

Development Management Committee
2 March 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 2 March 2017 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Boulton (Chairman)

R.Basch, M.Birleson, A.Chesterman, J.Cragg
(substituting for D.Bennett), I.Dean, B.Fitzsimon
(substituting for C.Gillet) M.Larkins, S.Markiewicz,
H.Morgan, N.Pace, P.Shah, 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 Development Management Officer (S.Smith)
Governance Services Officer (M.Lowe)

130. SUBSTITUTIONS:

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

Councillor B.Fitzsimon in place of Councillor C.Gillet
Councillor J.Cragg in place of Councillor D.Bennett

131. APOLOGIES:

Apologies for absence were received from Councillors D.Bennett and C.Gillet.

132. MINUTES:

The Minutes of the meeting held on 2 February 2017 were approved as a correct record and signed by the Chairman.

133. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 13 AND ANY ITEMS WITHDRAWN FROM THE AGENDA:

The Chairman advised that item 7, 45 Northaw Road East, Cuffley, Potters Bar, EN6 4LU - 6/2016/1855/VAR, had been removed from the Agenda and would now be considered at the meeting on 30 March 2017.

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134. 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.

Councillor S.Boulton declared a non-pecuniary interest in item 6 on the Agenda - 11 Brookmans Avenue, Brookmans Park, Hatfield, AL9 7QH - 6/2016/1778/FULL by virtue of being a Member of North Mymms Parish Council.

135. 11 BROOKMANS AVENUE, BROOKMANS PARK, HATFIELD, AL9 7QH - 6/2016/1778/FULL - ERECTION OF REPLACEMENT BUILDING CONTAINING 5 FLATS WITH FORECOURT PARKING FOLLOWING DEMOLITION OF EXISTING HOUSE:

Report of the Executive Director (Public Protection, Planning and Governance) setting out the application for the erection of replacement building containing five flats with forecourt parking following demolition of existing house.

The application site was situated on the north side of Brookmans Avenue and consisted of a detached two storey dwelling with pitched roof and an attached garage and front and rear gardens. The adjoining properties were detached houses. The surrounding area was residential in character and appearance comprising predominantly of very substantial detached houses of varying designs. Properties had long frontages and were set back from the carriageway by a generous verge. The western end of the avenue terminated at Bradmore Green, where a small but diverse shopping centre enclosed a well-tended public realm open space. Slightly further to the west was the Brookmans Park railway station.

Reason for Committee Consideration

The application had been presented to the Development Management Committee because the North Mymms Parish Council had raised objection to the scheme.

A 'Call In' had been made by Cllr Boulton on grounds that increasing the number of flats to five reinforced the Council's previous objections and the non-gateway position on the development was unacceptable.

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Relevant Planning History

Planning application ref. S6/2014/2242/FP for the demolition of existing dwellinghouse and erection of new building comprising three three bedroom flats was refused in October 2014. However, the application was subsequently allowed on appeal in January 2016.

In summary the Planning Inspector stated among other things that she agreed with the Council that *“Brookmans Avenue is a distinctive street scene and that properties appear to be predominantly dwellings with single households. I also appreciate that the nearby Bradmore Green, with what appears to be flatted development above the shops, has a different character and context compared with Brookmans Avenue. However, the flats proposed in this instance would be spacious and well-appointed, and located within a building which would be compatible with the street scene and with a large rear garden. Consequently, I consider the modest increase from one to three households on what is a very generous plot, would not be to the material detriment of local character.”* She stated further that *“although I do not consider the development would enhance the area architecturally, neither would it cause significant harm. There is no reference in Policy D2 to types of occupancy, or guidance in respect of the form or pattern of development, other than in terms of overall design and harmonisation. Consequently, I find no conflict with Policy D2.”* And that the development would be compatible with the character of Brookmans Park, and therefore there would be no conflict with Policy GBSP2. Accordingly, the principle of a flatted residential development on the application site had been established by this appeal decision and can no longer be a reason for refusing similar planning applications.

(Details of the Planning Inspector’s decision was set out at paragraph 4.2 of the report of Officers).

The approved flatted development had a footprint of approximately 284sq.m while that of the current scheme would be approximately 316sq.m. An increase of 10 percent.

North Mymms Parish Councillor Tony Ginsberg spoke against the application.

Members noted that there had been much redevelopment in the area, where smaller dwellings had been extended or replaced by larger dwellings. However, there were no other flatted developments which were considered to be within the context of the application site.

During the discussion which ensued the following comments were made by Members of the Committee:

Against the proposed application

Impact of the Proposed Development on the Site

- Members, referring to the extract of the Planning Inspector's statement contained in the Officer's report, were of the view that the proposed development was detrimental to the local character, which would be fundamentally changed should five flats be built on the site.
- There were amenity issues regarding the impact the proposed development would have on the area.
- The application for five flats was a speculative development and an over development of the site.
- Three flats were sufficient for the site and location.
- The proposal of five flats was considered to be an excessive mass with inadequate parking which was below the Council's parking standard.
- It was understood that one of the adjoining properties had also applied for planning permission for flats.
- The dormer windows contained in the roof slope would be out of keeping with the character of the area and would not be compatible with the street scene.
- The existing property had two stories with no dormers. The proposed development had front dormers. There were no dormer windows in Brookmans Avenue.
- Currently there were no flats in the road only at gateways on corners.
- Should the proposed development go ahead, significant problems would be experienced in the area with regards to the amenity issues and traffic problems.
- The proposed development would cause significant harm to the area.
- The increase of one dwelling to three was acceptable. However one to five dwellings was not as this would be adding to the parking problem and congestion in the village.

Issues Related to Parking and Vehicle Movements

- All vehicles would enter and leave the site via the existing vehicular access in Brookmans Avenue, an already very busy road with parked cars.
- The proposal would not alleviate the parking issues currently experienced by local residents.
- The assumption had to be made that, due to the price of each individual flat, there would be two cars per flat despite its close proximity to the railway station. The purchasers of the properties would be independently minded and would therefore, in their view, require a car each.
- The proposal to provide spaces for eight cars/vehicles to park within the site was inadequate for the proposed increase in flats.

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- The number of car parking spaces was below the Council's minimum standard.
- The additional vehicles parking on Brookmans Avenue would cause increased congestion. Problems were already experienced with regards to parking for the shops, which already backed-up on Brookmans Avenue and the proposed development would exacerbate the current situation.

In favour of the proposed application

Impact of the Proposed Development on the Site

- The bulk of the proposed development would not be out of character of the area.
- As there was very little difference in the height of the existing property and that of the proposed development. The height would not be significant and would not be noticeable.
- The difference was in the roof shape and the number of occupants using that space. The design of the existing premises were almost the same as that of the proposed building.

Issues Related to Parking and Vehicle Movements

- Due to the properties being located near to the railway station and shops the occupants would not need two cars as the buyers would take the parking situation into account and would walk to the shops.
- It was the responsibility of the purchasers to make themselves aware of the parking arrangements and would take this into account when proceeding with the purchase.

It was moved by Councillor P.Shah, seconded by Councillor A.Chesterman and lost, 6 votes for and 9 against, against the Officer's recommendation that planning permission be approved subject to the conditions contained in the report for the erection of replacement building containing five flats with forecourt parking following demolition of existing house.

It was then moved by Councillor S.Markiewicz, seconded by Councillor N.Pace and

RESOLVED:
(9 voting for, 6 against)

That planning permission for application 6/2016/1778/FULL notwithstanding the Officer's recommendation for approval be refused for the following reason:

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With regards to the decision of the Planning Inspectorate (APP/C1950/#W/15/3128952) the increase in the number of flats from the permitted three to five represents over development of the site. Insufficient parking would be provided in an area where there is a high parking demand. The proposal fails to respect and relate to the character and context of the locality and would have a material and harmful effect contrary to saved Policies GBSP2 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

Refused Drawing Numbers:

| Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|--|----------------------|
| 419814/6 | | Existing Site Plan & Street Scene | 31 August 2016 |
| 419814/7 | | Proposed Plans, Section & Elevations | 31 August 2016 |
| 419814/8 | A1 | Proposed Site Plan & Street Scene | 20 October 2016 |
| | | Location Plan | 31 August 2016 |
| 419814/9 | | Existing Plans & Elevations | 13 September 2016 |
| 419814/10 | | Proposed Site Plan | 20 October 2016 |
| | | Bat Mitigation Plan (Ecology Report) - 11 Brookmans Avenue | 29 December 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.

136. 45 NORTHAW ROAD EAST, CUFFLEY, POTTERS BAR, EN6 4LU - 6/2016/1855/VAR - VARIATION OF CONDITION 2 (OBSCURED GLAZED DORMER WINDOWS) ON PLANNING PERMISSION 6/2016/0391/VAR FOR THE VARIATION OF CONDITION 1 (APPROVED PLANS) ON PLANNING PERMISSION 6/2015/2223/HOUSE FOR THE 'ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION, INCLUDING EXTENDING THE ROOF TO FORM HABITABLE ACCOMMODATION'

This item had been removed from the agenda.

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137. LAND TO THE REAR OF 291 KNIGHTSFIELD, WELWYN GARDEN CITY, AL8 7NH - 6/2016/1972/FULL - CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL LAND:

Report of the Executive Director (Public Protection, Planning and Governance) setting out an application for the change of use from amenity land to residential land.

Site Description

The site at 291 Knightsfield comprised of a two storey detached dwellinghouse located to the south of Knightsfield which was within the settlement of Welwyn Garden City. The surrounding area was residential in character characterised by residential gardens to the north and west and open space to the south.

The property itself was within a plot with a deep frontage partly enclosed by a front hedge which was indicative of many of the properties in this part of Knightsfield. A double garage was situated to the south of the front forecourt of the property. The property had a rear garden, an area of approximately 87 sqm.

To the south east of 291 Knightsfield was a strip of amenity land measuring at a width of approximately 14m, a depth of approximately 39m with an area of approximately 546 sqm. This strip of amenity land adjoined a designated area of Urban Open Land (UOL number 45 on the proposals map) to the south east of the site. The rear of the strip of amenity land backed onto residential gardens in The Firs.

The Proposal

Planning permission was sought for the change of use of part of the strip of amenity land (owned by Welwyn Hatfield Borough Council) to residential amenity land in connection with the residential property at 291 Knightsfield. It would be incorporated as part of the rear garden of the property.

The amenity land subject to the application measured at a width of 14m and a depth of 18m. The proposal was to erect a 1.8m high chain link fence on the three sides not adjoining the existing property and grow a mixed species hedge around the outside of the fence to conceal the chain link fence behind. The proposed hedge would align with the back of the house. The existing hedge on the south east and south west side would remain, with the existing hedge that currently acted as a boundary between the rear garden of 291 Knightsfield and the amenity land being removed.

The application followed a previous application at the site for a similar proposal which was refused planning permission for the following reason:

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“The proposed change of use of the land to residential garden land is considered harmful to the character of the surrounding area resulting in a loss of openness which contributes to the spacious character and appearance of the surrounding area and the setting of the adjoining area of urban Open Land. The proposed use of materials and the enclosing of the site would reduce the open space around the avenue, harming the setting, and significance, of this heritage asset which is contrary to policy GBSP2, D1, D2 and R28 of the Welwyn Hatfield District Plan 2005 contrary to the aims of Paragraphs 132 and 133 of the National Planning Policy Framework.”

The application sought to overcome the previous reason for refusal by reducing the area of land that would change from public amenity land to become part of the garden of 291 Knightsfield. The previously refused application included a larger area of land along the whole length of the side of the 291 Knightsfield. The current proposal would retain approximately 20m of the amenity land the front adjacent to the main highway.

Reason for Committee Consideration

The application was presented to the Development Management Committee because Mayor Mabbott has called the application in on the following reasons:-

‘Cllr Harry Bower and I have discussed the latest planning application regarding the property referred to above. We have concluded that, as this application is very similar to that previously submitted, the reasons given by us then not to approve still apply’.

The reasons provided within the previous application 6/2016/0828/FULL were:

- 1 *“We consider changing use of the land to residential garden space would be harmful to the character of the surrounding area resulting in loss of openness which contributes to the spacious character and appearance of the surrounding area.*
- 2 *Fencing off the plot of land will impact on the local environment and ecology. It contains very mature and beautiful trees and is a haven for small woodland life and birds.*
- 3 *Monks Walk is an historic feature and beautiful avenue and it is felt that to replace the open space around the avenue harms the setting and therefore significance of the heritage asset.*
- 4 *There are concerns that agreement to the proposal will impact on the residential amenity of neighbouring properties. With the open space making such a significant contribution to the character and appearance of the surrounding area it is considered the development would be detrimental to the surrounding area.”*

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Late representation, in the form of photographs of the existing site and the effect of proposals, had been received from the applicant.

Mr Newman-Sanders (Applicant) spoke in favour of the application.

Mr Al-Izzi (Objector) spoke against the application.

Officers, in response to a query raised by Mr Al-Izzi, confirmed that the correct figure of amenity land subject to the application was 252sqm and not 75sqm as stated in paragraph 2.2 of the report.

The report should read 'The area measured at a width of 14m and a depth of 18m and the total amount of land subject to the application measured 252sqm'.

Members, in favour of the application, expressed the following views:-

- The applicant had taken into account the views of the Committee regarding the previous application and had reduced the size of the plot by half.
- The proposal, in the scheme of things, was considered to be small in nature and would be to enlarge a family garden which would be very positive.

Members, who were against the application, expressed the following views:-

- The purchaser of the property had been fully aware of the size of the garden when they purchased the property.
- The Council had a duty to protect and to keep safe the visual amenity of the whole town and in particular the areas of historic interest.
- The amenity value of the trees on the plot of land and those close to it would be lost.
- The Council should retain public amenity land for the benefit of all residents of the Borough and should not sell it off to private individuals.
- The enlargement of private gardens should not be by selling off public land to private owners.
- There would be a loss of open space and there would be a detrimental impact on the amenity land available in the Borough should this piece of land be sold off.
- This particular piece of land should be included in the designated area of Urban Open Land (UOL) due to its location near to the entrance of Sherrardswood.
- The reduction of the application site by half was not an improvement.
- The reason why the Council was considering to dispose of the land needed clarification. Should the reason be that the land was too expensive to manage then it should be given to the UOL. If it was to be a development plot then this needed to be made clear.

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It was then moved by Councillor S.Markiewicz that the Officers recommendation be approved. There was no seconder for the proposal.

It was then moved by Councillor F.Thomson, seconded by Councillor N.Pace and

RESOLVED:
(12 voting for, 2 against and 1 abstention)

That planning permission for application 6/2016/1972/FULL notwithstanding the Officers recommendation to approve the application as set out in the report of Officers the application be refused for the following reasons.

The proposed change of use of the land to residential garden land is considered harmful to the character of the surrounding area resulting in a loss of openness which contributes to the spacious character and appearance of the surrounding area and the setting of the adjoining area of urban Open Land. The proposal is contrary to policy GBSP2, D1 and, D2 of the Welwyn Hatfield District Plan 2005.

Refused Drawing Numbers:

Site Plan & Location Plan received 26 September 2016

POSITIVE AND PROACTIVE STATEMENT

Notwithstanding the applicant amending the scheme compared to the previous refusal. 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.

138. APPEAL DECISIONS:

The report of the Executive Director detailed recent appeal decisions for the period 12 January 2017 to 9 February 2017.

RESOLVED:

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

139. FUTURE PLANNING APPLICATIONS FOR COMMITTEE AND PERFORMANCE:

The report of the Executive Director providing Members with a summary of planning applications that might be presented to Committee over the next

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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.

140. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT - THIRD QUARTER 2016/2017:

The report of the Executive Director provided Members of the performance of the Development Management Service over the third quarter of 2016/17.

RESOLVED:

That the report on the performance of the Development Management Services over the third quarter 2016/17 be noted.

141. LOCAL PLAN - ANNUAL MONITORING REPORT:

The report of the Executive Director (Public Protection, Planning and Governance) setting out the Annual Monitoring Report (AMR).

RESOLVED:

That the Local Plan – Annual Monitoring Report which was presented to Cabinet Housing and Planning Panel on 12 January 2017 and was subsequently approved by Cabinet be noted.

142. EXCLUSION OF PRESS AND PUBLIC:

RESOLVED:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for item 15 (Minute 142 refers) on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100A(3) and Paragraphs 2 (Information likely to reveal the identity of an individual), and 6 (Statutory notice or order) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

143. ENFORCEMENT CASES MONITORING REPORT:

The exempt report of the Executive Director provided the Committee with an update of ongoing planning enforcement cases.

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RESOLVED:

That the report which provided an update of the ongoing planning enforcement cases be noted.

Meeting ended 8.30pm
ML