



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING DECISION NOTICE – PERMISSION

S6/2014/0524/FP

Erection of 2no. smoking shelters

at: University of Hertfordshire De Havilland Campus Mosquito Way Hatfield

Carriage Return

Agent Name And Address

Miss S Gray
Turnberry Planning Ltd
41-43 Maddox Street
London
W1S 2PD

Applicant Name And Address

University of Hertfordshire
C/O Turnberry Planning Ltd
41-43 Maddox Street
London
W1S 2PD

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 12/03/2014 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: PL_SS01 (dh) & PL_SS02 (dh) & PL_SS03 (dh) Rev A & Arret Cube specification sheet received and dated 12 March 2014 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.

REASONS FOR APPROVAL

The decision has 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 viewed on the Councils website or inspected at

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these offices).

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INFORMATIVE:

1. Smoke-free legislation in the Health Act 2006 came into force in England on 1 July 2007. The aim of the legislation is to create smoke-free places in order to protect workers and the general public from the harmful effects of passive or secondary smoking.

The Act introduces a statutory smoking ban in what are defined as 'enclosed' or 'substantially enclosed' premises.

Whether a proposed smoking shelter complies with the relevant health legislation is not a planning judgement. This is a matter for the Council as the Environmental Health Authority, which will be responsible for enforcing the legislation. However, it is necessary to understand fully the meaning of these two terms in the new health legislation.

- 'Enclosed' premises have a ceiling or roof and, except for doors, windows and passageways, are wholly enclosed, either permanently or temporarily.
- 'Substantially enclosed' premises have a ceiling or roof, but any openings in the walls have a total area that is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

A smoking shelter with a roof and walls where the permanent openings have a total area that is the same or less than the total area of walls will be classified as 'substantially enclosed' and will not fall within the provisions of the health legislation as a smoking shelter.

Date: 07/05/2014



Tracy Harvey
Head of Planning