

Development Management Committee  
13 October 2016

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday, 13th October, 2016 at 7.30 pm in the Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors S Boulton (Chairman)

R.Basch, D.Bennett, A.Chesterman, L.Chesterman  
(substituting for P.Shah), J.Cragg (substituting for  
N.Pace), I.Dean, M.Larkins, S.Markiewicz, H.Morgan,  
F.Thomson, J.Weston, P.Zukowskyj

ALSO PRESENT: M.Perkins (Deputy Leader and Executive Member,  
Planning, Housing and Community)

OFFICIALS PRESENT: Head of Planning (C.Haigh)  
Development Management Service Manager (L.Hughes)  
Principal Major Development Officer (C.Carter)  
Governance Services Officer (M.Lowe)

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71. SUBSTITUTIONS

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

Councillor L.Chesterman for P.Shah.  
Councillor J.Cragg for N.Pace.

72. APOLOGIES

Apologies for absence were received from Councillors M.Birleson, N.Pace and P.Shah.

73. MINUTES

The Minutes of the meeting held on 15 September 2016 were approved as a correct record and signed by the Chairman.

74. DECLARATIONS OF INTEREST BY MEMBERS

Councillors S.Johnston and P.Zukowskyj declared non-pecuniary interests in items on the Agenda as appropriate by virtue of being Members of Hertfordshire County Council.

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Councillor H.Morgan declared a non-pecuniary interest in items on the Agenda as appropriate by virtue of being Member of Hatfield Town Council.

Councillor P.Zukowkyj declared a pecuniary interest in item 7 Comet Hatfield, St Albans Road West, Hatfield, AL10 9RH - 6/2016/1740/LB and item 8 Comet Hatfield, St Albans Road West, Hatfield, AL10 9RH - 6/2016/1739/MAJ by virtue of his employment at the University of Hertfordshire, and as an objector to the application.

75. LAND ADJACENT TO 26 STARLING LANE, CUFFLEY, POTTERS BAR, EN6 4JX - 6/2016/0669/FULL - ERECTION OF 1 DWELLINGHOUSE

Report of the Executive Director setting out details of this application for full planning permission for the construction of a two-bedroom chalet with one bedroom in the roof which considered by the Development Management Committee on 15 September 2016. At that meeting Members resolved that a decision on the application should be deferred in order that Members could visit the site.

Members noted that since the original report had been written further representations had been received and the report presented to the meeting had been updated accordingly to take account of these.

Mr Colin Holmes (Applicant) spoke in support of the application.

Northaw and Cuffley Parish Councillor A.Allgood spoke against the application.

Members expressed the view that due to the constraints of the site; the enclosed nature of the alleyway which was a public footpath and the safety of pedestrians the proposed development was not appropriate.

It was moved by Councillor S.Markiewicz, seconded by Councillor D.Bennett and

RESOLVED:  
(2 voting for, 11 against)

That notwithstanding the Officer recommendation that planning permission be approved subject to conditions, the application be refused for the following reasons:-

1. The proposed development by reason of the amount of built form proposed on the site would result in the unacceptable over development of the plot and as such would display an unacceptable standard of design which would be harmful to the character and appearance of the surrounding area. The proposal therefore fails to comply with Policies D1 'Quality of Design' and D2 'Character and Context' of the Welwyn Hatfield District Plan 2005 and the requirements of Chapter 7 'Requiring good design' of the National Planning Policy Framework.
2. The proposed access to the site is inadequate in terms of pedestrian and driver visibility and presents a risk to pedestrians passing along the footpath

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outside the site. The proposal therefore fails to comply with Policy M5 of the Welwyn Hatfield District Plan.

76. COMET HATFIELD, ST ALBANS ROAD WEST, HATFIELD, AL10 9RH - 6/2016/1740/LB - EXTENSION AND REFURBISHMENT OF THE GRADE II LISTED BUILDING (USE CLASS C1) FOLLOWING DEMOLITION OF EXISTING REAR AND SIDE EXTENSIONS

The report of the Executive Director setting out the application seeking full planning permission for extension and refurbishment of the Grade II listed building (use class C1) following demolition of existing rear and side extensions

Mr Spencer John (Agent) spoke in favour of the application.

Hatfield Town Councillor James Broach spoke against the application.

Mr Andrew May, representing the University of Hertfordshire (Objector) spoke against the application.

It was moved by Councillor S.Markiewicz, seconded by Councillor D.Bennett and

RESOLVED:  
(unanimous)

That planning permission be approved for application 6/2016/1740/LB, subject to the conditions set out in the report.

(Note: Councillor P.Zukowskyj withdrew from the meeting for this item).

77. COMET HATFIELD, ST ALBANS ROAD WEST, HATFIELD, AL10 9RH - 6/2016/1739/MAJ - EXTENSION AND REFURBISHMENT OF THE GRADE II LISTED BUILDING (USE CLASS C1) FOLLOWING DEMOLITION OF EXISTING REAR AND SIDE EXTENSIONS. ERECTION OF 7,253.7SQM STUDENT ACCOMMODATION (SUI GENERIS), LANDSCAPING AND ASSOCIATED WORKS

The report of the Executive Director setting out the application seeking extension and refurbishment of the grade ii listed building (use class C1) following demolition of existing rear and side extensions. erection of 7,253.7sqm student accommodation (Sui Generis), landscaping and associated works.

Mr Spencer John (Agent) spoke in favour of the application.

Hatfield Town Councillor James Broach spoke against the application.

Mr Andrew May, representing the University of Hertfordshire (Objector) spoke against the application.

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It was moved by Councillor D.Bennett, seconded by Councillor L.Chesterman and

RESOLVED:  
(unanimous)

That planning permission be approved for application 6/2016/1739/MAJ, as set out in the report subject to changes to conditions 6 and 19 and completion of S106 Agreement as follows:

Condition 6 to be amended to:

No development shall take place on the site until a timetable for construction of the development hereby permitted and of the proposed Demolition, Reinstatement and Other Works outlined in the Schedule of Works to Listed Building (dated 22.8.2016) has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed timetable. Not more than 50% of the student accommodation on the site hereby permitted shall be occupied until the works listed in the Schedule of Demolition and Reinstatement Works to the listed building are complete. The works listed in the Schedule of Demolition and Reinstatement Works to the listed building shall be completed prior to the occupation of the St Albans Road West Block (block A as shown on drawing 0312 rev B) comprising 54 bedspaces.

REASON: To ensure the satisfactory completion of the works to the listed building in accordance with Policies of the Welwyn Hatfield District Plan 2005 and the NPPF 2012.

Condition 19 to be amended to:

Prior to the construction of each block, no development shall commence until an acoustic report has been submitted to and approved in writing by the Local Planning Authority detailing the noise from plant and equipment to be installed relating to that building showing that noise emissions will be 10dB (L<sub>aeq</sub>) below the background noise level (LA<sub>90</sub>) at the nearest residential properties (using the methodology outlined in BS142:2014). The scheme shall be completed in accordance with the approved details before any part of each building hereby approved is occupied and maintained thereafter in accordance with the approved details.

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

(Note: Councillor P.Zukowskyj, withdrew from the meeting for this item).

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78. NORTHDOWN ROAD, HATFIELD, AL10 9QX - 6/2016/1091/DC3 - ERECTION OF 4 BLOCKS OF 4 BEDSITS RAISED ON STILTS (AS EXISTING) FOLLOWING DEMOLITION OF THE EXISTING 16 BEDSITS

The report of the Executive Director seeking full planning permission was sought for demolition of the four bedsits in each of the four sections and construction of 4 x 1 bedroom flats in each of the four sections following demolition of the 16 existing bedsits. This application was presented to the Development Management Committee because Welwyn Hatfield Borough Council was the applicant and it had been agreed that affordable housing schemes would be presented to Committee.

Mr Steve Stokes (Agent) spoke in favour of the application.

It was moved by Councillor S.Markiewicz, seconded by Councillor A.Chesterman and

RESOLVED:  
(unanimous)

That planning permission be approved for application 6/2016/1091/DC3, subject to the conditions set out in the report.

79. 19 WOODLAND WAY, WELWYN, AL6 0RX - 6/2016/1178/FULL - ERECTION OF ONE 4 BEDROOM DWELLINGHOUSE AND DEMOLITION OF OUTBUILDINGS

Report of the Executive Director sought full planning application for the erection of one four bedroom dwelling and demolition of outbuildings.

Welwyn Parish Councillor John Blackburn spoke against the application.

It was moved by Councillor S.Markiewicz, seconded by Councillor L.Chesterman and

RESOLVED:  
(unanimous)

That planning permission be approved for application 6/2016/1178/FULL, as set out in the report subject to the deletion of condition 5 and additional condition as follows:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes B or C of Part 1 of Schedule 2 shall take place.

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REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of the amenity of neighbouring occupiers of the adjoining premises in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the appropriateness of any future extensions in the Green Belt in accordance with the National Planning Policy Framework and Policy RA4 of the Welwyn Hatfield District Plan 2005.

80. 19 WOODLAND WAY, WELWYN, AL6 0RX - 6/2016/1179/HOUSE - REMODELLING OF DWELLINGHOUSE TO ACCOMMODATE A NEW DRIVEWAY ACCESS TO DEVELOPMENT SITE TO THE REAR

Report of the Executive Director sought full planning permission for the remodelling of a dwellinghouse to accommodate a new driveway access to development site to the rear.

Welwyn Parish Councillor John Blackburn spoke against the application.

It was moved by Councillor S.Markiewicz, seconded by Councillor A.Chesterman and

RESOLVED:  
(12 voting for, 1 against)

That planning permission be approved for application 6/2016/1179/FULL, as set out in the report subject to the additional condition as follows:

**(Landscaping and porous surfacing)**

No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) Hard surfacing, other hard landscape features and materials, which shall be of a porous material
- (b) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix and details of seeding or turfing
- (c) Details of planting features to be provided to enhance the value of the development for biodiversity and wildlife

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

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**(Landscaping Implementation)**

All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

**(Details of gate)**

No development shall take place until details of the proposed new gate serving the driveway to the side of the property have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented entirely in accordance with the approved details and subsequently, the approved details shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

81. THE SPINNEY, HIGH ROAD, ESSENDON, HATFIELD, AL9 6HT - 6/2016/1118/FULL - ERECTION OF 2 DWELLINGHOUSES FOLLOWING DEMOLITION OF EXISTING BUILDINGS

The report of the Executive Director sought full planning permission for the erection of two dwellinghouses following demolition of existing buildings -

Mr Mark Querforth (Agent) spoke in favour of the application.

Welwyn Hatfield Borough Councillor John Dean spoke in favour of the application.

It was moved by Councillor S.Markiewicz, seconded by Councillor D.Bennett and

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**RESOLVED:**

(11 voting for, 1 against, 1 abstention)

That notwithstanding the Officer recommendation that planning permission be refused, the application be approved for the following reasons:-

The proposed development, by virtue of its scale, nature and location would not cause harm to the openness of the Green Belt, would not result in encroachment of built form, would not fail to assist in urban regeneration or conflict with the five purposes of including land in Green Belt. In comparison with the fall back position, the overall reduction in footprint compared to the addition of bulk at first floor level is not considered harmful to the openness of the Green Belt.

**Conditions:**

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

A-00 Rev A & A-47 & A-48 & A-49 & PRI19764-03 & SE\_L001 & SE\_L002 & SE\_L003 & SE\_L004 & SE\_L005 & SE\_L006 & SE\_L007 & SE\_L008 received 7 June 2016 & A-20 Rev C & A-21 Rev C & A-22 Rev C received 27 September 2016 & A-30 Rev B & A-31 Rev B & A-32 Rev B & A-33 Rev B & A-34 Rev B & A-35 Rev B & A-36 Rev B & A-37 Rev B & A-38 Rev B & A-40 Rev B & A-41 Rev B & A-42 Rev B & A-43 Rev B & A-44 Rev B & A-45 Rev B & A-46 Rev B & A-50 received 4 August 2016 & Ecology Appraisal (The Ecology Consultancy) received 7 June 2016 & Tree Report (ACD Environmental) received 7 June 2016

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. All agreed landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the



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sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. No development shall take place until full details of any proposed entrance gates to be included in the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full on site and subsequently, the approved details shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

5. Prior to the first occupation of the development hereby permitted the proposed access /on-site car parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A - G of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of the visual amenity of the area in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the appropriateness of any future extensions in the Green Belt in accordance with the National Planning Policy Framework and Policy RA4 of the Welwyn Hatfield District Plan 2005.

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the

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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).

Informative – 1. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

Informative – 2. No removal of vegetation within the bird breeding season (generally March – August inclusive.) should take place unless it has been satisfactorily demonstrated that no nesting activity is taking place.

(Note: Councillor H.Morgan left the meeting).

82. 206 BISHOPS RISE, HATFIELD, AL10 9QU - 6/2016/1328/HOUSE - ERECTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION

The report of the Executive Director sought a planning application for the erection of a two storey side extension and single storey rear extension.

Mr Mohammed Chaudhry (Applicant) spoke in favour of the application.

Hatfield Town Councillor James Broach spoke against the application.

It was moved by Councillor D.Bennett, seconded by Councillor S.Markiewicz and

RESOLVED:  
(8 voting for, 4 against)

That planning permission be approved for application 6/2016/1328/HOUSE, subject to the conditions set out in the report and an additional condition as follows:

Prior to the commencement of the development hereby permitted, the applicant shall submit, and have approved in writing by the Local Planning Authority, a plan to show the provision of two car parking spaces within the application site. The approved details shall be implemented in full prior to the first use of the development.

REASON: To ensure an adequate level of off street car parking is provided in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005 and the Council's Supplementary Parking Guidance.

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83. 14 GREAT NORTH ROAD, WELWYN, AL6 0PL - N6/2015/1072/FP - RETENTION OF EXISTING GARAGE, FRONT BOUNDARY WALL AND ENTRANCE GATES

The report of the Executive Director sought retrospective planning permission for the retention of a brick built garage outbuilding; front boundary wall and entrance gates.

It was moved by Councillor I.Dean, seconded by Councillor S.Markiewicz and

RESOLVED:

That planning permission be approved for application N6/2015/1072/FP subject to the conditions set out in the report.

84. 32 DE HAVILLAND CLOSE, HATFIELD, AL10 0DR - 6/2016/1595/HOUSE - ERECTION OF SINGLE STOREY REAR EXTENSION AND CONVERSION OF GARAGE TO HABITABLE SPACE

The report of the Executive Director sought planning permission for the erection of a single storey rear extension and conversion of the garage to habitable space.

Hatfield Town Councillor James Broach spoke against the application.

It was moved by Councillor F.Thompson, seconded by Councillor S.Markiewicz and

RESOLVED:  
(unanimous)

That planning permission be approved for application N6/2015/1072/FP subject to the conditions set out in the report.

85. APPEAL DECISIONS 24/08/2016 TO 27/09/2016

Appeal decisions during this period set out in the report of the Director (Governance) were noted.

86. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS

Future applications to be considered by the Committee summarised in the report of the Director (Governance) were noted.

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87. LAND FORMELY KNOWN AS 67 LEMS福德 LANE, WELWYN GARDEN CITY, HERTFORDSHIRE, AL8 6YN - WITHDRAWAL OF THREE ENFORCEMENT NOTICES

The report of the Executive Director requests authority to withdraw three enforcement notices that were served in 1989 on land formerly known as 67 Lemsford Lane in Welwyn Garden City.

It was moved by Councillor D.Bennett, seconded by Councillor S.Markiewicz and

RESOLVED:  
(unanimous)

That three enforcement notices be removed from the Planning Register and for the Land Charges Register to show the charge as having ended be agreed.

88. IMPROVING THE USE OF PLANNING CONDITIONS

The report of the Executive Director summarised the proposed changes of the Department of Communities and Local Government (DCLG) which was seeking views on their intention of ensuring that pre-commencement conditions could only be used with the agreement of the applicant; how this would operate, and the potential for a wider application of primary legislation to prohibit conditions in targeted circumstances. The report also set out the Council's proposed response to each issue. The deadline for responding was 2 November 2016.

RESOLVED:

That a response be sent to the Department of Communities and Local Government as set out in the report and discussed by the Committee.

Meeting ended at 10.45 pm  
ML