

Development Management Committee  
19 December 2024

## WELWYN HATFIELD COUNCIL

Minutes of a meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held on Thursday 19 December 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, C.Watson, T.Kingsbury,  
A.Chesterman, B.Fitzsimon, T.Skottowe, M.Hobbs,  
L.Musk, S.Thusu and J.Weston

ALSO J. Backhaus, Trowers & Hamlins LLP  
PRESENT:

OFFICIALS C Carter, Assistant Director (Planning)  
PRESENT: G.Gnanamoorthy, Development Management Services Manager  
B.Compton, Democratic Services Officer  
Nayan Vohra, Apprentice (Governance)  
A. Ransome, Planning Officer

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186. APOLOGIES & SUBSTITUTIONS

Apologies for absence were received from Cllr Short with Cllr Thusu substituting, from Cllr Walsh with Cllr Musk substituting, from Cllr Trigg with Cllr Kingsbury substituting, from Cllr Gardner with Cllr Weston substituting and from Cllr Shah with Cllr Hobbs substituting.

187. MINUTES

The minutes of the meeting held on 24 October 2024 were approved as a correct record.

188. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 9 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

No notifications for urgent business were received.

189. DECLARATIONS OF INTEREST BY MEMBERS

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Cllr Kingsbury and Cllr Thusu declared they are members of Hertfordshire County Council. C Watson declared she is also a member of Hatfield Town Council.

190. 6/2024/2035/OUTLINE - ST CHRISTOPHERS NURSING HOME

The Development Management Officer, Planning introduced the application which sought Outline planning permission is sought for the demolition of existing buildings (use class C2) and erection of up to 72no. residential dwellings (use class C3), with all matters reserved. The application was before the Committee as it had been called in by Cllr Zukowskyj.

Dan Blake, agent for the applicant, addressed the Committee as follows:

*My name is Dan Blake, senior planner at DHA Planning. I speak on behalf of the applicant. We have worked very closely with officers via planning performance agreement to ensure the application aligns with what is envisioned with the local plan. We are grateful for the proactive approach taken by officers and commend the very thorough committee report recommending approval. As The committee will be aware this application is made in outline form with all matters reserved for future consideration. The application does, however, offer an upper cap on unit numbers and includes a refined indicative layout to show how a high -quality scheme could come forward.*

*The site at present is occupied by buildings which are formerly used as a care home for up to 168 people. In this case, however, the existing buildings are not fit for purpose as a care home, not suitable for meeting current needs for care provision, would not be financially viable refurbishment and accordingly it has been established that there is no demand for the site to remain as a care home. In terms of aligning with the principles of the local plan and national policy the development proposes an indicative mix including one and two bed apartments as well as two, three and four bed houses to meet a range of local needs. It will reflect local density at a predominantly two -story scale, provides a layout which is suitable with regard to surrounding land uses and applies vacant building credits in line with recently refreshed national policy. Vacant building credits are available to all qualifying development as a means of incentivizing brownfield land.*

*The vacant building credit policy has been operational nationally for over 10 years and has helped unlock many sites across England in this time. Members will note that the government has retained its commitment to vacant building credits as a means to incentivize in brownfield residential development in the new NPPF. Councils may, if they wish, progress local policies which modify the application of VBCs but, as identified in the committee report, Welwyn Hatfield Borough Council apply the national scheme as a means to support in brownfield development. We highlight that any residual affordable housing requirement,*

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*once VBCs are applied, will be captured by the section 106, ensuring that affordable housing policy is fully met.*

*Overall, the application offers the Council a means to address the current housing crisis by utilizing a sustainably located brownfield site with further details secured via reserve matters submissions. The new NPPF published last week introduces an even stronger presumption towards approving brownfield sites i.e. unless substantial harm would be caused, we therefore politely ask members to vote in favour of the recommendation this evening. Thank you.*

Kim Langley, resident against the application, addressed the Committee as follows:

*Good evening Chairman, Councillors and officers. I brought this objection to you as important questions have not been answered by the developers to the residents. Knocking on people's doors and saying the development is in the same style as your own homes does not mitigate the fact that for over a year and a half, residents will be subjected to large lorries, dust, noise, and the total disruption that building sites bring. As a point of fact, Hart's County Council itself previously deemed Travelers Lane as a dangerous road and mitigated this by installing safety speed restrictions and stopping lorries going up and down Traveller's Lane.*

*I'd like to raise the following points and questions. The proposed development is opposite a primary school, and you've got a fantastic picture of the site, but it doesn't show that the entrance to the primary school is literally adjacent to the opening to Drake's Way, where lorries would have to turn in into a very small road where parked cars will prevent. So, what I'm asking is not to stop the development. What I'm asking is that we're not NIMBYs. We want their developers to come back to talk to us about these dangers because we are considered worried about our children. The children that go to that nursery school, the children that be walking down Travelers Lane to the other four schools or going to visit their friends and everything else like that. We, as residents, need the reassurance and we are not getting that even though we've asked for it. So, we are asking for your help on that. But we've also, and I will state very clearly, got fantastic residents down that street. They're all various type of people. We've got elderly, we've got young, we've got every form. We've got people who are really seriously ill. And we've got a building site literally next door to us. And we don't know how they're going to mitigate all the issues that a building site brings. So, we're not being nimby's. We're not saying not on our street. We're saying talk to us first.*

*Please, councillors, get the developers to talk to us first, because we're the ones that want to be good neighbours, but we want the developers to be good neighbours to us, to understand us and our issues, to make sure no child is knocked over, to make sure no ambulances or emergency vehicles prevented to going down our streets or even Travellers Lane because of a blockage of large lorries. So I'd like to thank you all, wish you all a Merry Christmas, but please*

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*give us a brilliant new year by blocking this at this moment of time and get the developers to answer our issues. Thank you.*

Cllr Zukowskyj addressed the Committee as follows:

*I'm not going to focus particularly on the developments itself, because it was fairly clear from the day that the care home closed that this site was going to be redeveloped. And I said to the developer himself, when I had a site meeting with him, that I was reasonably comfortable with the style, shape, outline of the development itself. The issue that I bring before you is vacant building credits. And for me, that is a showstopper, which is what I said to the developer on that site visit. The failure to deliver policy -compliant numbers of affordable housing is, for me, a really significant problem. And I think it should be a fairly significant problem for you guys.*

*So there's 72 units going on here, and we're talking about a grand total of 1 .2 units affordable off -site. Not a single property on this development will be affordable. That's a real problem, given that you are the custodians of our policies around the local plan, and our local plan quite clearly indicates the huge pressure that we all see for affordable properties. Now, vacant building credits, I think, are being used as a loophole to get out of delivering affordable on this site. I don't believe vacant building credits were ever intended for this sort of development. It just wasn't brownfield land.*

*Well, the other part, the thing that I want to actually say to you, however, is I think we need to press officers very, very hard on this particular issue. And here's why. It's vacant building credit, not vacant site credit, okay? And the officers report 10 .84 quite clearly says that on 4th of May 2023, only three of the five buildings were in use. Now, there's a time limit as to how long a building can be vacant before it's considered abandoned under the legislation. Yet here, all five buildings are being accounted for in terms of the affordability and the vacant building credit balance. How long were those buildings vacant? if they were vacant five years, seven years, ten years, how long does it take before we start to say no that was an abandoned building, and it doesn't attract vacant building credits. We need to be pushing this developer as hard as we possibly can to get the best outcome for those people on our housing waiting list and there are thousands of them. Let's see if we can get at least a handful into a decent property and let's make sure that this is scrutinized properly before we agree to 1 .2 units it's not enough. Thank you.*

During the discussion the following points were raised:

- Members expressed concern about affordable housing numbers and asked officers to pick up the points about VBC and the comments made about some of the buildings being empty and the fact that there's not going to be affordable housing on the site.

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- Officers responded with regard to abandonment, the Planning Practice Guidance, sets out what is defined as abandonment in planning terms. It sets out the courts have held that accounts should be taken over all circumstances, such as the condition of the property, the period of non-use, whether there is an intervening use and any evidence regarding the owner's intention. It also goes on to set out that each case is a matter for the collecting authority to judge. There is no prescribed actual period of non-use. The condition of the property is acceptable, the period of non-use is also acceptable, it's been a year and four months. It wasn't considered there'd be an intervening use and there wasn't any evidence to the contrary regarding the owner's intention.
- The Legal officer talked about the period of non-use. Over the years cases have been decided where, as an example, 15 years, 25 years and 35 years have all been determined to be periods where abandonment even though there's been no use within a particular building, has not been considered to be coming to being. So abandonment in law, in planning law, is not what you may normally think as an abandoned building. You've got to look at all the tests that the officer has set out.
- The Officer responded with regards affordable housing numbers. The local plan doesn't have any policy in regard to vacant building credits, it then falls back to the NPPF to be considered which sets out that it's incentivised to develop brownfield sites, to either bring them back into use or redevelop them, in this instance, is to redevelop it so it doesn't stand vacant for years.
- The Development Management Services Manager read what the Government's website says regarding affordable housing. "The national policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is bought back into any lawful use or is demolished to be replaced by new buildings, the developer shall be offered a financial credit equivalent to the existing gross floor space." In terms of that calculation about the affordable housing, the council is required to look at what the existing floor space is, what the proposed floor space might be and if it's greater than the existing, in effect, actually just deduct the amount that was there, and then whatever left is what's eligible for an affordable housing contribution to be made. In terms of it not being provided on site, when you're looking at potentially 1.2 units worth, it's very difficult for a registered provider to think that that's an acceptable offer. so it's more useful for it to come into a bigger part where more secure social housing or affordable housing in a slightly bigger way.
- Members were concerned about flood risk and drainage concerns as the lead authority had objected saying further consideration was required above ground.
- Officers responded that there's a sustainable and urban design strategy and there's a hierarchy in terms of how drainage should be considered and obviously you want to go above ground first of all and then if that can't be provided then you should be looking at attenuation tanks which is what is proposed here which is beneath ground. Instances such as this site could be that they can't provide above ground because it's a high-density site, its town centre location, there isn't a large open space for attenuation pond but

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whilst that objection still remains that is something that can be a reserve matters where the applicant will need to demonstrate whether they can show that they can provide something above ground but if they can't then they'll have to demonstrate that they've gone through that process.

- Members had concerns regarding parking and how many spaces would be provided.
- The officers responded that, whilst the applicant has provided indicative layout just to show that the site can accommodate 72 units and showed parking there, but it will be subject to how many units are brought forward at reserve matters.
- Members had concerns about biodiversity and noted in the report that Hart Ecology noted the development's current plans may not achieve the required 10% by biodiversity gains. and main aim of council over last few years re biodiversity
- The Chair commented that in the design statement it may come offsite if it's not achievable onsite they will fund projects offsite to compensate.
- Officers also responded that it would depend on the landscaping scheme which will come at reserve matter state.
- Members were concerned about Landscaping as the landscape and ecology team in the council had criticized the landscaping and drainage issues.
- Officers responded that the application is all matters reserved. Whilst they provided an indicative landscaping plan and the landscaping team commented on it, it is indicative and there is a condition requesting further information to be submitted.
- Members asked if they were able to reject the application based on the fact that there are too many outlining matters of concern that the council and other authorities have said they need to be looked at in a reserve section. Members asked for a legal opinion.
- The Legal Officer responded that from a legal perspective, an application for planning permission can be a full application where all details are submitted. That's one end of the spectrum. Or you can have an application for outline planning permission, which essentially draws a red line around the site and leaves all matters reserved or you can have something in between where you may have one or two sets of the reserve matter submitted in as part of the application. Here is a full outline, it's a completely acceptable way to submit a planning application because the second stage will be the submission of the five reserved matters, which were listed on the screen. When they come in, you will see layout, you will see car parking. So at that stage, the concerns raised now will be dealt with. To say now it can't be determined or to refuse because those details have not been submitted isn't a course of action that really should be followed.
- Members asked that when these matters come in, will they come back to DMC or to another regulatory body to check.
- The Chair confirmed that they can be called-in.
- Members were concerned about the proximity of the development to a primary school and lack of detail from the developer regarding large lorries moving about, emergency vehicles being blocked and asked at what point

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the developer would provide that detail and how the council could control this to get the best outcome.

- The Development Management Services Manager responded saying that as this is an outline lots of things are not known in terms of layout and access will have an implication on how this site then get's built. What the council can do is control the way that it does get built and there's a planning condition attached to this report. Condition no. 12 is for a construction management plan asking the developer to provide details before they start any works which are then provided to the County Council as the Highways authority. They make sure that it sets out how things will be built, how may vehicles will be on site at any one time, the times of day they will come, whether they will have people looking out for children who may run across the road. That document will be scrutinised by the highways authority to ensure it is deemed safe to be built in the way they are proposing.
- Members were concerned that a care home was being demolished and suggested that with an ever-increasing elderly population the care home should be saved.
- Officers responded saying that in the report set out in planning statement at appendix two there is a letter from industry experts in the field of care home and specialist residential tenures. It evaluates this care home by comparing its accommodation quality to that of newly developed and planned care homes. On this site there are a lot of just single rooms, no sink or bathroom but shared facilities. Also, the site comprises or singular buildings with a communal hub that the elderly residents would have to walk to for their food, where the reception area is, there are steps and undulations and these are examples why the current building and site is not suitable for the use of a care home.
- The Development Management Services Manager added that the property was marketed and a number of offers were received but none from people looking to use the site as a care home.
- Members asked if the council can stipulate how long the building process will take due to the dust as well as the close proximity to the school.
- The Assistant Director, Planning responded that the council can control through the construction management plan how it happens, but not how long it takes. Working hours would be part of that, so on any given day what the working hours would be, but not what period of months or years it takes to actually build the scheme. It won't, as soon as they get permission, or if they get permission, just sit there for six months without anything happening.
- The Development Management Services Manager added that the construction management plan also looks at environmental pollutants such as dust suppression measures.
- Members voiced concern regarding potential infrastructure risk, taking away one means of providing care might put a strain on other care facilities, i.e. GP's.
- The Development Management Services Officer responded that as part of the consultation process the NHS are a key consultee and as part of the section 106 have requested a figure of £120,384 to mitigate the primary healthcare impacts. In this case they look at projects involving the relocation

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of North Down branch GP surgery to the High View development and the reconfiguration or expansion of Potterville's Medical Centre.

- Members asked if the schools have been consulted about the numbers their roles could take action on in relation to this.
- The Assistant Director, Planning responded that a function of the County Council is the educational authority plan for school places across the borough and the county and the team will take comments of the County Council on planning applications that they have considered and identified where they may need to expand or enlarge.
- Function for cc educational dept to plan

RESOLVED:

(For 8, Against 4, Abstain 0)

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

191. 6/2024/1569/FULL - HATFIELD MARKET PLACE

The Development Management Services Manager introduced the application seeking planning permission for public realm enhancements including a new layout, landscaping, paving, play equipment, lighting and street furniture. The proposal also involves alterations to land levels to remove the barrier between the shops and the open space following the demolition of the existing redundant market trading hut. The application was before the committee because the Assistant Director (Planning) considered it prudent for the application to be considered by Development Management Committee.

There were no registered speakers for this item.

During the discussion the following points were raised:

- Members were pleased that Hatfield Town Centre was getting the same due care and attention as Welwyn Garden City.
- A member raised an issue in the report regarding the bus interchange due to four separate stops being required for different routes and whether it was going to make it complicated for people.
- The Development Management Services Manager explained that it would actually make it easier for people to get to the bus stop.
- A member asked if shopkeepers had been consulted and whether officers thought any of them would attempt to claim compensation.
- The Development Management Services Manager, Planning responded that it was not a planning matter. He confirmed they have all been consulted as part of the planning process. It will make it easier for people to access the shops.



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- Barbara – great improvement not good looking currently and this will make this part of the town centre
- A member voice disappointment that there will no longer be public toilets if talking about making life easier especially for parents and older people. Also there will be lots of waste bin. In the green spaces belonging to Hatfield Town Council bins have phone numbers on for people to call in if a bin is full and needs emptying, it would be good if the Borough had a similar policy. She also voiced concerns that the railings should be kept parallel with Queensway as talk of removal of railings behind the bus stop could allow children to rush into the road.
- The development management services Manager state it was not part of the proposal to include toilets. Officers viewed it acceptable without. Process of waste collection is another council department's remit to manage. In terms of the railings, a lot of railings have been removed and the proposal is to open the area but it won't be as simple for children to run into the road.
- Members asked if there will be a maintenance plan to ensure the facilities are kept looking nice.
- The confirmed there is a condition request in a management maintenance plan which will be required to be submitted before this is constructed.
- A member asked if the trees will be maintained.
- The Development Management Services Manager confirmed that some will be thinned out, but they will be replanting additional trees.
- A Member asked if there will be a cycle way along the path as he felt the area was too small an area and could be hazardous.
- The Development Management Services Manager responded that it has not been designed to be a cycle way and there are still areas with stairs so it would be difficult for cyclists.

RESOLVED

(For 11, Against 1, Abstain 0)

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

192. APPEAL DECISIONS 11/10/2024 TO 10/12/2024

The Development Management Services Manager introduced the report.

The Committee noted the report.

193. FUTURE PLANNING APPLICATIONS

The Development Management Services Manager introduced the report.

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The Committee noted the report.

194. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

The Chair announced that it was the Assistant Director, Planning, Chris Carter's last DMC as he was leaving. He thanked Chris for all his guidance and support provided and it was always delivered in the most considerate clear and professional manner. Secondly, on behalf of all members and residents in Welwyn and Hatfield he thanked Chris for leading the planning department. Amongst other achievements the local plan was put through and within constraints the department works very hard to deliver the best for Welwyn and Hatfield and Chris has been key to that.

A member added his thanks at how extremely empathetic Chris was without changing his position and providing an understanding of what the law is.

All Members thanked Chris for his support, wise words and patience and wished him luck in the future.

Meeting ended at 9.15 pm