

Development Management Committee
5 January 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 5 January, 2017 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors S.Boulton (Chairman)

R.Basch, D.Bennett, M.Birleson, A.Chesterman,
I.Dean, C.Gillet, M.Larkins, S.Markiewicz, H.Morgan,
N.Pace, P.Shah, F.Thomson, J.Weston, P.Zukowskyj

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

OFFICIALS Head of Planning (C.Haigh)
PRESENT: Development Management Service Manager (L.Hughes)
Principal Development Management Officer (A.Mangham)
Principal Planning Enforcement Officer (B.Owusu)
Senior Development Management Officer (M.Peacock)
Governance Services Officer (M.Lowe)
Governance Services Officer (G.Paddan)

Senior Development Officer (Hertfordshire Highways) (A.Storey)

108. MINUTES:

The Minutes of the meeting held on 8 December 2016 were approved as a correct record and signed by the Chairman.

109. DECLARATIONS OF INTEREST BY MEMBERS:

Councillor P.Zukowskyj declared non-pecuniary interests in items on the Agenda as appropriate by virtue of being a Member of Hertfordshire County Council.

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

110. LANDS SOUTH EAST OF NORTHAW ROAD EAST (CATTLEGATE FARM), CUFFLEY, POTTERS BAR, EN2 8AU - S6/2014/2292/FP - INSTALLATION OF PIPEWORK TO PROVIDE A PRIMARY DISTRIBUTION HEAT NETWORK:

Report of the Executive Director (Public Protection, Planning and Governance) setting out the planning application for the installation of twin pipework to transport hot and cold water to provide for a primary distribution heat network. The reason why the application had been presented to the Committee was the context of this proposal in relation to the existing Anaerobic Digestion plant at

Development Management Committee
5 January 2017

Cattlegate Farm and the associated planning application for a residential-led mixed use development on land at Northaw Road East, noting that this was for consideration under the next item on this Committee agenda.

In summarising the main considerations in respect of this proposal, it was concluded that the development would not impact on the Green Belt and the combined benefits of the proposal meet the three strands of delivering sustainable development as required by the National Planning Policy Framework. The proposal was also considered in terms of its impact on residential amenity, impact on the highway, archaeology, trees, flood risk, ecology and contamination and was considered acceptable subject to suggested conditions. Whilst the planning concerns of the local community were acknowledged, the overall environmental impact of the development was considered to be negligible. It was recommended that planning permission be granted subject to conditions including amended drawing numbers.

Parish Councillor Bob Stubbs, Northaw and Cuffley Parish Council, spoke against the application.

Mrs Allgood (Objector), representing the Northaw and Cuffley Residents' Association, spoke against the application.

Members expressed the view that during construction the installation of the pipeline would have a significant impact on the green belt and that the pipeline could not be used in isolation.

It was moved by Councillor P.Zukowskyj, seconded by Councillor J.Weston and

RESOLVED:
(13 voting for, 2 against)

That planning permission be approved for application S6/2014/2292/FP, subject to the conditions set out in the report of Officers and an additional planning condition as follows, subject to the expiry of the service of Certificate B on Network Rail before the decision is issued:

The development hereby permitted shall only be implemented if application S6/2014/1697/PP is granted or subsequently allowed on appeal.

REASON: The proposed pipeline is only required if the development proposed under application S6/2014/1697/PP is allowed.

111. LAND AT NORTHAW ROAD EAST, CUFFLEY, POTTERS BAR, EN6 4RB - S6/2014/1697/PP - OUTLINE APPLICATION FOR RESIDENTIAL LED MIXED USE DEVELOPMENT COMPRISING UP TO 493 RESIDENTIAL DWELLINGS; 115 RETIREMENT UNITS WITH ASSOCIATED CARE AND ADMINISTRATIVE FACILITIES; 3,138 SQM OF RETAIL/LEISURE/COMMUNITY FLOORSPACE; PRIMARY SCHOOL; ENERGY CENTRE, TOGETHER WITH ASSOCIATED

Development Management Committee
5 January 2017

INFRASTRUCTURE INCLUDING NEW VEHICULAR ACCESS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND OTHER ASSOCIATED WORKS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS AND SCALE [NUMBER OF STOREYS:

Report of the Executive Director (Public Protection, Planning and Governance) set out an outline application with all matters reserved except for access and scale. All other matters, including layout, appearance and landscaping were reserved for future consideration. In respect of the Green Belt and the Local Plan site selection process, it was noted that the application site had not been proposed for allocation and it did not therefore form part of the development strategy in the emerging Local Plan. It was explained that a significant number of representations have been submitted in response to the consultation on the Draft Local Plan Proposed Submission, which the Council would need to consider before it decided to submit the Plan for examination. At the current time therefore, the examination of the Plan had not commenced and no hearing date had been set. As the plan was currently at a pre-submission stage, it was not yet sufficiently advanced for the policies to be given significant weight in the determination of planning applications, but the weight to be given to emerging policies would increase as the plan progressed through the later stages of the process.

Although applications could not be refused just because they are submitted prior to the adoption of a Local Plan, the proposal was contrary to the development strategy for Cuffley set out in the emerging Local Plan and the approach made to proportionate growth and the provision of infrastructure.

Additionally, there were other areas of concern due to its early submission, such as the proposal for 30% affordable housing (adopted policy) rather than 35% as proposed in the draft local plan based on viability evidence. The early nature and scale of development did have the potential of preventing the Council from effectively planning housing for the borough if approved.

The submitted parameter plans showing access, land use and scale of the development were explained.

It was concluded that the impact on the highway would not be sufficient to withhold planning permission subject to the identified mitigation measures being secured by a Legal Agreement and through conditions.

However, the proposal was inappropriate development in the Green Belt and it would also be harmful to openness and would fail four of the five purposes of including land within the Green Belt. Under these circumstances, planning permission could not be granted unless the application demonstrated very special circumstances which clearly outweighed the harm to the Green Belt and any other harm. A summary of the applicant's very special case was set out, together with the Officer's conclusions on them.

Development Management Committee
5 January 2017

Taking all material considerations into account, the balancing exercise considered the positive and negative elements of the proposal to be weighed and balanced in the consideration of this application. In conclusion, it was found that the harm would be significant and the benefits, taken both in isolation and cumulatively, would have very limited weight to support a very special circumstances case. As such, it was considered that very special circumstances did not exist to clearly outweigh the harm to the Green Belt and the other harm identified. It was recommended that planning permission be refused for the five reasons drafted within the report.

Two late representations were tabled in the form of Environmental Impact Assessments and an update to paragraph 11.55 of the report in connection with traffic movements.

Parish Councillor Bob Stubbs, Northaw and Cuffley Parish Council, spoke against the application.

Mrs Allgood (Objector), representing the Northaw and Cuffley Residents Association, spoke against the application.

Borough Councillor B.Sarson spoke against the application.

The County Highways representative advised that Highways had reviewed the proposal and explained that the improvements to the highway with the roundabout, alteration to Northaw Road East at the junction with both Cattlegate Road and Station Road changing the priority of traffic movements would overcome the highway concerns. The proposed alterations to the highway would be secured by a legal agreement and had been subject to a risk assessment. The original Transport Statement had been challenged and this had been updated by the applicant. The number of movements etc. within the statement had been assessed using the industry model and the number of traffic movements agreed with.

It was moved by Councillor P.Zukowskyj, seconded by Councillor S.Markiewicz and

RESOLVED:
(unanimous)

That planning permission for application S6/2014/1697/PP be refused for the reasons set out in the report of the Executive Director (Public Protection, Planning and Governance).

(Note: Councillor I.Dean withdrew from the meeting for this item due to predetermination of the application following discussion of the previous item).

112. 7 DANESBURY LANE, WELWYN, AL6 9SG - 6/2016/1478/MAJ - CHANGE OF USE TO EQUESTRIAN LAND AND ERECTION OF STABLE BLOCK:

Development Management Committee
5 January 2017

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application which sought planning permission for the erection of a stable building for use by the residents of 7 Danesbury Lane. The building would be 'L' shaped and would include two stables, a tack room and hay storage area. The corner stable would be larger to accommodate foaling.

Amended plans had been sought reducing the scale of the development. The proposal was in the Green Belt but was appropriate development in accordance with the National Planning Policy Framework. A number of objections had been received including drainage, vermin, smells and location of the building. These were discussed within the report and subject to conditions were considered would not result in harm.

A late representation in the form of two additional conditions to that within the report in respect to landscaping.

Mrs Tracey Irving spoke against the application.

Welwyn Hatfield Borough Councillor M.Perkins spoke against the application.

Concerns were expressed by Members regarding the close proximity of the proposed development and its impact on the neighbouring properties. Concerns were also expressed regarding the existing trees, which were known to be harmful to horses and the effect of water running off the field on to neighbouring properties at the bottom of the slope.

It was moved by Councillor P.Shah, seconded by Councillor A.Chesterman and

RESOLVED:
(10 voting for, 5 against)

That planning permission be approved for application 6/2016/1478/MAJ, as set out in the report of Officers subject to the conditions set out in the report and the following additional planning conditions and an amendment to condition 5:

Amendment - 5. No external lighting shall be provided within 20 metres of any external façade of the stable building hereby approved, with the exception of any part of the existing driveway which may be within this parameter.

7. 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:

Development Management Committee
5 January 2017

- (a) details of the road / path construction taking into account the roots of the trees being retained
- (b) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

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.

8. 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.

113. 67 HEATHCOTE AVENUE, HATFIELD, AL10 0RQ - 6/2016/2153/HOUSE - ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION:

Report of the Executive Director (Public Protection, Planning and Governance) set out an application which sought planning permission for the erection of a single storey side and rear extension. The extension would replace an existing single storey rear extension. The application was being presented to the Committee because of an objection from Hatfield Town Council and the context of this proposal in relation to the existing single storey rear extension at the property, the relatively large size of the subject plot and its single storey form. The application concluded with a recommendation for planning approval with conditions.

Hatfield Town Councillor, James Broach spoke against the application.

Development Management Committee
5 January 2017

Members expressed the view that the proposed development would be too large for the site and the finished side extension would encroach on the gap between the neighbouring properties.

It was moved by Councillor S.Markiewicz and seconded that the proposal for the erection of a single storey side and rear extension be agreed as per the recommendation contained in the report of Officers and this was lost (6 voting for, 8 against).

It was then moved by Councillor F.Thompson, seconded by Councillor M.Larkins and

RESOLVED:
(8 voting for, 6 against)

Planning permission for application 6/2016/2153/HOUSE notwithstanding the Officer's recommendation for approval be refused for the following reason:-

1. The proposed development, by virtue of its design and roof configuration, including extensive width and rear projection, fails to sufficiently maintain the character and context of the area, and would have an adverse impact on the living conditions currently enjoyed by the occupiers of the neighbouring dwellings. As such, the proposal fails to comply with Policies D1, and D2 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance and the National Planning Policy Framework.

Refused drawing numbers: Site Location Plan received 14th October 2016 and Block Plan & Drawing No. 459916/1 received 1st November 2016.

Positive and Proactive Statement:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

114. 171 CUNNINGHAM AVENUE, HATFIELD, AL10 9JZ - 6/2016/1917/HOUSE - CONVERSION OF GARAGE TO HABITABLE ROOM, REPLACEMENT OF GARAGE DOOR WITH WINDOW, PROVISION OF CYCLE STORE AND BIN STORE AND LAYING OF HARD SURFACING TO FORM ADDITIONAL CAR PARKING SPACE:

Report of the Executive Director (Public Protection, Planning and Governance) setting out a proposal which encompassed the conversion of the garage to a habitable room, replacement of garage door with window, provision of cycle

Development Management Committee
5 January 2017

store and bin store and laying of hard-surfacing to form additional car parking space.

Hatfield Town Councillor, James Broach spoke against the application.

It was moved by Councillor Zukowskyj, seconded by Councillor Markiewicz and

RESOLVED:
(14 voting for, 1 against)

That planning permission be approved for application 6/2016/1917/HOUSE, as set out in the report of Officers subject to the additional planning condition:

4. The building shall not be provided with more than 3 bedrooms in accordance with drawing number 3000/25-01/KG. Subsequently there shall be no alteration or sub-division of the internal layout approved to provide additional bedroom accommodation or occupation of any other room as a bedroom.

REASON: To ensure that the internal layout and minimum space standards are met in accordance with criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012, to prevent intensification of the use and to protect the residential amenity of the occupiers and character of the surrounding area and in accordance within Policies D1, D3 and D7 of the Welwyn Hatfield District Plan 2005.

115. 170 CRAWFORD ROAD, HATFIELD, AL10 0PA - 6/2016/1555/HOUSE - ERECTION OF TWO STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION AND SINGLE STOREY FRONT EXTENSION:

Report of the Executive Director (Public Protection, Planning and Governance) setting out the proposal which sought full planning permission for a two-storey side extension, a two storey rear extension and a single storey front extension.

The application was presented to the Committee because of an objection from Hatfield Town Council.

Hatfield Town Councillor, James Broach spoke against the application.

Concern was expressed by Members regarding the impact that the rear elevation would have on the neighbouring properties should the brick outbuilding remain.

Further concerns were also expressed regarding the loss of parking spaces due to the construction of the proposed extension and the impact on the availability of parking in the vicinity.

Development Management Committee
5 January 2017

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

RESOLVED:
(unanimous)

That planning permission be approved for application 6/2016/1555/HOUSE, as set out in the report of Officers subject to the additional planning conditions:

3. Prior to the occupation of the development hereby permitted the brick outbuilding within the rear garden shall be removed in its entirety including all materials from the site.

REASON: In the interests of the amenity and character of the area and living conditions of occupiers of 170 Crawford Road in accordance with Policies D1, and D2 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance.

4. The parking area shall be provided to the front of the site in accordance with drawing number 03A/05 prior to the occupation of the development hereby approved. The surfacing shall be of a permeable material.

REASON: To ensure that the spaces are provided prior to the occupation of the development approved in the interests of highway safety and to minimise the risk of run-off on the highway in accordance with the National Planning Policy Framework.

116. WARRENWOOD MANOR, HORNBEAM LANE, BROOKMANS PARK, HATFIELD, AL9 6JF - 6/2016/1953/FULL - RETENTION OF SINGLE STOREY EQUESTRIAN STORAGE BARN:

This item was withdrawn from the agenda.

117. APPEAL DECISIONS:

The report of the Executive Director (Public Protection, Planning and Governance) detailed recent appeal decisions for the period 26 October 2016 to 17 November 2016.

RESOLVED:

That the appeal decisions during the period set out in the report of the Executive Director be noted.

118. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS:

Development Management Committee
5 January 2017

The report of the Executive Director (Public Protection, Planning and Governance) provided Members with a summary of planning applications that might be presented to Committee over the next one or two months. If the call-in or application was withdrawn, the item would not be presented.

RESOLVED:

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

119. WOOD GREEN TIMBER COMPANY LTD, COOPERS LANE, NORTHAW, POTTERS BAR, EN6 4NE - WITHOUT PLANNING PERMISSION THE ERECTION OF A 7.2 METRE HIGH COVERED RACKING STRUCTURE:

Report of the Executive Director (Public Protection, Planning and Governance) which sought authority to take enforcement action to require the removal of unauthorised structure on this land.

The site was situated within the Green Belt and Northaw Common Parkland Landscape Character Area and had been used as a timber merchant's yard (timber yard) for well over 40 years so the lawfulness of the use was not in question.

The structure constituted development requiring planning permission. However, the development by virtue of its excessive size and bulk had a negative impact on the character and openness of the Green Belt and the special landscape characteristics of the Northaw Common Parkland Landscape Character Area. As such the development was considered inappropriate development within the Green Belt and was contrary to both local and national policies.

As such it was considered that an application for its retention in the current form was unlikely to be granted. This had been communicated to the owner/proprietor of the site.

No special circumstances had been identified that would outweigh the harm to done by the development to the openness of the Green Belt.

Members were of the view that the construction was inappropriate development in the Metropolitan Green Belt and enforcement action should proceed forthwith.

It was moved by Councillor N.Pace, seconded by Councillor I.Dean and

RESOLVED:
(unanimous)

That the Head of Planning be authorised to issue and serve a planning enforcement notice under Section 172 of the Town and Country Planning Act 1990 requiring the recipient(s) to take the following steps, and to take any other further action, including prosecution proceedings if necessary,

Development Management Committee
5 January 2017

to rectify the breach of planning control subject to a compliance period of three months.

Requirements

- (a) Demolish and completely remove the racking structure
- (b) Remove from the land, all materials and debris resulting from the demolition of the unauthorised racking structure and restore the land to its previous condition.

120. 31 MARYLAND, HATFIELD, AL10 8DY - WITHOUT PLANNING PERMISSION THE ERECTION OF FRONT PORCH:

Report of the Executive Director (Public Protection, Planning and Governance) seeking authority to take enforcement action to require the removal of unauthorised structure on this land.

Planning permission was granted for development including a front porch to replace the front bin store at the property. Discrepancies between the approved scheme and the scheme as was being implemented were brought to the attention of the owners with the recommendation that they be rectified. The advice was not heeded. The resultant structure was considered to have a detrimental impact on the character and appearance of the host building, the streetscape and negatively affected the amenity adjoining properties in terms of outlook and an increased sense of enclosure and therefore should be enforced against.

Members were of the view that the unauthorised development did not comply with the planning permission and impacted on the street scene.

RESOLVED:
(14 voting for and 1 against)

That the Head of Planning be authorised to issue and serve a planning enforcement notice under Section 172 of the Town and Country Planning Act 1990 requiring the recipient(s) to take the following steps, and to take any other further action, including prosecution proceedings if necessary, to rectify the breach of planning control to a compliance period of three months.

- (a) Demolish and completely remove the front porch
- (b) Remove from the land, all materials and debris resulting from the demolition of the unauthorised porch.

or

Development Management Committee
5 January 2017

- (c) Alter the development so that it fully accords with SK.03.04.15FP & SK.01.04.15FP received 26 June 2015 & SK.02.04.15FP Rev B & SK.04.04.15FP Rev A received 3 September 2015 of planning permission S6/2015/1327/FP dated 15th September 2015.

Meeting ended 10.25pm
ML