatively alter the submitted Local Plan to such an extent that it will be a new Plan.

Would the Panel please respond to the points listed above and confirm that, if it intends to adopt Approach C), the correct course of action is to withdraw the submitted Plan in accordance with paragraph 5.28 of the Procedural Practice which explicitly requires that, where Main Modifications might be so significant or extensive to effectively re-write the Plan, the withdrawal of the Plan would normally be expected?

## **Response**

The Council has not, as yet, formally agreed to make any changes to the submitted plan. The Local Plan process does allow for main modification to be made which are required to make a plan sound but as indicated in the report the Council will need to ensure that in the process of proposing modifications, it does not end up with a totally different plan.

The Inspector has indicated that any change to the OAN would result in the need for consultation. Similarly it is considered that the Inspector may well wish for consultation to take place on the implications of a different plan period and whether or not this would result in a fundamentally different plan.

It should be noted that the submitted plan is for a 19 year period 2013-2032 with an OAN of 15,200 dwellings and Approach C would similarly result in a 19 year period albeit for a different 19 years, 2016-2035 but also with an OAN of 15,200 dwellings.

The report does not recommend a decision should be made at this meeting so that any consultation which may be required can be taken into account prior to a decision being made.

## **2. Neil Bedford**

The Council is required to prepare and submit a Local Plan which significantly boosts the supply of housing, is positive, justified, effective and consistent with national policy.

All of the problems and delays with the examination of the local plan are caused by the Council persistently seeking to reduce its housing target and to defer housing delivery. This conduct is not positive, not justified, not effective and not in accordance with national policy.

The present proposal to move forward the start date for the local plan from 2013 to 2016 is just the latest in a long line of attempts by this Council to reduce its housing target and to delay the progress of the local plan.

Would the CPPP please confirm that it will allocate sufficient sites across the whole borough in a fair and transparent way to meet its objectively assessed housing need and to comply with the obligations in the NPPF?

## **Response**

The Council is in the process of updating the evidence and whilst more than sufficient sites have been promoted it is not yet known whether the technical work will indicate that these can be delivered within the plan period in accordance with the principles set out in the NPPF.

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Sites will be assessed on a consistent basis based on the analysis of a number of matters including site suitability, cumulative impact, sustainability issues and harm to the Green Belt in accordance with the NPPF.

This information will be reported to Members so that the analysis can be seen to be fair and transparent and will in any event be open to challenge at the Examination Hearing Sessions.

It is too early to indicate that this process will result in sufficient sites to meet the OAN.

### **3. Alan Perkins**

In May 2017 the Council submitted its Local Plan for Examination in public. The Objectively Assessed Housing Need had been assessed by Turley at 800 dwellings per annum for the Plan period 2013 to 2032 (19 years) = 15,200 new dwellings.

At the Examination, the Council agreed that the Plan period should have a minimum horizon of 15 years horizon after adoption. The Plan will therefore be extended to 2033 with an objectively assessed housing need of 16,000 new homes.

Due to delays in the Examination, the Council now anticipates that the Plan will not be adopted until 2020. It has therefore identified that it would be necessary to extend the Plan period to 2035 in order to maintain a 15 year horizon, after adoption.

Approach B) at paragraph 4.19 of the officer's report to CPPP sets out the OAN over the Plan period 2013 to 2035 at 800 homes per annum, being a total of 17,600 new homes.

The Council has produced an alternative scenario at Approach C which very simply involves deleting the Plan period between 2013 and 2016 (three years) and then adopting a Plan for the period 2016 to 2035 (19 years). This creates the illusion of reducing the OAN from 17,600 to 15,200 new dwellings.

At paragraph 4.14 of the Officer's report, it suggests that the shortfall in housing delivery during the period 2013 to 2016 can be justified by "Market Signals". Turley explain at paragraph 2.6 of their report that this is caused by a reduction in the formation of younger households. That is hardly a sensible approach because the provision of new homes for younger households is one of the most pressing needs in the borough. Indeed, the abnormally high affordability ratio for lower quartile house prices in the borough has increased from 8.66:1 in 2013 to 12.22:1 in 2017 (See WHBC Annual Monitoring Report Table 18), which is a rise of 41%. This is a very clear market signal of a lack of housing supply.

Seeking to move the start date for the Plan from 2013 to 2016 and expecting the shortfall in housing delivery for that period to simply vanish into the ether is

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wishful thinking and would increase the risk of a legal challenge if the adoption of the Plan was pursued on that basis.

The officers have also failed to report to this Panel that the Inspector wrote to the Council in December 2017 stating that the submitted Plan was not sound due to a failure to meet its OAN and also requiring the Council to allocate sufficient land to deliver 20,000 new homes, including safeguarded land for the period beyond this Plan. Therefore, any attempt to reduce the delivery of new homes would not be positive or justified and, as stated by the Inspector, the Plan would not be sound.

Would the Panel please confirm that it will not support a change to the start date for the submitted Local Plan, or the reduction in housing delivery, caused by delays to the Examination and the adoption of the Plan.

### **Response**

The Council has not been instructed by the inspector to set a particular time period for the local plan, although the issues of housing targets and time period have been aired as part of previous hearing sessions and are considered by Turley as part of their housing update work.

The report recommends that the Panel should note this evidence and agree it be forwarded to the examination inspector so that he can decide whether to consult on it and/or use it to inform forthcoming hearing sessions.

It is a matter for the Panel to consider these issues and decide whether to agree the recommendation or consider any alternatives.

Officers will respond to the technical points in this question via a separate written response.

### **4. Mathew Perkins**

Paragraphs 4.17 to 4.22 of Agenda item 8 set out to the CPPP three scenarios for proposed amendments to the Local Plan period:

- Scenario a) additional sites for 2,449 new homes
- Scenario b) additional sites for 3,715 new homes
- Scenario c) additional sites for 2,529 new homes

As currently drafted, the above scenarios include the allocation of a new settlement within Policy SP24, at Symondshyde, for 1,130 homes. However, the Council has confirmed to the Examination in Public and the Inspector has agreed that the allocation of Symondshyde should be assessed sequentially, after other suitable opportunities for new dwellings adjoining existing settlements, including the four large villages, are exhausted.

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The Symondshyde site allocation should not therefore be contained within the sum of 8,620 "Allocations in the Local Plan" as stated in paragraph 4.17 of the officer report, but should be listed separately with an explanation that it will only be allocated if more suitable additional sites within the borough cannot be found. As such, the additional sites required should state:

- Scenario a) additional sites for 3,579 new homes
- Scenario b) additional sites for 4,845 new homes
- Scenario c) additional sites for 3,659 new homes

The officer report should also advise the Panel that 598 homes presently within the submitted Local Plan are on sites which LUC found to be High Harm to the Green Belt. If sites of High Harm were removed from existing site allocations in the Plan, the scenarios under consideration today would be:

- Scenario a) additional sites for 4,177 new homes
- Scenario b) additional sites for 5,443 new homes
- Scenario c) additional sites for 4,257 new homes

It is important for the Members to have a clear picture of the additional site allocations required to make the Plan sound. As drafted, the officer report to this CPPP meeting is not clear.

Would the CPPP please discuss the above issue at tonight's meeting?

### **Response**

It is appropriate to consider the potential scale of any additionality in dwelling numbers, taking into account the sites that have already been proposed for allocation in the Draft Local Plan which has been submitted for examination.

Existing sites proposed for allocation in the submitted plan including Symondshyde will need to be reviewed in terms of the new evidence to ensure that decisions are being made on a consistent basis and that there are no better sites than those currently proposed for allocation in the submitted plan.

This comparison would need to consider issues such as harm to the Green Belt and the Green Belt boundary, the sustainability of the location, flooding, strategic benefits and disadvantages and whether the cumulative impacts on infrastructure can be addressed.

### 11. PARKING IMPROVEMENTS - PART OF ALDYKES AND FIRS CLOSE, HATFIELD

Report of the Corporate Director (Resources, Environment and Cultural Services) on parking improvement; part of Aldykes and Firs Close, Hatfield. The Council is currently consulting residents in the Aldykes area with regards to a resident parking permit scheme. Alongside this consultation, the Council for safety reasons are looking to protect junctions in the form of double yellow lines

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and addressing the increase number of vehicles parking on footway and verges, which cause safety concerns and maintenance issues, as well as making the area look unsightly. The protection would be by way of a verge and footway prohibition order.

The following locations had been investigated for parking improvements:

- 76-100 Aldykes
- 102-130 Aldykes
- Firs Close
- Hillcrest
- Holliers Way
- Haseldine Meadow
- Elm Drive

Most of parking improvements are normally well received by residents but there are two location where significant objections have been received from residents, which the report has covered in more detail.

The following points were raised and discussed:

- Vehicles parking in the turning area at the 76-100 Aldykes (cul-de-sac). The Council has reviewed the situation and looked at possibilities to increase parking provision. The size of the footway and the number of parking spaces was considered.
- It was noted that letters had been sent to residents at the beginning of April to inform them of the final scheme and provided a date for when the new parking bays would be constructed.
- Officers explained that the provision of parking bays would significantly improve the area and would assist in better manoeuvring when parking a vehicle within the road.
- Residents had objected to the removal of the green within this area.

RESOLVED  
(Unanimously)

1. That the Panel recommend to approve to Cabinet the parking improvements in 76-100 Aldykes as outlined in **Appendix B**.
2. That the Panel recommend to approve to Cabinet the parking improvements in Firs Close as outlined in **Appendix H**.

12. IMPLICATIONS OF THE 2016 HOUSEHOLD AND POPULATION PROJECTIONS FOR THE LOCAL PLAN

Report of the Corporate Director (Public Protection, Planning and Governance) on the implications of the 2016 household and population projections for the Local Plan for the Objective Assessment of Need (OAN) for housing and the

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plan period. The Council's consultant Turley were appointed to review the latest projections and their implications for the Local Plan and the plan period. The report also considered a report produced for the Save Symondshyde Group by Green Balance on the same topic.

The following points were raised and discussed:

- The 'Save Symondshyde' Group had commissioned Green Balance to produce a similar review. Members were advised that this had been submitted to the Examination Inspector with a request to reopen the session on housing numbers.
- Members commented on the headship rates of 2014 and 2016 population projections; would there be a delay or a reduction in the number of homes available especially for young people? Would there be sufficient affordable housing within the allotted number of dwellings being put forward?
- It was noted that Turley has considered that the OAN of 800 dwellings per year and this was still appropriate for the submitted plan. It was clarified that the 16,000 dwelling figure related to a plan period for 2013-2033 which resulted from an anticipated adoption of the Plan in 2018. As the examination process has taken longer than anticipated and the latest programme now anticipated adoption in 2020. The consultants, Turley have been asked to prepare a paper to consider the implications of the change to the plan period for housing need considering a change to both the start and end dates. The paper was attached as Appendix B to the report.
- It was noted that too many changes could indicate that in essence the Plan becomes a different Plan and may make it subject to a legal challenge.

RESOLVED:

That the Panel notes the content of this report and its appendices which will be forwarded to the Examination Inspector via the Programme Officer and be subject to consultation should the Inspector consider it appropriate.

13. ECONOMIC AND EMPLOYMENT ISSUES - IMPLICATIONS FOR LOCAL PLAN AND OTHER WORK

Members considered the report of the Corporate Director (Planning, Public Protection and Governance) on the economic and employment issues; implications for Local Plan and other work. Since the last session of the Local Plan examination, new evidence on the local economy and future requirements have been produced, which would help inform the final stages of the examination. The report summarised these pieces of evidence and the implication for the Local Plan and other work.

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Whilst the Council felt that the approach to employment in the Local Plan was sensible, appropriate and proportionate, the Examination Inspector had raised a number of concerns during the examination process. These largely relate to a concern that the overall level of in-commuting to the Borough would increase if there were provisions made for employment but the Objectively Assessed Need (OAN) for housing were not met.

Members raised and discussed the following points:-

- The loss of office space as identified in the Hertfordshire Local Enterprise Partnership (LEP) who have released a report which showed extensive losses over the last decade. Concern was expressed in respect of half of the space having been lost was within the Borough.
- Officers explained that the loss of employment space was now at a critical stage and as a result an investigation has been undertaken and an Article 4 Direction, which will remove the Permitted Development rights which enable offices to be converted to residential use without the need for planning permission. Members noted that a report on Article 4 Direction was being considered later in the meeting.
- The lack of robustness of the data on jobs growth released by the Office of National Statistics in 2018 was considered, unfortunately it has been somewhat difficult to obtain a precise number of jobs located within the Borough. This creates difficulties for identifying the appropriate quantum of employment land in the Borough if a labour supply approach is preferred over economic forecasts. Members commented on the data related to travelling to work and working from home statistics. It is not possible to control where people live and why they travel the distance to work but with technological advances there will be changes.

#### RESOLVED

That the Panel notes the content of this report and its appendices, which will be forwarded to the Examination Inspector via the Programme Officer and be subject to consultation should the inspector consider it appropriate.

#### 14. ARTICLE 4 DIRECTION - EMPLOYMENT SITES

Report of the Corporate Director (Planning, Public Protection and Governance) on Article 4 Direction (A4D) – employment sites. In recent years, a significant amount of office space within the Borough has been lost through permitted development rights which has enabled this space to be converted to residential uses without the need for planning permission. This has caused a significant reduction in the supply of available space for local businesses.

Article 4 Directions enable local authorities to remove permitted development rights, which means that if any such development is proposed, planning permission must be applied for in the normal way.

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It is proposed that an Article 4 Direction is produced which would remove these permitted development rights for the four most important employment sites in the Borough, so that any loss of office space could be controlled by the Council.

The legislative basis for this is Article 4 of the Town and Country Planning (General Permitted Development Order) 1995 as amended. Paragraph 53 of the National Planning Policy Framework (NPPF) says that Article 4 Directions “should be limited to situations where this is necessary to protect local amenity or the well-being of the area”. There is significant concern that in this instance that permitted development rights *will* harm local amenity and the proper planning of the area and that it *is* necessary to extinguish them in order to protect local amenity and wellbeing.

Both Hertfordshire County Council and the Ministry of Homes Communities and Local Government are consultees to any such proposal and would be notified upon any adoption.

Members raised and discussed the following points:

- Difficult for estate agents to show properties to prospective businesses wishing to move or expand within the Borough. This concern has been shared on a county-wide basis by Hertfordshire Local Enterprise Partnership (LEP) who have undertaken a study to investigate the issue across the County and the impact and what can be done to address the problems.
- Total stock of office space in the Borough has been reduced by 28%, part of this has been lost to residential uses. Concern was expressed in respect of office blocks being converted to flats.
- Legal implications in terms of compensation claims. There is a potential risk of claims being made against the Council for the loss or damage directly attributed to the extinguishment of permitted development rights but no compensation would be payable if the A4D is consulted upon not less than 12 months before coming into force. Consideration was given to reducing the time period to 6 months; this would not accord with legislation and would leave the Council open to challenges/claims; therefore not recommended by Officers.

Members considered the effects of Article 4 Direction, a planning application may be required for development that would otherwise have been permitted development. It was proposed that an Article 4 Direction to restrict Permitted Development rights which permit the change of use from B1 to residential (C3) be consulted upon to cover the following sites:

- Welwyn Garden City employment area
- Hatfield Business Park (including Bishop Square)
- Beaconsfield Road / Great North Road in Hatfield

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- Sopers Road Industrial Estate in Cuffley

Maps of the sites in question were appended to the report.

RESOLVED:

1. That the Panel recommends to Cabinet that an Article 4 Direction covering the most strategically important office sites in the Borough be issued for a six week public consultation. This would remove permitted development rights that currently allow the change of use of B1 office buildings to C3 residential use without the need for planning permission. It would instead protect those sites for on-going employment use. They would only be allowed to be converted to residential use if they secured planning permission from the Council or the Planning Inspectorate via appeal.
2. That the results of the consultation process be reported back to this Panel, with the aim that the Article 4 Direction be recommended to Cabinet for adoption, once a period of twelve months has passed to allow any compensation claims to fall away.

15. PEARTREE CONSERVATION AREA APPRAISAL

Report of the Corporate Director (Public Protection, Planning and Governance) on the Peartree Conservation Area. The Council has a duty to determine whether any part of the Borough has special architectural or historic interest that should be preserved and enhanced. A character appraisal has judged that the Peartree area of Welwyn Garden City warrants designation as a conservation area.

The Planning Service has embarked on a process of reviewing the Borough's eight existing conservation areas (Ayot, St Lawrence, Ayot Green, Welwyn historic core, Welwyn Garden City town centre and west, Beehive, Old Hatfield historic core, Essendon historic core and Northaw historic core) and appraising whether any new areas also warrant conservation area status.

It was considered that Beechfield Road, Barnfield Road, Furzefield Road, Pinewood, Sandpit Road, part of Woodhall Lane, part of Holwell Road, part of Mill Green Lane and part of Cole Green Lane as well as Gainswood and Pondcroft cul-de-sacs warrant designation. This includes Woodhall shops, Woodhall community centre, Salvation Army church, Catholic Church of our Lady, Little Tulips day nursery and Pear Tree Inn public house.

Members commented on the implications of designating Peartree as a conservation area and the effects of having different permitted development rights. Concern was expressed in terms of residents residing in the Estate Management Scheme area who have voiced their opinion on changes and what should be allowed within their areas. A Member commented that residents have

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been asked to adhere to schemes but at the same time the Council should be contributing towards maintaining the public realm to a higher standard. It was noted that the way in which people live and new technological advances all have an impact on how dwellings are evolving and whether or not these are compatible with conservation area status, for example solar panel on buildings. Officers clarified that a designation of a conservation area and the Estate Management Scheme were two different arrangements.

RESOLVED:  
(Unanimously)

1. That this Panel recommends to Cabinet that it authorises a public consultation and a public meeting on the designation of Peartree as a conservation area. It is proposed that a public meeting be held somewhere like Woodhall community centre and that public consultation take the form of a letter to every property within the proposed conservation area and other interested parties such as ward councillor, Hertfordshire County Council as the highway authority, utility bodies, Welwyn Garden City Society, Welwyn Garden City heritage trust and Welwyn Garden City Centenary Foundation.
2. That the results of the public meeting and public consultation be reported back to this Panel and Cabinet to decide whether to designate Peartree as a conservation area.

Meeting ended at 9.30pm  
GP