



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING DECISION NOTICE – PERMISSION

S6/2011/2825/MA

Demolition of dilapidated shed and erection of 2 loose boxes and hay store

at: Coopers Field Stables Coopers Lane Road Northaw POTTERS BAR

Agent Name And Address

Miss J Orsborn
Jane R Orsborn Associates
121 Queens Road
HERTFORD
SG13 8BJ

Applicant Name And Address

Mr B Wheeler
7 Cypress Avenue
Crews Hill
ENFIELD
EN2 9BY

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 22/12/2011 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. The development/works shall not be started and completed other than in accordance with the approved plans and details: NH/466/01A & NH/466/02 & NH/466/03 received and dated 5th March 2012 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

3. A restricted area for development works shall be established to protect the rest of the Local Wildlife Site (Ref 79/002) and prevent any harm to protected species that may be present in habitat features around the site. A distance of at least 8 metres must separate the development area from Northaw Brook. A one metre buffer zone is to be instated around all hedgerows, trees and mature vegetation in proximity of the development area. All materials and building works associated with this development are to be kept within the designated area. Outside of the restricted development area, no materials, debris, pollutants, vehicles or machinery associated with this development are to be stored or used within, leached into, access the development site through, or in

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any other way enter into, the Wildlife Site (Ref 79/002) or any identified buffer zones.

REASON: To prevent harm to protected species that may be present, and to prevent any potential immediate or future degradation of the Wildlife Site, including as a result of damage to hedgerows, trees or tree roots, and to comply with Policy R11 - Biodiversity and Development and Policy R15 - Wildlife Sites, of The Welwyn Hatfield District Plan, adopted 2005; Planning Policy Statement 9; and the NERC Biodiversity Duty.

4.Features of ecological value, including trees and hedgerows, should be retained, to preserve and enhance biodiversity on the site. All trees and hedges within the site to be retained shall be protected by 1m high fences for the duration of the building works at a distance equivalent to not less than the crown spread from the trunk, or such other distance/means as may be agreed in writing by the Local Planning Authority. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within this fence and no changes in ground level may be made within the spread of the tree or hedge without the prior agreement in writing of the Local Planning Authority.

REASON: to protect the existing trees and hedges in accordance with Policy R11 - Biodiversity and Development and Policy R17 - Trees Woodlands and Hedgerows of The Welwyn Hatfield District Plan, adopted 2005.

5.No demolition of buildings, or removal of trees, scrub or hedges, shall be carried out on site between the 1st March and 31st August inclusive in any year, unless searched beforehand by a suitably qualified ecologist. In the event that nests or nesting birds are found, work affecting that area must be postponed until the young have fledged.

REASON: Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

6.No additional external lighting shall be installed or affixed to the building (beyond that shown on the approved drawings) unless the Local Planning Authority has first approved in writing details of position, height, design and intensity. Details of the proposed bulkhead and security lights shall be submitted to the Local Planning Authority and approved before works commences. The design of these lights shall follow the recommendations given in the Bat Conservation Trust's advice note on 'Bats and lighting in the UK'. Any temporary lighting used during construction should be minimized, directional and prevent light spillage onto sensitive areas.

REASON: To ensure the site and surrounding habitats continue to be suitable for use by bats. All Bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally kill, injure, capture or disturb individuals, or damage, destroy or obstruct their roosts. It is also an offence accidentally damage or destroy a roost. Bat roosts are legally protected whether or not bats are permanently present.

REASONS FOR APPROVAL

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The proposal has been considered against Planning Policy Statement/Guidance 1, 2, 7, 9, 13, 17 and 25, East of England Plan 2008 policies SS1, T14, ENV2, ENV3 and WAT4 and development plan policies SD1,GBSP1,RA21,RA24, RA10, R3, R5, R11, R15, R17, M14, D1, D2, D5, D7, D8 and D9 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

INFORMATIVE

1. A site meeting with an ecologist and contractors prior to commencement is recommended to ensure all parties are conscious of the ecological value of the Local Wildlife Site and nearby habitats; and are aware of the potential for protected species on the site, the relevant legislation, associated responsibilities/obligations and best construction practices to minimise risk of harm or disturbance of protected species.

REASON: to prevent harm to protected species that may be present and to comply with Policy R16 of the Welwyn Hatfield District Plan, adopted 2005; Planning Policy Statement 9 and the NERC Biodiversity Duty.

2. Please ensure the developers are aware of the potential for reptiles, including grass snakes, on site. Should any such species-usage become apparent, a suitably licensed ecologist should be consulted, and mitigation measures proposed and followed. Vegetation and grass within the defined restricted development area should remain mown short (sward height no more than 5cm) until and throughout the construction period, to ensure the area remains unsuitable for grass snakes.

REASON: Reptiles are protected under the Wildlife and Countryside act (1981) as amended which makes it an offence to intentionally kill or injure these species. Also to comply with Policy R11 - Biodiversity and Development and Policy R16 - Protection of Species, of The Welwyn Hatfield District Plan, adopted 2005.

3. The applicant may also wish to consider enhancing the site, through incorporating bird and bat boxes onto the new building/site. Bat boxes (Schwegler 2F, 2FDFP, 1FD, 2FN, 1FS, 1FW, as per local species) can be affixed to mature trees. The boxes should be sited near a source of food; bats feed over gardens, fields, water and in woodlands. Choose a tall mature tree and fix the box at a height of 4 metres above the ground with the access facing south west or south east. The box should not be too exposed so it will not experience extremes of heat and cold.

REASON: to increase opportunities for wildlife in new developments, in compliance with guidance in paragraphs 5.32 to 5.36 of PPS9, the NERC Biodiversity Duty, and PPS1.

Date: 22/03/2012



Tracy Harvey
Head of Planning

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