

Minutes



To: All Members of the
Development Control
Committee, Chief Officers, All
officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Elaine Manzi
Ext: 28062

DEVELOPMENT CONTROL COMMITTEE

THURSDAY 29 JUNE 2017

ATTENDANCE

MEMBERS OF THE COMMITTEE

D Andrews, D J Barnard, S J Boulton, D S Drury, E M Gordon, J S Hale, M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman), R Smith (*substituting for A D Williams*)

Upon consideration of the agenda for the Development Control Committee meeting on 29 June 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: Councillor Stephen Boulton declared that he was a District Councillor at Welwyn Hatfield Council, which is the District that Springmead School is situated within.

CHAIRMAN'S ANNOUNCEMENTS

- (i) If a Member wished their particular view on an item of business to be recorded in the Minutes, it would be recorded on request by that Member.
- (ii) Members were reminded of their obligation to declare interests at the start of the meeting.

PART I ('OPEN') BUSINESS

MINUTES

The minutes of the Committee meeting held on 26 April 2017 were confirmed as a correct record.

PUBLIC PETITIONS

There were no public petitions.

ACTION

1. APPLICATION FOR THE REGISTRATION OF LAND TO THE REAR OF MEADWAY AND ST CATHERINE'S ROAD, HODDESDON AS A TOWN OR VILLAGE GREEN

Officer Contact: Gavin Harbour-Cooper – Definitive Map Officer
(Access & Rights of Way Team)
Tel: 01992 556 186

- 1.1 The Committee considered an application to register land at the rear of Meadway and St Catherine's Road Hoddedson as a town or a village green.
- 1.2 The application to register the land was made in November 2014 by Richard Buxton Environmental & Public Law on behalf of Barbara Tyrell. The application had been processed by the Access & Rights of Way Team on behalf of the County Council as Commons Registration Authority and in accordance with the Commons Act 2006.
- 1.3 The land is partly owned by Thames Water and partly by the Forgione family; however the application had been amended since its original submission to remove the area owned by Thames Water.
- 1.4 The committee noted that evidence and legal submissions were heard at a non-statutory public inquiry chaired by independent Inspector. Following the close of the Inquiry the Inspector produced a comprehensive report and recommendations. The Inspector's recommendation being; to register the part of the land known as 'The Paddley' but to reject the application to register the remainder of the land, that being 'Horses Field' & Gasworks Lane.
- 1.5 Prior to questions and debate, the Committee were addressed by Mr Antiono Forgione, the owner of the land, who spoke in refectation of the application and Dr John Clarke who spoke in support of the application.
- 1.6 Mr Forgione expressed his disappointment at the recommendation made by the Inspector but agreed to comply with any decision made by the committee.
- 1.7 Dr Clarke highlighted and explained more detail regarding the current and ongoing public use of the land and expressed his

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disappointment that the Inspector had not recommended registration of all of the Land as a village green.

- 1.8 In response to Member questions it was clarified that The Paddley and Horses Field were physically separated by a brook, Gasworks Lane and fencing. It was also clarified that whilst the Inspector was satisfied that Horses Field had been used for lawful sports and pastime, that use was not considered sufficient in either numbers or intensity to satisfy the relevant legal tests.

CONCLUSION

- 1.9 The committee **unanimously** agreed to the following resolution: That the County Council accept the Inspector's recommendation as set out in his Main Report (Appendix 2) to grant the application to register that part of the land known as 'The Paddley' as a town or village green but refuse those parts of the application relating to the land known as 'Gasworks Lane' and 'Horses Field'. The extent of the land recommended for registration is outlined blue on the Plan of Land for Registration (Appendix 4).

2. APPLICATION FOR PROPOSED REPLACEMENT OF EXISTING MOBILE NURSERY UNIT WITH NEW PERMANENT NURSERY BUILDING AND COVERED PLAY CANOPY AT SPRINGMEAD PRIMARY SCHOOL, HILLY FIELDS, WELWYN GARDEN CITY, HERTFORDSHIRE, AL7 2HB

Officer Contact: Ria Griffiths, Planning & Systems Support Officer
Tel: 01992 556266

- 2.1 The Committee considered a planning application 6/0462-17 (cc0176) for the replacement of the existing mobile classroom unit with a new permanent nursery building and covered play canopy at Springmead Primary school in Welwyn Garden City.
- 2.2 Members' attention was drawn to the fact that Welwyn Hatfield District Council had objected to the proposal on the grounds that the new permanent nursery building will be sited on Urban Open Land and therefore conflicts with Policy OS1, Welwyn Hatfield District Plan 2005.
- 2.3 Members noted and debated the objection from Welwyn Hatfield District Council, but overruled the objection on the following grounds:
- The increase in size from the temporary building to the permanent building was minimal;
 - The educational needs considerations of the pupils were paramount;

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- The current temporary building was at the end of its shelf life and in urgent need of replacement.

2.4 Members noted that four trees will be replacing the two sycamore trees that will need to be removed for the purpose of the building.

CONCLUSION

2.5 The committee **unanimously** agreed to the following resolution:

The recommended permission should be granted subject to the conditions set out below:

1. Time Limit
2. Approved Plans and Documents
3. Construction Traffic Management Plan
4. Hours of Work
5. Tree Protection
6. Landscaping
7. Surface Water Drainage System
8. External Lighting

KATHRYN PETTITT
CHIEF LEGAL OFFICER

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