

**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING DECISION NOTICE – PERMISSION**

**S6/2011/1994/MA**

**Redevelopment of Salisbury Square; demolition of existing shopping parade building with 7 maisonettes above including retaining wall structures; construction of new road and layout of public spaces; erection of new building containing 19 flats and 4 shops with basements; new two level car park; erection of terrace of 5 houses with road and footways; access alterations, drainage and all ancillary works**

**at: Salisbury Square HATFIELD**

Carriage Return

**Agent Name And Address**

Mr Paul Atton  
JB Planning Associates Ltd  
Chells Lane  
Chells Manor  
STEVENAGE  
SG2 7AA

**Applicant Name And Address**

Mr A Downs  
The Melon Ground  
Hatfield Park Estate  
HATFIELD  
AL9 5NB

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 28/09/2011 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: 789-010K & 789-020E & 789-110E & 789-111D & 789-112C & 789-113C & 789-114C & 789-115B & 789-140A & 789-150 & 789-151 & 789-152 & 789-153 & 789-155B & 789-156A & 789-157A & 789-158A & 789-159A received and dated 28 September 2011 & 789-109P & 789-120C & 789-130E received and dated 1 December 2011 unless otherwise agreed in writing by the local planning authority.

**Continuation...**

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.

## Continuation...

### PRE-DEVELOPMENT

3. No development shall take place until a structural design certificate, completed and signed by a Chartered Engineer, and a scheme to deal with existing ground conditions has been submitted to and approved in writing by the local planning authority. The Certificate shall certify that appropriate site investigations have been carried out at the site. The scheme shall include an investigation and assessment to identify those precautions or measures deemed to be required in the design and construction of the proposed development in order to minimise any danger which might arise as a result of ground conditions.

REASON: To ascertain the stability of the site and to determine the structural suitability of the development thereon in view of prevailing ground conditions in accordance with the National Planning Policy Framework.

4. The scheme as approved in Condition 3 above shall be fully incorporated in the design and construction of the proposed development.

REASON: To ensure that no development is undertaken which may be prejudiced by existing ground conditions in accordance with the National Planning Policy Framework.

5. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the local planning authority. The landscaping details to be submitted shall include:-

b) means of enclosure and boundary treatments

c) car parking layout

d) vehicle and pedestrian access and circulation areas

e) hard surfacing, other hard landscape features and materials

f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction

g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

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6. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

7. Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed by the local planning authority.

REASON: To ensure that the development contributes towards Sustainable Development and Energy Efficiency in accordance with the National Planning Policy Framework and Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

9. No development shall commence until a scheme for the provision of secure cycle parking (including powered two wheel vehicle parking where applicable) on site has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

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REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Policies M6, M8 and M14 of the Welwyn Hatfield District Plan 2005.

10. No development shall commence, including any works of demolition, until details in respect of the management of waste have been submitted to and approved in writing by the local planning authority. Subsequently, the development shall not take place other than in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure a satisfactory form of development in compliance with Policy R7 of the Welwyn Hatfield District Plan 2005.

11. No development shall commence until details indicating the drainage works exact position and course, manufacturer's specifications, type and discharge of final effluent are submitted to and agreed in writing by the local planning authority. Thereafter the approved scheme shall be installed and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To protect the surrounding environment from pollution in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005.

12. No development shall commence until details of any external lighting to be erected within the site have been submitted to the local planning authority for its prior written approval. Subsequently the development shall not be carried out other than in accordance with the approved detailed unless otherwise agreed in writing by the local planning authority.

REASON: To avoid any potential for light pollution, in the interests of visual amenity in accordance with Policies R20 and D1 of the Welwyn Hatfield District Plan 2005.

13. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- i. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
- ii. The programme for post investigation assessment
- iii. Provision to be made for analysis of the site investigation and recording
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- v. Provision to be made for archive deposition of the analysis and records of the site investigation
- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

## Continuation...

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005.

14. The building shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 13 above and the provision made for analysis.

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005.

15. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment, dated September 2011, and the following mitigation measures detailed within the FRA:

i. Providing on-site attenuation so that the proposal would result in no flooding during the 1 in 30 year event and a 91% reduction in the 1 in 100 year and 81% reduction in the 1 in 100 year plus climate change event compared to the existing situation.

REASON: To reduce pressure on the surface water drainage system in the area, thereby reducing the risk of surface water flooding and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the National Planning Policy Framework and Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

16. The development hereby permitted shall not be implemented until details of the petrol interceptors and treatment devices such as trapped gullies and catchpit manholes have been submitted to and approved in writing by the local planning authority. The approved details shall then be implemented and retained thereafter.

REASON: In the interests of the water environment and to prevent pollution of ground water and silt ingress into the drainage system in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

17. The area of hanging tiles at the eastern end of the south-facing aspects of Units 5A and 6A will be removed by hand in the presence of a licensed bat ecologist.

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.

18. No demolition works shall be carried out on Units 5A and 6A between the 1st October and 28th February inclusive in any year, unless otherwise approved in writing by the local planning authority.

## **Continuation...**

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.

19. No demolition or vegetation clearance works shall be carried out on site between the 1st March - 1st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect wintering, roosting, feeding, resting, breeding birds in accordance with the Wildlife and Countryside Act 1981 (As amended) and Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.

20. Prior to the commencement of development the remediation scheme as detailed within the submitted Geotechnical and Geoenvironmental Report, dated March 2011, must be carried out in accordance with its terms unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which will be subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

21. Prior to the commencement of development, a scheme for protecting the occupiers of the proposed residential units from noise, shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of attenuation treatments incorporated within the structure designed so that internal noise levels for habitable rooms do not exceed the good standard indicated in BS8233. Where this can only be achieved with closed windows, additional details of the ventilation system shall be provided. Such works shall be implemented and a report of the attenuation achieved shall be submitted for approval in writing prior to the occupation of any dwellings.

REASON: To protect the residential amenity of future occupiers of the development in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

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22. Prior to the commencement of development details of at least one residential unit to be built to Lifetime Homes standards shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall not be carried out other than in accordance with the approved detailed unless otherwise agreed in writing by the local planning authority.

REASON: To provide accessible housing to meet the requirements of Policy H10 of the Welwyn Hatfield District Plan 2005.

## **POST-DEVELOPMENT**

23. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A & B & C & D & E of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the local planning authority.

REASON: To enable the local planning authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

25. The residential units 2, 4, 6, 8 and 10 as shown on drawing 789-140A hereby permitted shall be used for Class C3 dwellinghouses only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class I of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the local planning authority.

REASON: The Article 4 Direction covering Hatfield removes the Class I permitted development right to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the local planning authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 1995 to maintain mixed,



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balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

26. The six parking spaces for disabled users (as) designated on the proposed site layout plan shall be marked in yellow thermoplastic road paint. This shall be applied to the 1.4m wheel chair symbol and to the 1.2m wide access zones cross hatched as specified in BS.8300:2001. Thereafter such parking spaces shall remain as designated in perpetuity.

REASON: In order to ensure adequate disabled parking provision is made in accordance with Policies M14 and D9 of the Welwyn Hatfield District Plan 2005

27. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 8am to 1pm on Saturdays.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

29. The area set aside for car parking shall be laid out and surfaced in accordance with Drawing No.789-109P & 789-110E, before any of the units permitted are first occupied and shall be retained permanently thereafter for the accommodation of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety and in accordance with Policy M14 of the Welwyn Hatfield District plan 2005.

29. Before first occupation of the approved development, each unit of development shall be provided with parking spaces in accordance with the local planning authority's adopted Parking Standards SPG. Details of which shall be submitted to and approved in writing by the local planning authority. This provision shall be maintained as such, free of obstruction, thereafter and shall not be used for any other purpose. (Unit = residential, retail, commercial, office, etc).

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety and in accordance with Policy M14 of the Welwyn Hatfield District plan 2005.

30. Before first occupation of the approved development, the proposed new access onto Park Street as shown in principle on Drawing No.789-109P shall be completed and constructed to the specification of the Highway Authority and local planning authority's satisfaction. Subsequently the development shall not be carried out other in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the access is constructed to the current Highway Authority's

## Continuation...

specification as required by the local planning authority.

31. Notwithstanding the provisions of The Town and Country Planning (Use Class) Order 1995 (and any order revoking or re-enacting that order with or without modification), the permitted use of the retail units hereby approved shall be for Use Class A1, A2 or A3 and for no other use within Class A with no fewer than 50% of the retail frontages falling within Use Class A1.

REASON: To enable the local planning authority to fully consider any change of use to ensure the vitality and viability of Old Hatfield is not prejudiced in accordance with Policy TCR24 of the Welwyn Hatfield District Plan 2005.

## REASONS FOR APPROVAL

The proposal has been considered against the National Planning Policy Framework and Development Plan policies GBSP2, SD1, R1, R2, R3, R4, R5, R7, R9, R10, R11, R17, R18, R19, R29, M1, M2, M4, M5, M6, M8, M9, M14, D1, D2, D3, D4, D5, D6, D7, D8, D9, D11, IM2, H1, H2, H6, OS3, TCR24, TCR26, RA25 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. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

## INFORMATIVES:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.

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4. The applicant is advised that no development (including demolition) should commence until wheel-cleaning apparatus to prevent the deposit of debris, mud etc on the highway has been agreed with the Highway Authority. Hertfordshire County Council Transport Planning and Policy can be contacted on 03001234040

5. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

6. This planning permission gives no entitlement to affect any public rights of way or established highway within the application site. Any diversion, extinguishment, stopping up or creation of a public right of way may need its own Order under the Highways Act 1984 or The Town and Country Planning Act 1990 (As amended) before any works affecting the rights of way can be commenced. For further information, please contact the local planning authority on 01707 35700, or Hertfordshire County Council, Environment Department on 01992 555555

7. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire - A Guide for New Developments and by a contractor who is authorised to work in the public highway. Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.

8. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3m of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

9. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

## Continuation...

10. As from 6th April 2008 a site waste management plan is required by law for all construction projects that are worth more than £300,000. This aim is to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken. Projects over £500,000 may require further information. However a good practice template can be found at [www.smartwaste.co.iuk](http://www.smartwaste.co.iuk) or [www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html](http://www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html). For further information on this, please contact Hertfordshire County Council on 01992 556254.

Date : **30/01/2013**

A handwritten signature in black ink, appearing to read 'Tracy Harvey', with a long horizontal flourish extending to the right.

Tracy Harvey  
Head of Planning