

Cabinet Planning and Parking Panel
10 March 2022

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 10 March 2022 at 7.30 pm via Zoom.

PRESENT: Councillors S. Kasumu (Chair)
S. Boulton (Vice-Chair)
G. Hayes, A. Hellyer, S. McNamara, G. Michaelides, R. Platt, J. Quinton, D. Richardson, A. Rohale, P. Shah, C. Stanbury and S. Thusu

OFFICIALS PRESENT: Head of Planning (C. Dale)
Head of Environment (D. Reyner)
Planning & Policy Implementation Manager (S. Tiley)
Parking & Playground Services Manager (E. Robova)
Parking Services Team Leader (M. McCann)
Planning and Monitoring Officer (L. Palmer)
Democratic Services Assistant (B. Taylor)

40. MINUTES

The Minutes of the meeting held on 13 January 2022 were approved as a correct record.

41. DECLARATION OF INTERESTS BY MEMBERS

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

42. PUBLIC QUESTION TIME AND PETITIONS

One question was received from the public. The Vice- Chair as Portfolio Holder of Environment, Planning, Estates and Development gave the response.

The following question was received from Mr Howard Dawson.

“I am a resident of Welham Green and a Regulation 19 participant at the Local Plan Examination.

At paragraph 9 of the Inspector’s letter, he refers to five sites formally submitted to the Examination in May 2017. He says that “one of those has already been found sound when your Council decided that it wished to remove it in November

Cabinet Planning and Parking Panel
10 March 2022

2020". The Inspector does not state which site, but I believe he is referring to BrP4 (HS22).

Whilst BrP4 was proposed in 2017 for allocation in the submitted Local Plan for 250 dwellings, that was before the Inspector himself required the Council to undertake an entirely new Green Belt study with the specific purpose to identify land that was "essential to retain" in the Green Belt. The new Green Belt study was undertaken by Land Use Consultants (LUC), published in August 2018 and updated in March 2019.

BrP4 was found to be within Parcel 65 to the west of the East Coast Mainline railway, in open countryside. The LUC assessment of P65 was "VERY HIGH HARM" which is essential to retain. BrP4 is a significant part of Parcel P65 but LUC did not undertake a Green Belt assessment of BrP4 based on national purposes, as lawfully required following the High Court judgment in the Calverton case. BrP4 therefore remains on land which is VERY HIGH HARM if released from the Green Belt and the Inspector himself has stated that no land which is found to be VERY HIGH HARM should be allocated for development.

Furthermore, the Council has informed the Inspector that, due to new evidence commissioned after the Plan was submitted for Examination, Exceptional Circumstances to justify the release of BrP4 from the Green Belt do not exist. The Exceptional Circumstances test is required by paragraph 83 of the NPPF.

In light of (1) the fact that BrP4 forms a vital part of land which has been found to be VERY HIGH HARM if released from the Green Belt and (2) the Council has formally notified the Inspector that BrP4 does not satisfy the legal test of Exceptional Circumstances, it would be unlawful for the Inspector to force the Council to allocate BrP4.

Other matters which are relevant include:

- BrP4 breaches a strong and permanent Green Belt boundary. There are few boundaries which are stronger or more permanent than the East Coast Mainline railway.
- The justification used by the Council in 2016 to support the original allocation of BrP4 in the Local Plan was reliant on major road improvements that were promised to be achieved on the dangerous bend on the Station Road railway bridge. It subsequently emerged that the promoter of BrP4 did not own the land required to fulfil that promise and the highway safety improvements which are formally listed in paragraph 21.4 of the submitted Plan have vanished. It will require a Main Modification to the submitted Plan to delete these promised highway improvements. The Council was therefore deceived prior to the submission of the Plan for Examination and that deceit provides justifiable grounds for this Council to delete BrP4 from the Plan.
- BrP4 was found to be very sensitive in terms of landscape harm and development of BrP4 would also spread into the wider countryside in terms of Green Belt sprawl and harm to openness

Cabinet Planning and Parking Panel
10 March 2022

- At the Stage 9 Examination Hearing, no Flood Risk Assessment was submitted, and no surface water management or attenuation was proposed. The land promoter simply informed the Inspector and the Council that such matters would be considered after the site is allocated, at the planning application stage. That is not acceptable when the surface water flooding is evidentially severe and new development would be certain to cause serious consequential flood impact on the SSSI at Water End.

The only reason why this Council allocated BrP4 in the first place is because it is not in Brookmans Park. The brunt of the impact in terms of highway and traffic disturbance will be felt by Welham Green and Water End being the obvious routes for all traffic leaving the BrP4 site.

BrP4 should be deleted from the Plan on the grounds that (1) new Green Belt evidence after the submission of the Plan demonstrates that the allocation of BrP4 would cause VERY HIGH HARM to the Green Belt and (2) Exceptional Circumstances do not exist to justify the allocation of BrP4. That is the legal test, which BrP4 fails.

Will the CPPP discuss that for the planning and legal reasons explained above, this Council is fully justified to require the Inspector to delete BrP4 from the submitted Plan on the grounds that it is not a sound allocation?"

Answer:

The Council has written to the Inspector proposing the removal of BrP4 from the plan. It is the Inspector who assesses the soundness of the plan, and he has not, to date, changed his opinion that exceptional circumstances do exist for its removal from the Green Belt. The Council cannot require the Inspector to delete the site.

43. INTRODUCTION OF RESIDENT PERMIT PARKING SCHEME, AND OTHER WAITING RESTRICTIONS IN VARIOUS ROADS - HANDSIDE WARD

Report of the Head of Environment on the proposed traffic regulation orders "The Borough of Welwyn Hatfield (Various Roads, Handside, Welwyn Garden City) (Restriction of Waiting and Permit Parking Zones) Order 2021" and "The Borough of Welwyn Hatfield (Various Roads, Handside, Welwyn Garden City) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2020 (Amendment No.2) Order 2021". Officers stated that the verge protection would be along Stanborough Road and that there were minor changes to the existing restrictions. Only three objections were received to the proposed traffic regulations orders.

Members asked how many people were consulted and what the response rate was. Officers stated there were changes to the current restrictions and all residents were advised but there was not a clear figure, and there were no properties along Stanborough Road.

Cabinet Planning and Parking Panel
10 March 2022

Members queried whether the Brockett Close complainant was able to have the double yellow lines removed as people seem to respect them more than dropped curbs. Officers stated that illegal dropped curb parking was being enforced with penalties.

**RESOLVED
(Unanimous)**

- A) That Members note the objections received in paragraph 4 in addition to the issues raised in paragraph 15 around equalities and diversity and recommend to Cabinet to proceed with the creation of the traffic regulation orders as advertised.
- B) The Executive Member for Resources to exercise their delegated powers to authorise the creation of the traffic regulation orders as advertised

44. INTRODUCTION OF RESIDENT PERMIT PARKING SCHEME, AND OTHER WAITING RESTRICTIONS IN VARIOUS ROADS - PEARTREE WARD

Report of the Head of Environment on the proposed traffic regulation orders “The Borough of Welwyn Hatfield (Various Roads, Peartree, Welwyn Garden City) (Restriction of Waiting Places and Permit Parking Zones) Order 2021” and “The Borough of Welwyn Hatfield (Various Roads, Peartree, Welwyn Garden City) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2021”. Officers stated that the zone was northeast of Broadwater road. 386 households were consulted, 166 responses were received with the majority favourable. There were 43 objections from five households. There were three comments of support for the proposed times of 8am to 6pm, Monday to Saturday.

Members stated that the engagement from officers from the parking team was excellent.

Members stated there was not an issue with the introduction of parking restrictions in the area, notably supporting the verge protection and safe parking order. The issue laid with permit parking and the proposed timings as they felt it would create a barrier to residents receiving visitors or guests. Members felt this would impact elderly residents the most. Members proposed a single longer period of restrictions or two shorter hours of restrictions. Officers stated that all day restrictions were common across the borough and easier to manage. In addition, the residents with permits would not need to worry about parking. Officers informed Members of the anticipated future pressures for parking in the area. Officers stated that commuter patterns were different, and that people were parking to head into the town centre.

Members asked if there was a “scratch card” permit scheme which would help residents and their guests’ park. Officers stated that a virtual system was already in place that entailed a small fee. The parking restrictions were designed for non-residents.

Cabinet Planning and Parking Panel
10 March 2022

Members sought a trial of restrictions with a review in six months. Officers stated their proposal was the best solution as the situation may change in that time.

Members felt the response rate was too low to make a decision as roughly 70% did not respond which would make it unfair to impose restrictions. Members suggested a re-consultation. Officers stated that the response rate was acceptable in a consultation, and that many people remain silent and chose not to express their views if they did not hold strong opinions or were broadly in favour of the proposals. Members and Officers questioned whether a re-consultation would change the outcome.

Members asked about the cost and time of another consultation and whether the Officers looked at all options. Officers stated that time, rather than cost, was the bigger consideration. Dedicating more time to this would prevent Officers moving onto other areas in the work programme. Officers proposed several start and finish time, with the majority of residents asking for 8am to 6pm.

Members asked about the new ANPR vehicles, stating they should help with enforcement.

RESOLVED:
(5 in favour, 5 against, 3 abstentions)

The chair cast the deciding vote **against**

- A) That Members the objections received in paragraph 4 in addition to the issues raised in paragraph 16 around equalities and diversity and recommend to Cabinet to proceed with the creation of the traffic regulation orders as advertised.

The Chair asked Officers to come back with shorter time restrictions to be compared against all day restrictions.

45. INTRODUCTION OF RESIDENT PERMIT PARKING SCHEME, AND OTHER WAITING RESTRICTIONS, IN VARIOUS ROADS- ELLENBROOK, HATFIELD VILLAGES

Report of the Head of Environment on the proposed traffic regulation orders “The Borough of Welwyn Hatfield (Various Roads, Ellenbrook, Hatfield) (Restriction of Waiting and Permit Parking Zones) Order 2022” and “The Borough of Welwyn Hatfield (Various Roads, Ellenbrook, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2022”. Officers stated that 507 households were consulted. 9 objections were received and there were 218 favourable responses.

Members felt that the scheme was much needed and a good idea, notably the verge protection.

Cabinet Planning and Parking Panel
10 March 2022

Members stated the response rate was good and happy to support the recommendations.

Members welcomed the flexibility of the scheme.

**RESOLVED:
(Unanimous)**

- A) That Members note the objections received in paragraph 5, in addition to the issues raised in paragraph 16 around equalities and diversity and recommend to Cabinet to proceed with the creation of the traffic regulation orders as advertised.
- B) The Executive Member for Resources to exercise their delegated powers to authorise the creation of the traffic regulation orders as advertised.

46. ANNUAL MONITORING REPORT 2020/21

Report of the Head of Planning on the Annual Monitoring report for the period 1st April 2020 to 31st March 2021. The report served a number of purposes including reporting the amount of development that had taken place in the borough, assessing whether the developments met targets across a number of indicators and sets out the expectation for future developments. It reports on the progress against Local Development Scheme. Officers highlighted some of the key findings from the Report

- Retail vacancy rate had increased in both Welwyn Garden City and Hatfield, and the rate had been fluctuating in the year before.
- There were 352 new housing units (net) completed, which included 48 new affordable homes.
- The minimum annual local housing need increased slightly to 878 dwelling per annum.
- 5268 dwellings were required when using the housing delivery test for the next 5 years.
- Loss of employment floor space continued, due to office to resident conversions. Article 4 directions which were due to come into force would slow this trend.
- The rate of job seeking allowance or universal credit claimants was steadily declining.

Officers stated the full report covers further topics and provides more detail.

Members asked why there was an improvement in planning appeals. Officers stated they do not have an obvious answer and they would do further work to identify why.

Members sought clarification on how much of the borough was greenbelt, how much of it had changed and how to protect the greenbelt. Officers stated that approximately 79% of the borough was designated greenbelt land. The current

Cabinet Planning and Parking Panel
10 March 2022

boundaries were established in the 1993 Local Plan and have remained largely unaltered since they were designated.

Members were pleased to see that the Article 4's were working to protect office space.

Members stated that Hatfield Central was the most deprived ward in the borough and asked how Hatfield Central and Peartree would be "levelled up". The Executive Member stated the ongoing development work and new constructions should help level up.

Members noted that population change to the borough was by international migration. Members queried why 30% more house was needed when the population growth was 0.7% however Members were aware that the report was during a covid pandemic year.

Members asked if there were more care homes spaces proposed than needed. Officers stated the area was rapidly meeting the need and they may need to review the need for that type of accommodation in the future.

Members asked whether the warehouse built on green belt land made it into the report or would it be in the following years. Officers stated they would come back with an answer.

Members asked about the over provision for 1 and 2 bed dwellings, and whether 3 and 4 bed dwellings would be provided. Officers stated the urban higher density developments had come forward first. Lower density larger homes would be built on sites currently in the green belt on the edge of settlements to deliver a transition from town to countryside.

Members noted there was a lot of information in the report and felt the information was useful.

**RESOLVED:
(unanimous)**

- A) That the Cabinet Planning and Parking Panel recommends to Cabinet that the AMR be approved for publication and, that the Head of Planning be given delegated authority to agree any minor alterations to finalise the AMR, following consultation with the Executive Member for Environment, Planning, Estates and Development

Meeting ended at 9.08 pm
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