

Development Management Committee
12 September 2024

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 12 September 2024 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors J.Skoczylas (Chairman)

H.Goldwater, D.Panter, R.Trigg, B.Fitzsimon, P.Shah,
M.Short, T.Skottowe, I.Walsh, L.Musk, J.Broach and
J.Weston

ALSO PRESENT: R.Walker, Trowers & Hamlins LLP

OFFICIALS PRESENT: C Carter, Assistant Director (Planning)
G.Gnanamoorthy, Development Management Services Manager
D.Elmore, Development Management Officer
E.Stainer, Principal Development Management Officer
R.Misir, Senior Democratic Services Officer

168. APOLOGIES & SUBSTITUTIONS

Apologies for absence was received from Councillor Cathy Watson for whom Councillor Lucy Musk attended as a substitute, from Councillor Katherine Gardner for whom Councillor James Broach attended as a substitute, and from Councillor Alan Chesterman for whom Councillor Jill Weston attended as a substitute.

In the absence of the Vice Chair for the meeting, Councillor Walsh proposed and Councillor Goldwater seconded Councillor Shah to the position which was unanimously agreed.

169. MINUTES

The minutes of the meeting held on 25 July 2024 were confirmed as an accurate record.

170. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 11 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

There were no items of urgent business.

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171. DECLARATIONS OF INTEREST BY MEMBERS

There were no declarations of interest.

The Chair advised the meeting that the order of business would be varied so that item 8 (6/2024/0468/LB Templewood Primary School) would be the first substantive item on the agenda given there were a number of people present for this item. For clarity, the minutes are shown in the order of the agenda pack.

172. 6/2023/1532/OUTLINE - LAND AT SOUTH WAY HATFIELD

The Committee received a report which sought outline planning permission for the erection of 120 dwellings and a two form of entry primary school with associated access, open space, landscaping and other infrastructure. Details of the application were set out in the agenda. The application was before the Committee because it had been called in by Councillor Zukowskyj and because Northaw and Cuffley Parish Council had submitted a major objection.

There had been some minor updates since the report was published. An additional condition was proposed as a result of discussions with Affinity Water to ensure any excavation works were acceptable with regards to water quality; delegated powers were requested for officers to finalise the wording. Requirement iv) of condition 11 was recommended to be varied to require a wider 4.5 metre footpath and cycleway to read 'South Way provision of segregated 4.5-meter footpath and cycleway including lighting.' In terms of Hertfordshire County Council's (HCC) obligations, the report said the contribution for childcare services for 0 – 2-year-olds was to be confirmed and since publication of the report, HCC had confirmed the sum would be used towards increasing the capacity for children of those ages through reprovision of Apple Day Care in Hatfield and/or provisions serving the development. In terms of Fire and Rescue Service obligations, the wording 'and/ or provision serving the development' had been added.

The Principal Major Development Officer then took the committee through a presentation about the application.

Michael Ward, applicant's agent, addressed the meeting as follows:

"Thank you Councillors for your time this evening and David, for your summary of the application. My name is Michael Ward, I'm a planning consultant at Strutt and Partner, and I am pleased to be here this evening representing Ptarmigan Land who have been involved with the promotion and planning of this site since 2017.

This site was identified at the early stages of the now adopted Local Plan for release from the Green Belt for 120 homes. During the Local Plan examination Ptarmigan were approached by Hertfordshire County Council Education who are looking for a site to meet school place demand for the south of Hatfield. Ptarmigan agreed to include a two form entry primary school site even though a scheme of this size would only take up about 8% of the new school places. The

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scheme before you delivers the vision of the allocation and meets all policy requirements. It will deliver 120 new homes with policy-compliant affordable housing.

The primary school site provides the necessary space requirements and has been signed off by Hertfordshire County Council Education. Over 40% of the site comprises green infrastructure including children's play areas and the walk along the southern perimeter of the site will allow public enjoyment and access to the wider countryside connecting to surrounding public Rights of Way. The site will deliver a 23.7% increase in biodiversity net gain, which is above policy requirement.

A substantial package of highway improvements, has been agreed with the Highway Authority and will improve accessibility for all modes of travel. This all alongside a £2.5m contribution, which will be secured by a Section 106 agreement and will help fund a variety of local facilities and services, such as new or improved local sports pitches and changing facilities, swimming pool and a library for example. We have worked hard with your officers to ensure all outstanding issues have been resolved. This is an outline application with all matters reserved other than access, so there will be further opportunities for the Council to consider and determine detailed applications relating to design and landscaping. This application simply establishes a well-considered framework against which all future reserved matters must comply. Given that the application delivers the policy allocation in full, I respectfully ask Members to agree with your officer's comprehensive analysis and a recommendation to grant and this outline planning application, thank you."

Dave Willis, Hertfordshire Amphibian and Reptile Group and resident, spoke against the application:

"My name's Dave Willis, I'm the Chair of Hertfordshire Amphibian and Reptile Group, professional ecologist, and I am a resident very aware of the housing challenges facing Hatfield and the requirements that are needed locally, however, I felt I needed to raise some points to the to the Council to consider.

This is a site between a local nature reserve and a local wildlife site. I have some concerns that I have seen reflected in both David's letters and from Matt Dodds of the Wildlife Trust regarding the downplaying of its ecological significance, being mindful of the Lawton review for bigger, better and more connected natural space. In contrast to the report prepared on great crested newts, this supports a very good population which will improve, as ponds are improved in line with Herts County Council's plans.

I am very concerned that the surveys undertaken to estimate the population size were insufficient, there are two nights where trapping didn't take place, for example, and is very difficult to estimate through torching, so the survey undertaken was insufficient.

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I share David's concerns that there was no initial consideration for skylark plots. Skylarks have declined 63% since the 1960s and are a joy to listen to at this site and no obvious provision has been made for them.

Common toads are also in severe decline and have been since the 1980s. This is across this site and local authorities have a condition to be to be mindful of them. There is a locally exceptional and possibly national exceptional population of breeding common toads. This is to say nothing of the cuckoos, butterflies and invertebrates, many of which might have been missed in the totality, but during the ecological surveys. There are primary ecological benefits in terms of the significance of the species, the amphibians supporting an important trophic pyramid, including the reptiles that utilise the site as well as the raptor species that nest there including kestrels. I'm very concerned that despite mitigation measures, the development proposed would detract significantly from the existing habitat, not to mention the destruction of what is there. I'm mindful of measures that have been put in place, but I am very concerned and welcome those concerns being shared, that the basis for the acceptance might be a flawed study, a flawed survey."

Councillor Zukowskyj, ward councillor, addressed the committee. He first raised a point of order as a fellow ward councillor had not been able to speak on this item although two ward councillors had spoken in respect of the Templewood School item. The Chair advised he had been contacted by the ward councillor in question; normally only one ward councillor would speak, particularly if they were from the same party and had a similar position. Unfortunately with the previous application, material sent out in parallel with the Constitution implied that ward councillors were allowed to speak. That material would be corrected but given the material was referenced and the respective ward councillors who had spoken were from different parties, the position had been allowed.

Councillor Zukowskyj spoke as follows:

"I'd like to object to this application on the basis that the access is not appropriate and I direct your attention to the paragraph 10.69 of the officers report that echoes the NPPF that the access to the site should be appropriate and suitable for the users of the site. I also direct you to the referral in the information components that suggests that the roads on the site will not be adopted, and the reason that the roads will not be adopted is that they are not adoptable because they are too steep. The access point means that the road will be too steep to be adopted. Now that might not be a problem for many of the residents although I suggest that in future it would become one, but for the school it's a real problem because we have a situation here where a school is being developed at one end of a site and the access point is at the other end of the site. So what is going to happen when the 75% of parents who drive their children to school drive past all the houses on a private road to their school, drop their kids off, pick them up, of course that parking is going to be all over the place. Probably 70%, 80% of the schoolchildren will not come from this particular site, and if they're going to get there other than by car, they will have to be crossing a 50 mile an hour road. Now I don't know about any of you, but I would not have let my primary school age children cross a 50 mile an hour road even

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with a signalised crossing, I would have driven my kids to school so I would have driven into a private road, down to the end of it, dropped my kids off at school and turned round and driven back past all those houses. If it's a private road, what happens to access to the school, it's a public school - that's just not been clarified, we don't know what's going on. I would describe the access and access arrangements for the school as being inappropriate and unsuitable for that particular user of the site. In that instance, because that contradicts the NPPF, you should refuse this application."

A member asked for a response to the comments made by the last speaker. The legal advisor pointed members to the site allocation in the Local Plan where the Inspector had referenced that access would be through the onsite housing allocation. Hertfordshire County Council had not objected either as the highway or education authority. If the application was granted the S106 agreement would be negotiated which would secure various obligations, one being an option for the county to call upon the school site so it could negotiate terms it deemed necessary. The S106 would also secure delivery of the road to an acceptable standard; HCC was party to this agreement and would secure its future maintenance which normally would take place through a management company and being resourced through the wider development. It did not sound as though the road would be adopted and this was not within the applicant's control as it would be a decision for HCC.

A member asked if the gradient of the road was known and expressed concern that it appeared HCC was not responding to some issues and seemed to be giving mixed messages to Planning officers and Cllr Zukowskyj. The Assistant Director (Planning) clarified that HCC had provided detailed comments on the application as both the highway and education authority and were not objecting to the proposal on the basis of access or anything to do with the school site.

A member was concerned about the loss of biodiversity on the site and noted the report said it would be increased. Officers said the proposal would provide over 20% biodiversity net gain (BNG). The application was supported by a formal biodiversity metric which set out the existing baseline in terms of biodiversity and how the BNG could be achieved through onsite enhancements.

A member asked about comments relating to weaknesses in the survey eg times when trappings had not taken place; the Principal Major Development Officer said multiple surveys had been submitted with the application as well as a preliminary ecological assessment and then a subsequent assessment following representations from the Council's ecology experts Hertfordshire Ecology and the Middlesex Wildlife Trust; both parties had raised initial concerns but had raised no objections on the grounds of ecology or biodiversity or impact on species after further information was submitted, subject to conditions and a S106 agreement. The S106 agreement would secure the BNG and there would be two specific conditions relating to biodiversity. In terms of skylark plots, Herts Ecology had said although information was still absent from the ecological impact assessment, a skylark compensation plan capable of sustaining six skylark nesting sites should be prepared and implemented, which would be

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secured through the landscape and ecological management plan condition. Surveys acknowledged the presence of toads but said that through mitigation measures there would be no significant harm to such species from the development.

A member asked about the numbers of affordable homes. Officers said that 25% of the 120 proposed homes would be affordable (30), 51% of which would be social housing. The outline was for up to 120 homes but there could be fewer although the percentages would remain the same.

A member asked about the rationale for a primary school being sited at the location as there were a number of schools in that area of Hatfield. Officers said HCC had approached the applicant as the site offered an opportunity for a new school that would help meet need.

RESOLVED

(For 10, Against 1, Abstain 1)

That planning permission be granted, subject to the conditions set out in the report.

173. 6/2023/1802/MAJ - LAND EAST OF A6129 STANBOROUGH HATFIELD

The Principal Development Management Officer took the meeting through a presentation on this application for the installation of a 10 megawatt solar farm with 1.5 megawatts of battery storage, associated landscaping and ecological improvements. The item had been called in by Cllr Moore as it raised sensitive planning matters that would benefit from the Committee's consideration. Concerns had also been raised about visual impacts and glare on the adjacent nature reserve, and the need to ensure land was returned to its former condition after the lifetime of the development.

Following publication of the officer report, some changes to the conditions were proposed. A new condition was proposed to move the security fencing; the applicant was willing to relocate the perimeter fencing via a planning condition so it did not intersect with the Wildlife Site at the entrance to the site. The new condition would also allow access for future management of the Local Wildlife Sites and Local Nature Reserves. Two existing conditions were also updated to reflect the fact that this additional information would be provided. The wording of the new condition and amendments to the existing conditions were shown to members in the presentation.

Stuart Downs, applicant's agent, addressed the committee:

"Good evening, members, my name is Stuart Downs, and I'm a planner representing the applicant for this proposal. We stand at a critical juncture. Climate change poses a severe threat to our way of life, impacting food security, species loss and contributing to poverty, human displacement and severe weather events. In light of this, we are continually reminded of the urgent need to decarbonise our society and shift towards sustainable renewable

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energy sources. This proposal aims to contribute to that vital transition. The solar installation is a fully privately funded and led initiative, representing an investment of millions of pounds into the national energy grid. As such, the Council can achieve its aims as set out in its declaration of a climate emergency without placing any burden on the taxpayer. The development will deploy 10 megawatts of clean energy within Welwyn Hatfield, sufficient to power over 3,000 homes each year and saving 1,800 tonnes of CO2 emissions annually. In a single stroke this application would nearly triple Welwyn Hatfield's current renewable energy production, increasing it by nearly 200%. The development site faces no physical limitations that would impede its early progress and a grid connection offer has been secured. Consequently, the scheme possesses the potential to make an early impact to the ultimate goal of reaching net zero by 2050.

Concerns about the visual impact of solar farms have been addressed in this proposal. The site is highly screened with minimal visibility from the nearby land. It adjoins an urban setting on land not currently used for agriculture or leisure. The project will support a new agricultural use between the solar arrays, enhance local biodiversity by 23% and create jobs. The installation is temporary with a 25 year operational period. Therefore, any perceived harm to the Green Belt will be limited and reversible.

The current cost of living crisis, rising energy bills as seen in the Templewood application earlier tonight, and energy security concerns underscore the need for a reliable domestic renewable energy supply that is independent of the whims of foreign hostile states. By increasing this capacity we enhance the UK's energy security and reduce our dependency on fossil fuels. Ultimately this will lead to lower wholesale energy prices and in turn reduced costs for consumers.

Given the critical need for renewable energy, the public benefits of the proposal are substantial. The development will not only help meet our climate and security objectives, but would also bolster our local economy through job creation, investment and the provision of clean energy. I respectfully urge you to approve this application as a meaningful step towards a greener and more secure energy future for Welwyn Hatfield and the UK. Thank you."

The following points were made during the discussion:

- The three steel shipping containers would be located to the front of the site (not towards the river or more sensitive wildlife areas) and would be largely screened by the vegetation alongside the western boundary of the site. However it was acknowledged there would also be palisade fencing surrounding the site and there may be glimpsed views from pedestrians travelling along the A6129 in a southerly direction.
- The site is in the green belt which would result in harm but the benefits, particularly in terms of renewable energy and the instant grid connection, as well as Biodiversity Net Gain of 23%, would outweigh this harm.0
- It was confirmed the landowner was J Reddington Limited and that the land would not be leased over the 25 year period; there would be a connection to a UK Power Networks substation located outside the site.

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- Clean renewable energy would be produced to power the equivalent of 3,000 homes via the local electricity distribution network which serves the needs of the borough, although this would not necessarily directly benefit local residents in terms of a visible reduction in energy bills.
- The site has dense foliage and appears as a 'bowl'; in winter when the foliage falls away it may be more visible.

RESOLVED

(For 12, Against 0, Abstention 0)

That planning permission be granted, subject to the conditions set out in the report and discussed during the presentation..

174. 6/2024/0551/FULL - LAND ADJACENT TO BELL LANE BELL BAR

The Development Management Services Manager introduced the report which sought full planning permission for the residential development of the site for three four-bedroom dwellings, and took the meeting through a presentation. There had been debate as to whether Bell Lane was a village or hamlet; previously some applications had been refused as it was not deemed a village and an appeal decision from 2022 which referenced the then Local Plan took the view that in planning terms, Bell Bar was a village; that was a material consideration in determining this application.

Simon Hansard, applicant's agent, addressed the committee:

"Good evening and thank you for the opportunity to address the Development Management Committee. Your planning officer has prepared a very detailed and comprehensive report addressing all the planning matters which are relevant to this planning application. The conclusion contained within that report recommends the grant of planning permission. Members will be aware that the Council's own annual monitoring report for the year ending March 2023 identified the greatest housing need in the borough to be at least 480 additional family homes each year. However, in the year ending March 2023, only 85 family homes were actually built. In stark contrast the Council's annual monitoring report states that 80% of all new dwellings built in the year ending March 2023 were one and two bedroom flats mainly in Welwyn Garden City and Hatfield. It is therefore clear that the distribution of new housing is unfairly and disproportionately focused in Welwyn Garden City and Hatfield with the provision of one and two bedroom flats dominating the supply.

In February of this year, we received positive pre application advice from the council's planning officers, and we have followed that advice carefully and positively.

It has been confirmed that green belt policy does not apply to this application and confirms that the site is in a sustainable location with local services, facilities, amenities all in close proximity and within walking distance.

In terms of the impact on neighbours, your Planning Officer has confirmed in her report "it is considered that the proposed development would not have any

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significant adverse impacts on the residential amenity of the neighbouring occupiers.'

In accordance with the pre-application advice and the subsequent planning application, your planning officer recommends that the planning permission for the this development should be approved. On behalf of the applicant, we extend our thanks to the Council's Development Management Team."

Trina Golland, Bell Lane Action Group, addressed the committee:

"Good evening. I'm here to speak on behalf of Home Farm and the many Bell Bar residents who have objected to this application to build three large 4 bedroom, 3 bathroom detached houses on this rural paddock. This is contrary to and undermines the Local Plan. There is a fundamental objection on green belt grounds. Chapter 6 of the Local Plan sets out very clearly the settlement strategy for the borough. Policy SB 3 shows that Bell Bar is one of the small green belt villages and settlements, lowest of the settlement hierarchy, which are not generally suitable for development unless it's compatible with green belt policy. Bell Bar is a small settlement, population of less than 300, without any recognisable facilities, which is not one of the largest settlements which are excluded from the green belt. It's washed over by green belt and policy SADM 34 will need to be applied. NPPF makes quite clear that unless a proposed development falls within specific categories, which this development doesn't, the development will constitute inappropriate development in the green belt and is therefore harmful and should be approved only in very special circumstances. No very special circumstances have been demonstrated, and this new residential development is clearly not one of the exceptions to SADM policy 34. In terms of the NPPF, this development is clearly inappropriate development in the green belt. There are exceptions - paragraph 1 5 4 E refers to infilling in villages but Bell Bar is not an excluded village where that would apply. The Local Plan explains infilling for the purposes of SADM 34, limited infill development is defined as development within an otherwise substantially built up road frontage within the built-up area of a village, for example, filling a narrow gap between buildings or the redevelopment of an existing property and plot that are capable of taking a limited number of modest sized dwellings. The applicants' claim that this is infill development. But, contrary to what has been said, the photograph provided shows it is not contained within a continuous built-up frontage. It is on the edge of Bell Bar adjacent, not within the built-up area of the village, and is an open field which has been part of a working farm for well over 60 years. This proposal fails every requirement of SADM 34. I would remind Members of the stage 3 green belt study 2018, where the site, which was adjacent parcel 66 to the north of Brookmans Park. It was concluded that parcel made significant contribution to purpose 3 as a green belt, in that it preserves the openness of the countryside, the absence of built development. You will hopefully have read the details of all our objections, but I must conclude by stating that to approve this application as recommended would be in direct conflict with the fundamental aims of both national and local policies to protect the green belt, leaving the way wide open for future development of the fields surrounding Bell Bar. We urge you to dismiss this application."

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A member asked about the difference between this application and one submitted earlier this year. Officers did not have the detail to hand but felt it was likely due to the proposed design.

A member queried the definition of villages and hamlets. Officers noted planning definitions were not the same as dictionary definitions. There had been an appeal in Bell Bar which had been refused partly because it was in a hamlet rather than a village; the Inspector had said that whether a site was in a defined village boundary in a development plan was not conclusive in determining whether or not a site was in a village – it was for the decision-maker to decide whether, as a matter of fact and degree on the ground, the site appeared to be in a village. The Inspector had gone on to say that there was nothing before them to suggest that a settlement of this scale with houses and associated buildings such as a restaurant or public house cannot be a village. Figure 6 of the Local Plan identified Bell Bar as a village and for those reasons the Inspector had concluded Bell Bar was a village and subsequently allowed the appeal on those grounds.

A member agreed with officers' recommendation but felt it would be positive to have some architectural variation. Officers appreciated the sentiment and noted that while the house types were the same, there was some variety in terms of different brick for a gable, for example.

A member reflected that the application would be a step towards helping meet targets for family homes and supported the officer recommendation.

A member queried whether there was a requirement to make the road good in order to accommodate the three houses with potential parking for up to nine cars. Officers said it was a private road and the view of officers including Highways officers was that additional traffic would be limited.

RESOLVED

(For 11, Against 1, Abstain 0)

That planning permission be granted, subject to the conditions set out in the report.

175. 6/2024/0468/LB - TEMPLEWOOD PRIMARY SCHOOL

The Chair advised he was predetermined in his support of the application and declared that his wife was Chair of Governors at the school which both his children attended. He would therefore hand over the chairing of this item to the vice chair, would speak to the application as a councillor and then recuse himself for this item.

Cllr Shah took the chair at this point.

The Development Management Services Manager introduced the report. The application was for listed building consent for the installation of replacement windows, doors and glazed screens to the external elevation and entrance lobby.

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Subsequent to the publication of the agenda pack, further representations had been received which did not raise any new issues. There are three grades of listed buildings and the school fell under the second grade (Grade 2 star listed property) on the Historic England website and had been awarded a RIBA medal. In terms of heritage assets, the National Planning Policy Framework (NPPF) identified two levels of harm that could be given to works to a building: substantial harm or less than substantial harm and consultations. Historic England and Essex Place Services, the Council's heritage consultants, agreed that the level of harm in this case was less than substantial. The relevant test under the NPPF was that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In terms of harm, Historic England, Essex Place Services and officers agreed probably the biggest harm was the loss of the historical fabric (ie the removal of the original windows). Officers had been advised there was insufficient detail to demonstrate the acceptability of the replacement windows, doors and screens; this would normally take the form of detailed drawings that showed glazing details, sections through the windows so it was possible to see their width, and any other details that would feature on the windows. There was also insufficient evidence of other options that did not involve the loss of historic fabric, for example, replacing the glazing but not the frames, or introducing secondary glazing. The replacement windows as proposed would support the thermal efficiency of the building and assist with a more functional and comfortable environment within the school and there would also be the potential for reduced running costs. Having given regard to consultee comments from Historic England and Essex Place Services, it was recommended that due to the level of information provided, neither organisation would support the application as it stood; they would prefer to have more information before making a definitive conclusion, and so the officer recommendation was that the application be refused due to the reasons set out in the report.

Gavin Johnstone, applicant, addressed the committee:

"Good evening, I'm Gavin Johnston, the applicant, and I'm also a parent and a governor at Templewood School. I want to focus in this limited time in what was truly exceptional about this application. The first thing is how dramatic the public benefits are. Templewood is a one form entry school, paying energy costs of of an entire road of houses, enough to pay for a further teacher or several teaching assistants. The scale of the public benefit is shown by the support demonstrated from the community; we've had 100 supportive comments. More significantly, today we've had a huge turnout to show support. The next truly exceptional factor is the comments of Martin Cherry, the former head of listing at English Heritage and the man who listed Templewood School. When I contacted him, he was happy to go on the record, making comments about how re-fenestration with a slender profile would be acceptable and, when secondary glazing was mentioned, that anything clunky would destroy what makes our school special; also that secondary glazing, which is the only realistic alternatives to our proposal other than allowing the school to fall down would cause substantial double imaging, which would affect external views

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with particular reference to the murals in the school, which the officer just mentioned. He even commented that you'd bet the last point would be overlooked, which it appears it was. Despite our invitation, no direct response to Mr Cherry's comments has been noted from Historic England, the Council's conservation officers or from officers themselves. The true reasons for listing and for listing at Grade 2 star, rather than Grade 2, were explained by him to be the building's architecture, setting, light and airy feel, all of which can be preserved, with appropriate re-fenestration, but will be changed with secondary glazing, the only other option. Surely it has to be truly exceptional to have a situation where the man who listed the building and can articulate clearly why he listed it, contradicting today's consultants and officers, and we never really got an answer, Councillors, maybe you can get an answer this evening.

Similarly, the author of the one book referred to on the listing, Andrew Saint, supports, new windows and described the secondary glazing alternative as inappropriate. It's truly exceptional to have that level of support for this application. The other truly exceptional factor here is the successful re-fenestration of Barclay school in Stevenage, which was built at the same time in the same style, we're discussing things on paper when just a short distance away it's possible to see that a re-fenestration in Crittal W20 produces a faultless heritage result. The window profile is so thin that a very detailed examination is required to even be able to see this as double glazing. There is no significant double imaging. I've conducted an inspection, we've had a surveyor conduct an inspection, also the chair of this committee Councillor Skoczylas - we've all seen very clearly this gives exceptional results. We asked Historic England, the Councils' consultants and officers to take a look. We understand that none of them have done so. Barclay school is, Grade 2 whereas Templewood is Grade 2 star but as I mentioned, the difference in grading is nothing to do with material preservation.

One final point: I made a Freedom of Information Act request to Historic England to ask how many times in the last five years they have taken legal action against local planning authorities for approving listed building applications. They came back and said the answer was none, they suggested conditions for approval which suggests they see approval as being within the range of reasonable decisions and they have a plan to answer the officers' criticisms, you just need the conditions to satisfy them this is a reasonable decision after balancing heritage and public benefits. Thank you."

Katherine Martindill, Headteacher, Templewood School, addressed the committee:

"I'm Katherine, the headteacher of Templewood Primary School and our dedicated staff strive to create an optimal learning environment for our children. However, we face a significant challenge, our building. Imagine trying to concentrate when the classroom is freezing cold in winter, forcing you to wear a coat indoors, or sweltering hot in the summer, making it almost impossible to focus. Would you want to work in such conditions? This is the reality for our children, some as young as four years old.

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By installing heritage double glazing as proposed in this application, we can significantly reduce temperature extremes in our classrooms, creating a more conducive environment for learning. We must ensure our children have the comfortable, supportive and safe space that they deserve. Councillors recently visited and saw that the windows are difficult to open and close and the emergency exit doors in each classroom also presents challenges. A 2012 condition survey identified the doors as a significant health and safety risk, recommending their replacement as soon as possible. No action has been taken. In 2019 Welwyn Hatfield Borough Council declared a climate emergency prompting the Department of Education to require schools to develop an environment and sustainability action plan. Accordingly Templewood installed roof insulation, a new boiler and LED lights. However, our recent display energy certificate recommendation report states that Templewood can only improve our energy efficiency further by replacing our windows and doors. We teach our children about the importance of looking after the planet. However, our building currently contributes towards the problem. What example does this set for our children?

There is so much more the Templewood team wants to do to improve our school and make it the very best it can be. Unfortunately, the current single glazed windows hinder our school's ability to allocate sufficient funds to achieve this. Last year, our energy costs were over £45,000. We are in the top 2.2% nationally of similar schools for these costs and we received no additional funds for this. Our school is being financially penalised for the building that we operate in. The cumulative impact has resulted in our school being in deficit. This is not sustainable and, as a result, the future of Templewood is currently uncertain. The officers' report claims that public benefits to outweigh the identified harm do not exist. I would like to know how our children's education is not a public benefit, how the children's wellbeing and safety is not a public benefit, and how reductions in energy use are not in the public benefit. By voting for this decision you can make a huge difference and improve the life chances of generations of Welwyn Garden City children. Thank you."

Councillor Jean-Paul Skoczylas addressed the committee:

"Good evening. Templewood School is at the heart of our community serving our youngest and most precious. This application will maintain the operation and heritage of our proud school into the future.

Templewood was part of HCC's postwar school-building programme, the driving vision of which was groundbreaking for its time, with its focus on educational equality and high quality child-centred design. Unfortunately, the maintenance of this vision, which forms part of Templewood's tangible communal and aesthetic heritage significance, has been continually undervalued by the Council and its consultees. The situation as it stands is detrimental to Templewood's heritage significance. There were many details I'd like to challenge tonight. However, one thing I would like to express to members is the heritage similarity and quality of the proposed windows and doors. The current windows are based on Crittal medium universal range. In 1964 this

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standard was recodified to Crittal W20, the very standard proposed today, same material, similar slimline form. Indeed, some W 20s are already installed at Templewood having been approved by this Council and Historic England.

Additionally, Historic England have commented on the same submission documents that “we acknowledge the applicants have submitted the required high quality, the appearance and proposed sections of Crittal W 20 metal double glazed units will be similar to the existing 25 millimetre profile.

Historic England, the Council's heritage consultants and officers have all stated that the proposal causes less than substantial harm. This is key as it means paragraph 208 over the NPPF applies, that heritage harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is unfortunate but understandable that the public benefit is largely absent from the officer report. However, DMC offers more democratic scrutiny. It allows councillors who are embedded in our community to bring more contexts and understanding to decisions, and this has never been more appropriate given the pivotal role of the public benefits in this application. Templewood School is in the highest 2% of schools for energy use. This takes financial resource away from our children's education and harms the planet. It is in deficit. We need to secure Templewood for the future - warmer children in winter, cooler children in summer, removal of lead, removal of asbestos, fully functional windows and doors that can be used by children, reducing health and safety risks. In heritage terms, it will help return the school back to the vision of its creators, providing a high quality education environment for all. What deserves more public benefit weight than a primary school?

Our school and community were let down in 1993, let down in 2014. Members, do not let down our school and community again. For pupils' current and future, and our whole community, vote to reject officers' recommendations. If required, apply the recommended conditions by the Council's heritage consultants in their latest response but above all else, approve the application.”

Councillor Skoczylas then left the room for the remainder of this item.

Councillor Leo Gilbert addressed the committee:

“I'm speaking in my position as ward councillor, but also as an ex parent of two girls who spent something like 15 or 16 happy but cold years at Templewood.

So I know for many years Templewood has been struggling with the difficulties caused by ill-fitting windows and doors: drafty classrooms, pupils becoming cold in the winter, incredible strain placed on the school's heating system and many thousands of pounds that should have been spent on improving pupils' life chances are being wasted on a losing battle to keep the learning environment at an acceptable temperature.

Over this time, the school's leadership has worked hard to put forward their case for windows that are fit for purpose, spent countless hours, huge amounts of money on working up the proposals, amassing evidence and calculating data,

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and the financial and learning costs suffered by the school and its pupils. The school does understand the position of Historic England, and this understanding is represented in the careful consideration they have given to ensuring that the replacement windows they are asking for are in keeping with the appearance and the original design of the school. Indeed, from what I have seen, the windows would be largely indistinguishable from the windows that were originally installed all those years ago.

Surely there are more important concerns than that the windows should be an exact replica of the original windows that were put in place all those years ago, for what is when all is said and done a place of learning.

The physical aspect of the school must, as a priority, support not undermine that learning as a first principle. The original windows were installed in a different era when nobody was aware of global warming and the climate crisis we are living through. It cannot be right that a place that is teaching young people how to make this planet a sustainable place to inhabit should itself through no fault of its own, be having a significant detrimental impact on the environment through burning such high volumes of fossil fuels. Double glazing provides the greatest reduction in CO2 in an energy consumption, then the secondary glazing there has been proposed as an alternative. Double glazing provides the lowest long-term and whole life cost and heritage double glazing will last at least 60 years. In the end, the Council must consider whether any detriment to the building caused by replacing the windows would be outweighed by the benefit brought to the thousands of pupils who will pass through the school gates over the years and decades to come. The clear answer must be that replacing the windows will bring a far greater benefit to Templewood's children and their life chances. I know that some buildings that have been in a similar position have given up the fight and shut up shop. This cannot be allowed to happen to Templewood. It must remain at the heart of its community, providing an excellent standard of education for its pupils for many decades to come. "

The report noted the application was not submitted by Hertfordshire County Council (HCC) but by a local resident with Ownership Certificate B signed on the application form to identify HCC as the landowner. A member asked whether this was valid. Officers said anyone could make a planning application on any building or land providing they served the requisite notice on the building owner. HCC was the owner and the applicant, a governor at the school, had served the correct notice.

A member commented that the report said insufficient information had been provided in respect of the replacement windows. Officers said this was at the heart of why they were recommending refusal; for a building of this significance Historic England in particular would require a level of information that was not present in the application. There was some uncertainty about the effect of proposed works on the structure of the school which could not be known without further investigatory work taking place.

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A member was minded to vote against officers' recommendation as three years of schooling had been heavily impacted by Covid and associated restrictions, the temperature in the school was unsatisfactory, and the heritage of the building should not take priority over pupils and their health. If the building continued to deteriorate, children would no longer attend the school meaning it would no longer function as a school; the building needed children in attendance to remain functioning as a Grade 2* listed property.

Another member shared these sentiments and felt the application should be supported while noting a solution would need to be found within the confines of planning law, and asked officers if a compromise may be that members could approve the application but with conditions that would satisfy Historic England. Officers advised that procedure rules meant the committee had to first vote on the recommendation and if that was not supported, there were other options that could include recommending approval with conditions. Some draft conditions had been circulated and the detail of those could potentially be agreed in consultation with the Vice Chair after the meeting.

Other members also spoke in favour of replacing the windows. One member had visited the school and described some windows that did not open, very heavy doors and children having to wear coats indoors in winter. Members reflected that older windows could exacerbate respiratory problems due to damp and mould; that the windows needed to be replaced but could remain in keeping with the original design; and that it made sense for the windows to be replaced for the welfare of pupils, working environment for staff and the planet.

A member felt that public benefit should include benefits afforded to schoolchildren and the right to education and therefore this should tilt the balance towards approving the application. Officers advised that based on the limited information submitted, the benefits did not outweigh the harm; had the application contained more information it was feasible Historic England could have concluded there would be less harm to this heritage asset. The member queried why particular drawings had not been included in the application – officers did not know the answer and said Historic England had wanted the drawings to be provided so proposed replacement windows could be assessed both on a window by window basis and also in terms of the whole building. Asked further about the public benefit, officers said this could be summarised as a general improvement to the learning environment that would enable children to get the best education they could as well as reduced running costs for the school.

A member wanted to approve the application so the school was fit for purpose but felt he could not support it on a legal basis given the lack of information in the application. He hoped it would be possible to find acceptable conditions. Due to the lack of information the Council had received, there were some unknown factors with the windows and the wider building. While it was clear heritage did not take priority over children, and if it was not clear what additional conditions might be the situation could deteriorate. The member urged the committee to consider refusing the application and then looking at imposing conditions.

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Officers advised they had received comments from Historic England about the wording of conditions should listed building consent be granted and, subject to any further refinement of the conditions and the committee delegating authority to the Assistant Director (Planning) in consultation with the Vice Chair to agree the final wording, they were satisfied the Council could still require the submission of sufficient detail before the works started in order to satisfy those requirements.

A vote took place on whether listed building consent should be refused for the reasons set out in the officer report.

Agree: 1

Abstention: 0

Disagree: 10.

The Chair advised that as the vote was against officers' recommendation, officers should be given the opportunity to explain the implications of the contrary decision; there need to be clear and convincing reasons for refusal, taking into account material planning considerations. The Assistant Director (Planning) noted officers had explained the balancing exercise the committee needed to undertake having regard to the National Planning Policy Framework (NPPF) and also section 16.2 of the Planning (Listed Buildings and Conservation Areas) Act which required proposals to preserve the special interest of listed buildings. He had noted that benefits identified by members included the energy saving benefits of the proposal, improvements to the learning environment and to the safety of the building as well as the long-term sustainability of the school. If members agreed with that then they should consider moving a recommendation that listed building consent be granted and he asked that authority be delegated to him as the Assistant Director (Planning) in consultation with the Vice Chair to include suitably worded conditions with that consent. This would include the provision of method statement for the works and the required level of detail for the replacement windows as well as other conditions recommended by Historic England.

Councillor Broach proposed and Councillor Musk seconded that planning permission be granted subject to the caveats described above. A vote took place as follows:

Agree: 11

Abstention: 0

Disagree: 0.

RESOLVED

That the application be approved subject to suitably worded conditions delegated to the Assistant Director (Planning) in consultation with the Vice Chair.

Post-meeting note. The conditions are set out below:

1. Window replacements

Prior to the commencement of any works, full details of the proposed new windows, including sections and elevations at an appropriate scale, shall be

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submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall not be implemented other than in accordance with the approved details and retained in that form thereafter.

REASON: To ensure the historic and architectural character and setting of the Grade II* listed building is properly maintained, in accordance with the Welwyn Hatfield Borough Local Plan and the National Planning Policy Framework.

2. Door replacements

Prior to the commencement of any works, full details of the replacement doors, including sections and elevations at an appropriate scale and a written justification, shall be submitted to and approved in writing by the Local Planning Authority. The details shall consider the adaptation or repair of the existing doors along with sufficient justification about the proposed replacements. Subsequently, the development shall not be implemented other than in accordance with the approved details and retained in that form thereafter.

REASON: To ensure the historic and architectural character and setting of the Grade II* listed building is properly maintained, in accordance with the Welwyn Hatfield Borough Local Plan and the National Planning Policy Framework.

3. Written Scheme of Investigation

No demolition, conversion or alterations to the fabric of the building hereby approved shall take place/commence until a Written Scheme of Investigation (WSI) has been submitted to and approved by the Local Planning Authority. The WSI shall include an assessment of historical significance and research questions; and:

1. The programme and methodology of site investigation and recording;
2. The programme and methodology of site investigation and recording as required by the evaluation;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of the site investigation and recording;
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. Provision to be made for archive deposition of the analysis and records of the site investigation;
7. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

No demolition, conversion or alterations to the fabric of the building shall take place until the satisfactory completion of the recording, in accordance with the approved WSI.

REASON: To ensure the historic and architectural character and setting of the Grade II* listed building is properly recorded, in accordance with the Welwyn Hatfield Borough Local Plan and the National Planning Policy Framework.

4. Appropriate depository

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Following the completion of the works in the approved WSI, a report shall be submitted to and approved in writing by the Local Planning Authority detailing the results of the WSI, along with written confirmation from an appropriate depository (as identified and agreed in the WSI) that the WSI has been appropriately deposited. No demolition, conversion or alterations to the fabric of the building shall take place until the results of the WSI and written confirmation from an appropriate depository have been approved in writing by the Local Planning Authority.

REASON: To ensure the historic and architectural character and setting of the Grade II* listed building is properly recorded, in accordance with the Welwyn Hatfield Borough Local Plan and the National Planning Policy Framework.

5. NS Structural concrete/ steel frames

Prior to the removal of any windows or doors, a method statement by an appropriately qualified specialist shall be carried out and submitted to and approved in writing by the Local Planning Authority. The method statement shall ensure the replacement of windows and doors will not result in unnecessary damage to the concrete panels or steel frame system of the building. The approved method statement shall be adhered to throughout the duration of the works.

REASON: To ensure the historic and architectural character and setting of the Grade II* listed building is properly maintained, in accordance with the Welwyn Hatfield Borough Local Plan and the National Planning Policy Framework.

1. POSITIVE AND PROACTIVE STATEMENT POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the 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).

176. APPEAL DECISIONS 15 JULY 2024 - 30 AUGUST 2024

The Development Management Services Manager introduced the report.

Referencing the B& Q site, a member said he understood inspectors took into consideration the site and its relevance to the location within the town and he asked what that meant in terms of what an inspector would decide and what that meant for the value of the site in Welwyn Garden City. Officers advised the site was in an employment area and noted its proximity to a town centre. The member wanted to understand how a site in Welwyn Garden City was valued in comparison to a site elsewhere; officers said the Local Plan and policies map set out bits of land for particular use (eg designated employment areas or housing allocation sites) while other bits of land did not have a particular designation and so were more open for different potential uses. The B&Q site was in an

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employment area but what was there was not an employment use in planning terms, so housing was an alternative acceptable use.

A member asked about progression with the Emmanuel's Farm application. Officers were unable to speculate and advised they were awaiting additional information; they were looking for acoustic testing to determine whether the accommodation was acceptable and if not, what mitigation measures would be needed for it to be acceptable.

The committee noted the report.

177. FUTURE PLANNING APPLICATIONS

The committee noted the report.

Meeting ended at 10.27 pm