

Planning Control Committee
16 December 2004

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the PLANNING CONTROL COMMITTEE held on Thursday 16 December 2004 at 7.30pm in the Council Chamber, Campus West, Welwyn Garden City.

PRESENT: Councillors S.J.Boulton (Chairman)
D.M.Bennett (Vice-Chairman)

N.Atkinson (substituting for A.Franey),
A.Chesterman, S.E.Jones, H.Laming, M.J.Larkins,
M.Long, T.Mabbott, S.Markiewicz, H.Morgan,
J.M.Nicholls, K.J.Pieri, C.Storer (substituting for
Dr.D.A.Lewis)

ALSO PRESENT: Councillor R.Wheeler (for Minutes 113 to 121)

OFFICIALS Chief Planning and Environmental Health Officer (C.Conway)
PRESENT: Head of Development Control (K.Stepto)

Principal Development Control Officer (D.Rusling)
Committee Manager (M.Edgar)

113. SUBSTITUTION OF MEMBERS:

The following substitution of Committee Members had been made in accordance with Council Procedure rules 22 – 26.

Councillor N.Atkinson for Councillor A.Franey
Councillor C.Storer for Councillor Dr.D.A.Lewis

114. APOLOGIES:

Apologies for absence were received from Councillors A.Franey, S.E.Jones and Dr.D.A.Lewis.

115. MINUTES:

The Minutes of the meeting on 18 November 2004 were approved as a correct record and signed by the Chairman.

116. DECLARATIONS OF INTEREST BY MEMBERS:

Councillor K.J.Pieri, as a Member of North Mymms Parish Council, declared an interest in applications which had been considered by the Parish Council.

Councillors N.Atkinson, H.Laming, M.Long and H.Morgan, as members of Hatfield Town Council, declared interests in applications which had been considered by the Town Council.

Councillor J.M.Nicholls, as a Member of Northaw and Cuffley Parish Council, declared an interest in applications which had been considered by the Parish Council.

Councillor H.Laming also declared an interest in items 9 (Land at Angerland Common) and 10 (University of Hertfordshire, College Lane) because she is employed by the University of Hertfordshire.

Councillor S.J.Boulton declared a personal interest in items 9 and 10 because his employer acts on occasions as a consultant to the University.

117. LAND AT FORMER HATFIELD AERODROME, COMET WAY, HATFIELD – TREE PRESERVATION ORDER 301 TO PROTECT 15 TREES:

The report of the Chief Planning and Environmental Health Officer concerned an objection received to Tree Preservation Order 301 which had been made in July 2004 to protect 15 trees fronting Comet Way.

Mr.T.Rose spoke on behalf of the landowner against confirmation of the Order.

The Head of Development Control confirmed the Council's view that the trees were of significant amenity value and reminded the Committee that confirmation of the Order would not prevent works being carried out to the trees in the future, subject to the approval of the Council.

RESOLVED:

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That, notwithstanding the objection received, Tree Preservation Order number 301 be confirmed and that all interested parties be notified accordingly.

118. 6 SWANLAND ROAD, NORTH MYMMS – SIDE EXTENSION TO INCLUDE NEW DORMER WINDOWS AND LIVING ACCOMMODATION IN ROOF:

(Welham Green)

The report of the Chief Planning and Environmental Health Officer concerned an application for an extension at this property located within the Metropolitan Green Belt. The report concluded that the proposed extensions and roof alteration would be detrimental to the openness of the Green Belt and would not relate acceptably to the domestic scale and character of the existing dwelling and recommended that the application be refused.

Consideration of the application had been deferred at the last meeting to allow officers to carry out a further assessment of the plans because the applicant's agent had queried the extent of previous extensions. The report confirmed officers' views and provided additional information on previous extensions to the dwelling.

Mr.J.Taylor, agent for the applicant, spoke in support of the application. He also spoke in support of a similar application for extensions at No.11 Swanland Road, the next item on the Agenda. Copies of photographs of properties in Swanland Road had been circulated to Members of the Committee before the meeting.

In discussion, several Members commented on the variety of dwellings in Swanland Road and expressed the view that the proposed extensions were not out of keeping with the character of the area.

The recommendation for refusal in the report was put to the meeting and was lost (5 voting for refusal, 7 against).

It was then

RESOLVED:

That planning permission be granted in respect of application S6/2004/1251/FP for the following reasons:-

1. It is considered that the proposed development does not have an unacceptably harmful impact on residential amenity or the character of the area in which it is located as the development proposed is in keeping with the original building in terms of scale and design and does not have any unacceptably dominating impact with regard to neighbouring occupiers.
2. The proposal, together with the extensions already constructed, represents an acceptable increase in total floorspace over and above the size of the original dwelling and is considered not to have an adverse or disproportionate impact in terms of prominence, size, bulk and design on the character, appearance, pattern of development and visual amenity of the surrounding countryside or this part of the Green Belt. This accords with Policy GB5 of the Welwyn Hatfield District Plan 1998, Policy RA3 of the Welwyn Hatfield Review Local Plan Deposit Draft, June 2002 and the advice contained within PPG2.

and subject to the following conditions:-

1. The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.

REASON

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. No additional windows shall be installed in the first floor side elevations of the development hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON

To maintain the privacy of the adjacent residential properties, and to comply with Gen Criteria 3 of the Welwyn Hatfield District Plan Alterations No.1,1998.

3. The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building.

REASON

To ensure that the finished appearance of the development is satisfactory. To comply with Res Criteria 22 of the Welwyn Hatfield District Plan Alterations No1. 1998.

119. 11 SWANLAND ROAD, NORTH MYMMS – SINGLE STOREY SIDE EXTENSION:

(Welham Green)

The Committee considered this application to erect a single storey side extension at this dwelling located within the Metropolitan Green Belt. The report of the Chief Planning and Environmental Health Officer recommended that the application be refused on the grounds that the proposed side extension would amount to a disproportionate addition over and above the size of the original dwelling house and would therefore be detrimental to the open character of the rural green belt area.

Mr.J.Taylor, agent for the applicant, had spoken in support of the application during consideration of the previous agenda item (6 Swanland Road).

Members had expressed their disagreement with the officer recommendation and it was moved by Councillor K.J.Pieri, seconded by Councillor S.Markiewicz and

RESOLVED:

(8 voting for, 4 against)

That planning permission be granted in respect of application S6/2004/1449/FP for the following reason:-

1. It is considered that the proposed development does not have an unacceptably harmful impact on residential amenity or the character of the area in which it is located as the development proposed is in keeping with the original building in terms of scale and design and does not have any unacceptably dominating impact with regard to neighbouring occupiers.
2. The extension, together with the extensions already constructed, represents an acceptable increase in total floorspace over and above the size of the original dwelling and is considered not to have an adverse or disproportionate impact in terms of prominence, size, bulk and design on the character, appearance, pattern of development and visual amenity of the surrounding countryside or this part of the Green Belt. This accords with Policy GB5 of the Welwyn Hatfield District Plan 1998, Policy RA3 of the Welwyn Hatfield Review Local Plan Deposit Draft, June 2002 and the advice contained within PPG2.

and subject to the following conditions:-

1. The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.

REASON

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building.

REASON

To ensure that the finished appearance of the development is satisfactory. To comply with Res Criteria 22 of the Welwyn Hatfield District Plan Alterations No1 1998.

120. LAND AT ANGERLAND COMMON, SOUTHWAY, HATFIELD – CONSTRUCTION OF PARK AND RIDE FACILITIES:

(Welham Green)

The report of the Chief Planning and Environmental Health Officer contained details of an application by the University of Hertfordshire for permission for the development of a landscaped car park at Angerland Common to provide park and ride facilities for staff, students and visitors to the University. The report discussed the effect of the proposal on the Green Belt and the transport implications and advised Members of the intention to introduce a controlled parking zone around the University's College Lane Campus to help ensure that the park and ride scheme did not result in increased traffic congestion in the area. Funding for the CPZ would be secure by a Section 106 agreement, which would also cover such matters as management of the scheme, access arrangements and the provision of new changing facilities and reorganised playing pitches at Angerland Common.

Presenting the report, the Chief Planning and Environmental Health Officer said that details of the Section 106 agreement would be brought back to the Committee for approval.

In response to questions, the Chief Planning and Environmental Health Officer explained that the CPZ could not be implemented until the Council had the powers to do so under the new decriminalised parking enforcement regime which would be introduced in June 2005. He confirmed that he had asked the Head of Transportation to draw up a programme for the introduction of the CPZ.

Members welcomed the scheme and it was

RESOLVED:
(Unanimous)

(1) That planning permission be granted in respect of application S6/2003/150/FP for the reason set out in paragraph 7 of the report of the Chief Planning and Environmental Health Officer and subject to

- (i) The referral to the First Secretary of State as a departure from the Development Plan.
- (ii) The satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 covering the points set out in Paragraph 6.1 of the report and
- (iii) The conditions set out in Paragraph 6.1 of the report

(Note: Councillor H.Laming had declared a personal and prejudicial interest in this item of business. She withdrew from the room and took no part in the discussion or the decision).

121. UNIVERSITY OF HERTFORDSHIRE, COLLEGE LANE, HATFIELD – ERECTION OF EIGHT BUILDINGS CONTAINING FOURTEEN HUNDRED UNITS OF STUDENT ACCOMMODATION AND RELOCATION OF TWO TEMPORARY BUILDINGS:

(Hatfield West)

The Chief Planning and Environmental Health Officer presented his report which set out details of the proposed erection of eight buildings to provide fourteen hundred student accommodation units at the University's College Lane site. The report reminded members that the application had originally been presented to the Committee on 1 July 2004 and had been deferred pending a site visit.

The application had then been withdrawn from the August meeting by the applicant, who had recently requested the Council to determine the application. A site visit had been held on 5 December 2004.

Mr.T.Denyer spoke against the application.

Members noted that the proposed car parking provision of 83 spaces was based on the University's intention to prevent undergraduate occupants of the accommodation from bringing cars to the University. They expressed doubt about the ability of the University to enforce this and the possibility of increased parking problems in the surrounding area.

Following discussion, it was moved, seconded and

RESOLVED:

That consideration of the application be deferred to allow officers to hold discussions with the applicant on the issue of car parking.

(Note: Councillor H.Laming had declared a personal and prejudicial interest in this item of business. She withdrew from the room and took no part in the discussion or the decision).

122. LAND AT CHEQUERSFIELD, WELWYN GARDEN CITY – RESERVED MATTERS APPLICATION FOLLOWING OUTLINE PERMISSION FOR THE ERECTION OF THREE HUNDRED AND NINE HOUSES AND FLATS:

(Hollybush)

The report of the Chief Planning and Environmental Health Officer concerned a detailed application following the grant in 2003 of outline planning permission at this site allocated for housing in the District Plan Review.

Members noted from the report the technical arrangements to be put in place to prevent possible contamination from the adjacent former landfill site and it was confirmed that Environmental Health Officers were satisfied with the proposals.

RESOLVED:

(Unanimous)

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That planning permission be granted in respect of application reference N6/2004/1483/DE for the reasons set out in paragraph 8 of the report of the Chief Planning and Environmental Health Officer and subject to:-

(1) The satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure provision and future maintenance of the virtual gas curtain forming part of the contamination remediation at the site and

(2) The conditions set out in paragraph 8 of the report.

123. LAND OFF BLACK FAN ROAD, WELWYN GARDEN CITY – ONE HUNDRED AND TWENTY RESIDENTIAL UNITS:

(Howlands)

The Committee considered proposals for the development of one hundred and twenty dwellings at this site identified for housing in the District Plan Review. Details of amendments to the conditions recommended in the report were circulated at the meeting.

RESOLVED:
(Unanimous)

That planning permission be granted in respect of application N6/2004/1334/FP for the reasons set out in paragraph 8 of the report of the Chief Planning and Environmental Health Officer and subject to

(1) The satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing, financial contributions to approve offsite highway facilities, open space, library facilities and fire hydrants and

(2) The conditions set out in paragraph 8.1 of the report, as amended at the meeting.

124. 75 STATION ROAD, CUFFLEY – DEMOLLITION OF EXISTING BUNGALOW
AND ERECTION OF FOUR NEW FLATS:

(Northaw)

The report of the Chief Planning and Environmental Health Officer set out details of this application to build a block of four flats, following the demolition of the existing bungalow at this site in Cuffley. The report reminded Members that a previous application for the erection of five flats had been refused and dismissed at appeal on the grounds of the cramped appearance and adverse impact on the street scene. The report noted that, in the current application, the bulk of the proposed development had been reduced. The report concluded that the proposal complied with the Council's policies and with national and local policies for the efficient use of land and recommended approval of the application.

Presenting the report, the Head of Development Control explained that, although dismissing the appeal against refusal of the earlier application, the planning inspector had indicated the type and scale of development which would be acceptable. The Inspector's report had been taken into account in reaching the recommendation of approval.

Mr.K.Carpenter spoke against the application.

In discussion, several members expressed their agreement with the views of the objector concerning the potential for overlooking of the dwelling at No.1 The Meadway. The Head of Development Control confirmed that the Inspector, in his report on the earlier application, had found that main living spaces would not be affected by overlooking and had concluded that the impact on privacy was acceptable. In response to a question he confirmed that the Inspector's report would be taken into account in any future appeal.

Following the discussion, the recommendation for approval in the report was put to the meeting and was lost (5 voting for, 8 against). It was then

RESOLVED:

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That planning permission be refused in respect of application S6/2004/1707/FP for the following reason.

Given the location and orientation of the proposed development it is considered that it will result in an unacceptable degree of overlooking and loss of privacy to the occupier of 1 The Meadway by virtue of views which will be possible from the first floor rear windows of the proposed building. This harmful impact is contrary to Gen Criteria 3 and Res Criteria 6 of the Welwyn Hatfield District Plan 1998 and contrary to the Supplementary Design Guidance of the Welwyn Hatfield District Revised Deposit Version, June 2002.

(Note: Following the decision, the following Councillors requested, in accordance with procedure rule 97, that it be recorded in the Minutes that they had voted for the Officer recommendation of refusal: Councillors A.Chesterman, S.J.Boulton, S.E.Jones, H.Laming and M.J.Larkins).

125. 169 BOUNDARY LANE, WELWYN GARDEN CITY – RETENTION OF RAILINGS AND GATES TO FRONT BOUNDARIES:

(Hollybush)

The Committee considered this application for planning permission for railings and gates installed at this property in Welwyn Garden City. The report of the Chief Planning and Environmental Health Officer recommended refusal of the application on the grounds that the railings and gates introduced a discordant feature within the street scene and adversely affected the established character, appearance and visual amenity of the area.

RESOLVED:

That planning permission be refused in respect of application N6/2004/1452/FP for the reasons set out in paragraph 6 of the report of the Chief Planning and Environmental Health Officer.

126. 169 BOUNDARY LANE, WELWYN GARDEN CITY – UNAUTHORISED FRONT BOUNDARY FENCE:

(Hollybush)

The report of the Chief Planning and Environmental Health Officer concerned the unauthorised installation of a fence at this property. An application for retrospective planning permission had been refused earlier in the meeting (Minute 125 refers).

RESOLVED:

That the Chief Legal Services Officer be authorised to issue an enforcement notice and take any other legal action necessary to rectify the breach of planning control.

127. LAND AT KNIGHTSFIELD, WELWYNG ARDEN CITY – INSTALLATION OF A 12.5 METRE HIGH LAMP POST WITH INTEGRATED TELECOMMUNICATION ANTENNAS (TO REPLACE EXISTING STREET LAMP) AND TWO EQUIPMENT CABINETS:

(Sherrards)

The Chief Planning and Environmental Health Officer's report concerned the proposed replacement of an existing eight-metre high street lamp with a twelve and a half metre high monopole incorporating telecommunications antennas.

The report advised Members that the Highway Authority had requested revised plans to amend the siting of the proposed mast further away from the highway edge. The report also referred to objectors' concerns about the impact on health but concluded that the proposal complied with Government guidelines on health issues.

Presenting the report the Principal Development Control Officer advised the Committee that revised plans had been submitted and recommended approval of the application.

In response to a request from a Member that the old lamppost be removed, officers agreed to write to the Highway Authority requesting its removal.

RESOLVED:

That prior approval be given to application N6/2004/1673/DT and that consent be granted with the informative attached as set out in paragraph 7.1 of the report of the Chief Planning and Environmental Health Officer.

128. UNIT F, ESSENDON PLACE, HIGH ROAD, ESSENDON – RELOCATION OF NEW DWELLING AND REPLACEMENT OF ROOF LIGHTS WITH DORMER WINDOWS:

(Hatfield East)

The report of the Chief Planning and Environmental Health Officer concerned an application for a small modification to a previously approved development.

RESOLVED:

That planning permission be granted in respect of application S6/2004/1597/FP for the reason set out in paragraph 8.2 of the report of the Chief Planning and Environmental Health Officer and subject to the conditions set out in paragraph 8.1 of the report.

129. APPEAL DECISIONS:

The report of the Chief Planning and Environmental Health Officer set out the results of four recent appeal decisions.

RESOLVED:

That the appeal outcomes be noted and that no further action be taken.

130. 29 NEWGATE STREET VILLAGE, HERTFORD – UNAUTHORISED CHANGE OF USE:

(Brookmans Park and Little Heath)

The report of the Chief Planning and Environmental Health Officer referred to the Committee's decision in August 2004 to take enforcement action against the unauthorised use of this site for the repair, servicing, storage and breaking of motor vehicles (Minute 56 refers).

The report advised the Committee that additional information had come forward from local residents suggesting that the vehicle repair work had been carried on at the site for many years. The report concluded, however, that there was no evidence to suggest that the operation had not intensified significantly over the previous two years. The report recommended that enforcement action be continued.

Presenting the report the Head of Development Control advised the Committee that a letter had been received from the agent of the occupier requesting that the matter be deferred until an application could be submitted for a certificate of lawful use. The Head of Development Control explained that the matter would only come back to the Committee if the certificate of lawful use was refused and continued enforcement action was recommended.

RESOLVED:

That enforcement action be deferred pending the receipt of an application for a certificate of lawful use.

Meeting ended 9.55pm

ME