

Development Management Committee  
27 February 2020

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 27 February 2020 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)

J.Broach, A.Chesterman, S.Elam, B.Fitzsimon, P.Hebden,  
S.Kasumu, M.Larkins, F.Marsh, J.Ranshaw, D.Richardson  
(substituting for S.Boulton), P.Shah

OFFICIALS Head of Planning (C.Haigh)  
PRESENT: Principal Development Management Officer (W.Myers)  
Principal Development Management Officer (M.Robinson)  
Development Management Officer (L.Hale)  
Legal Advisor, Trowers and Hamlins LLP (T.Brown)  
Governance Services Officer (S.Keenlyside)

106. SUBSTITUTION

The following substitution of a Committee Member had been made in accordance with Council Procedure Rules:

Councillor D.Richardson for Councillor S.Boulton

107. APOLOGY

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

108. MINUTES

The Minutes of the meeting held on 6 February 2020 were approved as a correct record and signed by the Chairman.

109. 63 - 65 NEW ROAD, DIGSWELL, WELWYN, AL6 0AL - 6/2019/1569/FULL - ERECTION OF 9 X DWELLINGS (FLATS) FOLLOWING THE DEMOLITION OF THE EXISTING DWELLING AND OUTBUILDING

Report of the Corporate Director (Public Protection, Planning and Governance) on the erection of 9 x dwellings (flats) following the demolition of the existing dwelling and outbuilding.

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The application site comprised a detached dwelling and a large residential outbuilding sited in a large deep plot on the north western side of New Road, Digswell. The dwellings along New Road were large and generally set well back from the road in spacious deep plots. The area was sylvan in character with many properties well screened along their frontages with mature trees, though a number of properties on the opposite side of the road to the application site had more open frontages.

The site arose from the road and then sloped down from front to rear by a few metres and was currently well treed on its front, rear and north eastern flank boundaries. The rear half of the other flank boundary was well screened, though the front half was fully open with no boundary treatment.

The application was presented to the Committee because Councillor Markiewicz had called it in on the grounds of;

*'The scale and bulk of the building would impact on the amenity value of the area. The resultant traffic movements would also impact on the local community and No. 62A New Road in particular. In addition, the occupant of 62A New Road was not included in the application letters and this will provide the occupants with an opportunity to voice their concerns in public.'*

Welwyn Parish Council stated that;

*'We are extremely concerned about the number of trees being removed and the impact the development will have on the remaining trees and the streetscape. This development appears to go against the Digswell Character Appraisal.'*

Mr P.Hughes, Agent, spoke for the application saying that there were some amendments to the Officers report, the mix of flats on the site was actually six two-bedroomed flats, two one-bedroomed flats and one three-bedroomed flat. The report also said that the building was one metre taller than the existing flat and it should be 300mm taller. The scheme offered an opportunity to provide more homes on a site close to public transport without any incursion into the Green Belt. The building did not exceed the height of existing buildings and positively responded to its context. The scheme included the removal of a number of low quality trees and would include suitable replacements as well as additional trees planted around the boundary. The Highways Authority offered no objection to the level of parking.

Following discussion, it was proposed and seconded by Councillors P.Hebden and J.Broach and

**RESOLVED:  
(12 in favour and 1 against)**

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

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110. LAND AND GARAGES, THE COMMONS, WELWYN GARDEN CITY, AL7 4RP - 6/2019/1618/FULL - ERECTION OF 4X DWELLINGS WITH ASSOCIATED AMENITY AND PARKING FOLLOWING DEMOLITION OF EXISTING GARAGES

Report of the Corporate Director (Public Protection, Planning and Governance) on the erection of 4 x Dwellings with associated amenity and parking following demolition of existing garages.

The application site was located on the north east side of The Commons in Howlands, Welwyn Garden City. The Commons was predominately residential in character with traditional two storey semi-detached dwellings and terrace rows of dwellings which were located immediately to the north and west of the site and Howlands Baptist Church, Commonswood School and The Woodside Centre were located to the south west. Approximately 0.4miles to the north east of the site was Hall Grove shopping parade.

Part of the site falls within Flood Zone 1 and part of the site to the east fell within Flood Zone 3. To the north east was The Commons Local Nature Reserve and East Hatfield Hyde Brook, separated from the application site by Urban Open Land. The site fell outside of the constraint of the Conservation Area and Estate Management Area.

The site had an area of approximately 0.17 hectares and comprised a Council garage site which contained three single storey blocks of garages in a 'U' shape with a central hardstanding. The blocks were set back from the highway with vehicle access gained from The Commons. There were 17 lock-up garages on the site of which 9 were currently being rented.

The application was presented to the Committee because the Borough Council was the applicant and had an interest in the land which was the subject of the application.

Officers advised Members that there were some discrepancies in the Officers report. Firstly a comment was received from Councillor Weston on biodiversity which was submitted and recorded as a neighbour representation and not summarised as a consultee representation in section 8 of the report, however, it has been summarised in section 7 as part of the neighbouring representations received and has been taken into consideration. In addition, paragraph 4, 1.3 of the Officers report, outlines that 9 of the garages are currently being rented, however the garage team has since confirmed that 7 garages are being rented which is two less than originally considered.

Ms. R.Brukiene, Architect, spoke for the application saying that the application would provide four new homes funded by the Council's Affordable Housing Programme to house local families from the Council's housing register. The site was underused. There were 17 garages with only 7 occupied. There are 6 parking spaces provided in accordance with planning requirements. The Council was entering into a biodiversity compensation and enhancement plan to support

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the Commons Nature Reserve. The design was in keeping with the local area. The building would have a high standard of insulation to retain heat and reduce occupier's bills. Water reduction measures would be incorporated.

Mr. P.Oakenfull, spoke as an objector, saying that he does not object to the change of use but was seeking a modification to the building footprint on the grounds that it was likely to cause damage to the fragile fen habitat by removing linking green space which was used by families in the summer and would encourage people to push into the fen. A hedgerow that was proposed to be removed was part of the buffering habitat of the fen. A minimum amount of buffering to watercourses, recommended by the Environment Agency and the Council was 8 metres. With the minimum distance proposed on this site, an 8 metre buffer cannot be achieved. The fen was a rare habitat for Hertfordshire and this alongside other habitats in the Commons support over 70 species which were statutory protected. The Burnt Mound, found within 40 metres of the proposed building, dated back to the Bronze Age. Its setting was crucial to its preservation.

Councillor J.Weston, Ward Councillor, spoke against the application, saying that she was not objecting to the main development but to the access route. This route was well used by parents taking their children to school and by families and dog walkers enjoying time in open countryside. Blocking off this route takes away from these people. We should be trying to preserve little clusters like this rather than blocking them off.

Officers advised Members that the access route was under the ownership of the Council and there was no public right of way. Private access rights were not planning matters.

Following discussion, it was proposed and seconded by Councillors F.Marsh and P.Hebden and

**RESOLVED:  
(12 in favour and 1 against)**

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

111. 20 TEWIN ROAD, WELWYN GARDEN CITY, AL7 1LG - 6/2019/3066/FULL - RETENTION OF CHANGE OF USE FROM OFFICES (B1A) TO CHURCH AND COMMUNITY CENTRE (D1)

Report of the Corporate Director (Public Protection, Planning and Governance) on the retention of change of use from Offices (B1A) to Church and Community Centre (D1).

The property currently benefitted from planning permission for church and community centre use (Use Class D1) which was granted on 19th August 2015

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under application reference N6/2014/2743/FP for period expiring 31st March 2020.

Condition 1 of the permission was as follows:-

*“The permission is for a limited period only expiring on 31 March 2020. Following the expiration of the period of this temporary permission the use shall cease and the unit shall revert back to a B1(a) use unless otherwise agreed in writing by the Local Planning Authority.*

*REASON: Permission is only granted for a temporary period to allow a vacant unit to be brought back into use without prejudicing the long-term supply of employment land in the borough, in accordance with The National Planning Policy Framework and Policies EMP2 and CLT2 of the Welwyn Hatfield District Plan 2005.”*

This permission was therefore shortly to expire and the applicant wished to remain in the building and to continue the existing use into the future.

The application site was located towards the southern end of Tewin Road and comprised a two storey former office building of an ‘L’ shaped footprint. The site included areas of parking to the front, side and rear of the building and soft landscaping to the front.

The application was presented to the Committee because the proposal was in conflict with the development plan and had been advertised as a departure.

There had been a late representation submitted in support of the application from Isobel Hospice, New Zion Christian Fellowship, YMCA, Our Lady Queen of the Apostles Catholic Church and The Rt. Hon Grant Shapps MP.

Mr R.Webb spoke for the application saying that Christchurch had been serving the local community in Handside for 90 years and in 2012, following the growth of the Church, took the strategic decision of opening a second centre in Peartree and after three years in a temporary building, bought the current building in Tewin. From the Peartree Centre, Christchurch ran a toddler group, chair based exercise classes, kids club, youth club, a weekly drop-in and a job club. We value a wide range of partnerships. In 2018, Christchurch served over 3000 people with Christchurch volunteers giving over 12000 hours.

Following discussion, it was proposed and seconded by Councillors J.Broach and B.Fitzsimon and

**RESOLVED:  
(unanimous)**

That planning permission be APPROVED subject to the conditions as set out in report, including a Section 106 but with amendments to condition 1 to read;

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The building shall only be used for church services on Sundays, public holidays and on any other day of Christian worship including Christmas Eve, Shrove Tuesday, Ash Wednesday, Maundy Thursday, Ascension Day, Whit Monday, Corpus Christi, Assumption of Mary Day, Feast of St Francis of Assisi, All Saints' Day, All Souls Day and Feast of the Immaculate Conception and shall not be used for any other purpose other than as a Use Class D1 Community Centre on any other day unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that a sufficient parking provision is provided for the use of the building which does not detrimentally impact on the surrounding road network or amenity of adjoining users in accordance with policy M14 of the Welwyn Hatfield District Plan 2005, the Supplementary Parking Guidance, 2004 and the National Planning Policy Framework.

112. 2A WHITEHILL, AYOT ST PETER, WELWYN, AL6 9AF - 6/2019/2902/HOUSE - ERECTION OF SINGLE STOREY FRONT EXTENSION

Report of the Corporate Director (Public Protection, Planning and Governance) on the erection of single storey front extension.

The application site was an irregular shaped plot of land with a narrow access drive leading from Whitehill between number 2 and number 4 Whitehill. The site had a building that was originally an outbuilding that had been converted to a residential dwelling.

The east rear boundaries of the application site were formed by tall metal wire fencing, separating the application site from the former Frythe site, which was currently under construction for new dwellings. The narrow section of the application site towards the front, provided the access from Whitehill and was largely lined by tall, mature trees which continue along the rear of No. 2A, which along with a low post-and-rail timber fence provided the boundary between the application site and No.4. There was a timber shed along the narrow entrance drive, before entering the more open part of the site. In the far eastern corner of the site the converted outbuilding was located, now used as a dwelling.

The application was presented to the Committee because it had been called-in by Councillor Thusu and the recommendation was to refuse planning permission.

Welwyn Parish Council Objected. The objection was summarised as follows:

*“Over development and inappropriate in the Green Belt”.*

Mr C. Watts spoke for the application on behalf of the applicant, saying that he had circulated a letter requesting that the application was deferred until Members had attended a formal site visit. This was because the site was unique in relation

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to 2A's substantial setback from the highway and its relationship to neighbouring properties and Members needed to understand this relationship before coming to a decision. The property benefitted from a Certificate of Lawfulness for three extensions to both sides and the rear of the property. The proposed extension would be no larger than the three lawful permitted development extensions. The very special circumstances required for development in the Green Belt would as put forward by the applicant and his neighbours that there would be improved outlook of their properties especially as the extension would not be visible and be no larger than those that could be built under permitted development rights.

Councillor S.Thusu spoke for the application saying that it was a unique circumstance. If the applicant builds at the front, it would not affect anybody, if he builds at the back, the building would be substantially visible to five houses and obstruct the view.

Following discussion, it was proposed and seconded by Councillors J.Broach and P.Shah and

RESOLVED:  
**(7 in favour, 5 against and 1 abstention)**

That planning permission be REFUSED for the reasons set out in the report.

113. APPEAL DECISIONS

Report of the Corporate Director (Public Protection, Planning and Governance) detailing recent appeal decisions for the period 16 January to 14 February 2020.

RESOLVED:

That appeal decisions during the period 16 January to 14 February 2020 be noted.

114. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

Report of the Corporate Director (Public Protection, Planning and Governance) providing the Committee with a summary of planning applications that might be presented 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 the Committee.

RESOLVED:

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

115. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

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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 116 refers) on the grounds that it involved 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.

116. ENFORCEMENT CASES MONITORING REPORT

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

RESOLVED:

That the update on planning enforcement be noted.

Meeting ended 9.25pm  
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