

Cabinet Planning and Parking Panel  
1 August 2019

## WELWYN HATFIELD COUNCIL

\* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 1 August 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)

B. Fitzsimon, M. Holloway (Substituting for G. Hayes),  
T. Kingsbury, M. Larkins (Substituting for  
A. Chesterman), J. Quinton, D. Richardson, A. Rohale,  
P. Shah and P. Zukowskyj

OFFICIALS Head of Planning (C. Haigh)  
PRESENT: Parking and Cemetery Services Manager (V. Hatfield)  
Governance Services Officer (G. Paddan)

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### 16. SUBSTITUTIONS

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

Councillor M. Holloway for G. Hayes  
Councillor M. Larkins for A. Chesterman

### 17. APOLOGIES

Apologies for absence were received from Councillors A. Chesterman and G. Hayes.

### 18. MINUTES

The Minutes of the meeting held on 3 July 2019 were approved as a correct record and signed by the Chairman.

### 19. NOTIFICATION OR URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 9

The Chairman agreed to consider the following report on 'Welwyn Hatfield Local Plan Timetable', as an urgent item.

20. 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.

21. PUBLIC QUESTION TIME AND PETITIONS

The following questions were received and the Chairman responded:

Question 1 – Alan Perkins

On 6 June 2016 the Council published its Site Selection Report just seven days prior to the Cabinet Housing and Planning Panel meeting on 13 June 2016. This was the first time that the public had seen that report. The seven day period did not allow any landowner or member of the public an opportunity to bring errors to the attention of the Council prior to the decision to adopt the Site Selection Report on 13 June 2016.

In the case of BrP12 in Brookmans Park, the Council found that site to be suitable for allocation, but the Council did not then allocate BrP12 due solely to a perceived lack of capacity at Brookmans Park primary school.

BrP12 could provide 125 new homes, an 80 bedroom care home, a new scout hut and new public footpaths and cycle ways to join Brookmans Park to Bell Bar and Welham Green with Green Routes. All of the land to provide these homes and public benefits is within our ownership.

On 11 July 2016 the solicitor acting for my company, Aurora Properties, provided clear written evidence to the Council from the nationally respected expert, Mr Stephen Clyne at Education Facilities Management, that there was not, in fact, a lack of capacity at Brookmans Park primary school.

Aurora also provided the Council with the outcome of a Planning Appeal at Brookfield Farm, Leicester (APP/X2410/A/11/2161715) where that Council had refused planning permission for 170 new dwellings based on a lack of primary school capacity. The Inspector granted the Appeal and awarded costs against that Council for unreasonable behaviour.

Hertfordshire County Council also informed Welwyn Hatfield Council that it had based its assessment of primary school capacity throughout the Borough on its generic pupil yield, not on the local circumstances which would take into consideration the demographics of Brookmans Park and the existing spare capacity at Welham Green primary school, which had 57 spare places at that time while 58 pupils from Welham Green attended Brookmans Park primary school.

Hertfordshire County Council then informed Aurora Properties in writing that

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Welwyn Hatfield Council had instructed the County Council not to assess the expert primary school capacity report, from Mr Clyne, as submitted by Aurora Properties.

My company made repeated attempts through its planning consultants and its solicitors to engage constructively with the Council, in order to resolve the perceived lack of primary school capacity in Brookmans Park, without success.

The above circumstances were all prior to the submission of the Local Plan for Examination, so the Council had every opportunity to review its erroneous sole reason for not allocating BrP12, but it declined to do so.

At the Examination, the Inspector directed the Council that he would not accept primary school capacity (real or imagined) as a reason not to allocate suitable housing sites.

Also, in January 2018, the Borough Council entered into a Statement of Common Ground with Hertfordshire County Council which confirmed that education capacity would be provided throughout the Borough to meet the needs of housing growth.

That Statement also contained confirmation from the County Council that it did not consider the Welwyn Hatfield Local Plan to be sound because the Borough Council's policy in respect of primary school provision was unsound.

It is clear from the above that Welwyn Hatfield Borough Council was wrong to use a perceived (but flawed) lack of primary school capacity in Brookmans Park as the sole reason for not allocating BrP12 and, furthermore, the Council's refusal to engage constructively, when that error was brought formally to the Council's attention, caused prejudice to Aurora Properties.

Brookmans Park has a primary school, secondary school, 40 shop units, a pub, church, golf club, tennis club, the Royal Veterinary College and many other facilities, services and amenities, including significant local employment and excellent access to the M25 and the A1M. It also has an under-used railway station with four platforms on a scale of size similar to Potters Bar, Hatfield and Welwyn Garden City, which is within walking distance of all dwellings in Brookmans Park and certainly within walking distance of BrP12. Brookmans Park is therefore a highly sustainable location for new housing.

The NPPF (2019) states at paragraph 138: *"plans should give first consideration to land which has been previously developed and/or is well-served by public transport".*

The Council is now preparing a new Site Selection Report. Aurora Properties is naturally concerned that the Council will be searching for new reasons not to allocate BrP12 and that the prejudicial circumstances in June 2016 might be repeated again.

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Would the CPPP please confirm that it will publish its Site Selection Report in sufficient time to allow proper consideration of and response to that report by landowners and the public before it is considered by CPPP or formally adopted by the Council?

It is not acceptable for the Council to respond that such matters will be considered at the Examination, because the Inspector has clearly stated that he will not consider omitted sites at the Examination. Equally, it is not reasonable to respond that Main Modifications will be subject to future Regulation 19 consultation, because omitted sites will not be included in that consultation.

#### Answer

It is intended that the Site Selection Report will be published in advance of site options being considered by this Panel. The Constitution states that this should be at least one week in advance of the meeting. The Panel agrees that it would be desirable that members and members of the public have more time to consider this information in advance of the Panel meeting, given how extensive it is likely to be. Officers will therefore be asked to publish the information at least two weeks before the meeting to allow members and members of the public more time to consider the information.

In respect of the wider statement, the Panel rejects the accusation that there were any prejudicial circumstances when it considered the Draft Local Plan and site options in June 2016. Officers and the Panel made decisions based on the information available at that time. The Panel is aware that new evidence has been prepared and new information is available since that time and will take that evidence and information into account when officers present site options.

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#### Question 2 – Matthew Perkins

At the CPPP meeting on 3 July 2019 I asked a question concerning Paragraphs 4.17 to 4.22 of Agenda item 8 at that meeting.

The answer provided by the Panel is too vague and does not properly inform the Members of the CPPP or the public.

Paragraphs 4.17 to 4.22 of Agenda item 8 (3 July 2019) set out to the CPPP three scenarios for proposed amendments to the Local Plan period and the consequence for additional site allocations:

- 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, all the above scenarios include the allocation of a new settlement at Symondshyde for 1,130 homes and include 598 new homes on sites which have been found to be High Harm if released from the Green Belt

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(total 1,728 homes). Given the very clear advice from the Inspector that such an approach would not be sound, the information provided to the CPPP meeting and to the public on 3 July was not an accurate reflection of the present facts and circumstances.

The Inspector has stated at the Examination that Symondshyde should only be allocated after other suitable opportunities for new dwellings adjoining existing settlements are exhausted. The allocation of Symondshyde is therefore a last resort (which may not be required at all) and should be reported to CPPP as such.

The Inspector has also confirmed in writing (EX97B): *“Whilst theoretically the already identified sites have the potential to deliver 16,000 dwellings, this would result in the allocation of some sites that would cause high harm to the Green Belt. Additionally, some sites or dwelling numbers, where delivery is uncertain, would also be included. **Neither of these would be sound.**”*

In order to make the Plan sound, with a 15 year horizon after adoption, the Council should be seeking to allocate suitable additional housing sites for the Plan period 2013 to 2035 as follows:

- 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

Would the CPPP please direct the Officers to fully report to this Panel on 12 September 2019 (i) the additional sites required to meet the Objectively Assessed Housing Need (based on the Inspector’s site allocation advice at the Examination) (ii) the sequential approach to site allocations and (iii) the additional sites required for housing a) excluding sites which are High Harm to the Green Belt and b) excluding sites where delivery is uncertain and c) only including Symondshyde as a last resort?

The above information is in the public interest.

### **Answer**

Planning Officers are currently analysing sites – this includes a review of sites that were reasonable alternatives in 2016 but were not selected for allocation in the Submitted Local Plan; sites that were re-promoted as part of the recent call-for-sites exercise and new sites that were proposed for the first time as part of the recent call-for-sites exercise.

This selection of sites will take account of new evidence that has come to light since the Council agreed to submit the Local Plan for public examination, including the housing and employment evidence that was presented to this Panel last month and the Green Belt Study Stage 3 requested by the inspector.

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Decisions will also take account of the 10,000+ representations that were submitted in response to the call-for-sites public consultation.

Officers will present all of this evidence to this Panel at the earliest opportunity (noting the late item this will not be possible by September 2019).

The Panel will expect officers to present site options that will contribute towards meeting the objectively assessment need for housing, to highlight their approach to site selection, to highlight the green belt harm associated with each site and the deliverability judgement made about each site.

It is not appropriate for this Panel to direct officers to only include Symondshyde as a last resort. The Panel expects officers to consider Symondshyde as part of the site selection process and advice on the outcomes of that analysis.

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**Question 3 – Neil Bedford**

At the examination hearing on 7 November 2018 the Council's planning officers informed the Inspector that proposed Main Modifications would be submitted to the Inspector by the Council at the end of December 2018.

It is now August 2019 and there is no public record of any proposed Main Modifications having been submitted to the Inspector. In fact, the schedule of proposed modifications on the Council's examination website has not been updated at all since 15 September 2017.

Would the CPPP please explain whether (and if so when) any proposed Main Modifications have been submitted to the Inspector and when these Main Modifications will be published for the public to see?

**Answer**

The Council forwarded an initial set of proposed main modifications to the programme officer in January 2019. These modifications relate to the hearing sessions held so far. It is the Inspector's decision when the main modifications will be published. The Inspector has not yet considered these main modifications and we are advised that he does not intend to publish them at this stage.

It is anticipated that the Council will propose further main modifications to the Inspector after all of the hearing sessions have taken place. All proposed main modifications will be subject to main modifications consultation once all hearing sessions have been held.

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Question 4 – Pauline Perkins

In the Report Pack to the CPPP meeting on 7 March 2019, the officers recommended: *“Additional work on Landscape Sensitivity and Green Wedges as these were identified as important during the Stage 3 Green Belt Study examination hearing session”*.

Would the CPPP please provide a public copy of the scope of work and the methodology for this new evidence and confirm progress with these reports during the past four months and state when these reports will be made available to the public?

Answer

The Landscape Sensitivity Assessment work has been completed and the Council has very recently received the Final Report, so it will be published on the Council’s website next week.

The Green Wedge Assessment work is ongoing. A draft report has been received and is being considered by officers. It is anticipated that this work will be finalised in the next few weeks when the Final Report will be published on the Council’s website.

22. HOUSING DELIVERY TEST ACTION PLAN

Members considered a report of the Corporate Director (Public Protection, Planning and Governance) on the Housing Delivery Test Action Plan. The National Planning Policy Framework (NPPF) requires councils to prepare an action plan where housing delivery has fallen below the housing requirement. The Plan seeks to identify the main issues associated with housing delivery in the Borough and the main actions that can be taken by the Council and other parties to speed up delivery.

The Plan reviews Government guidance, considers the views of relevant stakeholders and analyses existing data and other knowledge in order to identify a series of actions that would be taken over the coming months and years to help increase housing delivery.

A number of questions were raised in terms of the length of the planning application determination process/timescales and build out rates, time taken for construction to commence, scope for technology and modernisation of the application process and pre-application advice.

The Panel requested changes to the key action points in the report at paragraph 3.6 and the Housing Delivery Test Action Plan. Following a detailed discussion the amendments were agreed as below:

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At para 3.6 needs to state:

- Progress the adoption of the Local Plan.
- Review the scope for technology and modernisation to improve pre-application advice and the handling of planning applications.

The Housing Delivery Test Action Plan for Cabinet on 6 August to be updated with the following:

- It is intended that results will be reported to Councillors later in 2019 and that examination hearing sessions will take place in December 2019 and February 2020. This should lead to main modifications consultation and adoption later in 2020.
- Reference to adoption of the Local Plan but removal of words relating to the release of land from the green belt as this has not yet been confirmed through the examination process.
- The Council will explore the scope for technology and modernisation to improve the provision of pre-application advice and the handling of planning applications. Officers are aware of IT applications for example that make it easier to potential applicants to understand whether their proposal is permitted development, whether they require planning permission and what information needs to be submitted in order to make their application valid.

#### RESOLVED

1. That the Panel agrees the Action Plan and the series of actions within the action plan that the Council will seek to implement over coming months and years.
2. That the Action Plan be presented to Cabinet for information.

#### 23. INTRODUCTION OF RESIDENT PERMIT SCHEME AND DOUBLE YELLOW LINES IN LAMBS CLOSE, CUFFLEY

Report of the Corporate Director (Resources, Environment and Cultural Services) on the introduction of resident permit scheme and double yellow lines in Lambs Close, Cuffley.

The report noted that an existing resident permit scheme has been operating within Lambs Close since 2000. When parking enforcement responsibility passed to Welwyn Hatfield Borough Council in 2005. Lambs Close has been patrolled as with all other public highway by the authorised enforcement officers on behalf of Welwyn Hatfield. The sale of permits has been managed by Northaw and Cuffley Parish Council. The Parish Council requested that Welwyn Hatfield Borough Council (WHBC) takes on the responsibility for the sales management of a permit scheme, as in the same way WHBC run all other public highway permit schemes. The current permits issued by the Parish Council

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have been handwritten permits, which in the past have been open to a small amount of misuse by way of the expiry date being altered with a pen. WHBC since 2017/18 have issued all resident parking permits as paperless and checked by the enforcement team by vehicle's number plate meaning the permit expiry date cannot be altered.

In order to bring the management of the permit scheme in line with all other resident permit schemes managed by WHBC, a new traffic regulation needs to be made to set the charges for resident permits as well as designate it with a zone code. Within the new Order, it will allow for the first time the residents who live within this scheme the opportunity to purchase visitor parking vouchers. Currently, any visitors to residents have restricted or no parking within the road during the operational hours of 11am to 1pm Monday to Friday. This has the potential to cause a level of isolation for those who could be partially housebound.

In February 2019 Parking Services consulted all residents within Lambs Close to offer the opportunity to make changes to the enforcement days and hours whilst the Traffic Regulation Order required was being designed. Residents were surveyed to see if any supported change of days or times to the current permit bays. Eighteen responses were received, with no majority in favour of making any changes to the days and times. During the consultation, several respondents highlighted the sets of six parking bays on the west of the road which are currently separated by short sections of single yellow lines. It was proposed when creating a new Traffic Regulation Order to recreate the parking bays within their current start to finish limits but removing the yellow lines between the bays to increase the parking scope to eight parked vehicles in that section of the road. This would give better parking provision outside of parking restriction hours. On previous visits by Parking Services Officers, the permit bays were often observed as underused during the restriction period.

As part of the remedial work to create the Order, it has been identified that the single yellow lines still left in situ from 2000 are in sections of the road where it is not suitable for parking. This related to the width of the road in those places which only allow parking on one side, otherwise a road obstruction could be caused.

The report set out the results of the informal consultation, the statutory consultation and the recommended course of action. A total of 82 residents had been consulted. One objection had been received and this was shown within this report as **Appendix A**.

It was noted that the Council can amend proposals once advertised, as long as they make the scheme less restrictive. This could be done without having to re-advertise the Traffic Regulation Order.

RESOLVED

That the Panel consider the objection received in 4.1 and in particular the issues raised in Section 15 around equalities and diversity and having considered all the detailed issues in this report including any proposed mitigating actions, recommends to Cabinet to proceed with the amended proposals (**Appendix C**) and the creation of the Traffic Regulation Order (TRO) for all the reasons set out in this report.

24. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

This item was considered urgent as Members needed to be aware of the unexpected workload generated by representation received as part of the public consultation on sites and the issues raised by examination Inspectors in respect the Welwyn Hatfield Local Plan and reporting timescales.

Report of the Corporate Director (Public Protection, Planning and Governance) on the Welwyn Hatfield Local Plan Timetable. The Welwyn Hatfield Local Plan had been submitted and was currently undergoing public examination by an independent Inspector. The report noted that the Inspector has indicated that the Plan does not currently meet the objectively assessed need for housing. The Council has therefore carried out a further call-for-sites exercise and published those sites for public consultation, before deciding whether to select any new sites for inclusion in the Local Plan.

The timetable agreed in March 2019 was that the results and recommendation of this process was scheduled to be presented to Councillors in September 2019 and the further hearing session would take place in November/December 2019. The unexpected receipt of 10,000+ representations from the public consultation in addition to site analysis work and updating evidence has unfortunately created too much work to be achieved in this time. Members were advised that previously there had been only 6,000 representations to such a consultation.

The report noted that at the time of writing in late July 2019 it had taken about two months to work through 4,000 representations. The Planning Policy team had therefore employed additional agency staff to speed up this process but it is likely that it will take another two months to complete the task. As a result it would not be possible to present a full summary of the issues raised by residents and others to Councillors in September 2019. Realistically it will be achieved by November 2019.

The examination Inspector for North Herts Local Plan had recently written to that Council to advise that further hearing sessions were required in light of new evidence presented to him as part of the Main Modifications consultation stage, including fundamental issue such as the Objective Assessment of Need for Housing and green belt evidence.

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The examination Inspectors for the St Albans Local Plan had recently written to that Council to more fully understand the evidence gathering that has taken place to justify a green belt review and the assessment of individual sites.

In terms of suitable sites for the Local Plan, a Member sought clarification on the capacity for the primary school at Brookmans Park. The Chairman advised that this was beyond the content of the report under consideration and that discussion on sites and infrastructure issues would take place at a later date. It was noted that the Inspector would be retiring in March 2020.

#### RESOLVED

1. That the Panel notes: the unexpected workload generated by 140+ sites promoted as part of the call-for-sites exercise; the unexpected workload generated by 10,000+ representations received as part of the public consultation on these sites; and the issues raised by examination Inspectors in recent letters to North Herts and St Albans councils regarding their Local Plans.
2. That the Panel accepts that it would be negligent to receive incomplete information in September and that all of the above issues necessitate an extension of the Local Plan timetable to allow sufficient time to fully understand the views of residents, site analysis and new evidence.
3. That the Head of Planning and Planning Policy and Implementation Manager contact the Programme Officer to explain the situation and seek the views of the Examination Inspector, with the intent of identifying a new timetable and then report back to this Panel.

Meeting ended at 8.15 pm  
(GP)